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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO FOOD AND DRUGS -- EDWARD O. HAWKINS AND THOMAS C.
SLATER MEDICAL MARIJUANA ACT

Introduced By: Representatives Serpa, Lima, Casimiro, and Fellela

Date Introduced: February 10, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28.6-3 of the General Laws in Chapter 21-28.6 entitled "The
2 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act" is hereby amended to read as
3 follows:

4 **21-28.6-3. Definitions.**

5 For the purposes of this chapter:

6 (1) "Authorized purchaser" means a natural person who is at least twenty-one (21) years
7 old and who is registered with the department of health for the purposes of assisting a qualifying
8 patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no
9 more than one patient, and is prohibited from consuming marijuana obtained for the use of the
10 qualifying patient. An authorized purchaser shall be registered with the department of health and
11 shall possess a valid registry identification card. ["Authorized purchaser" also means any person](#)
12 [assisting a domestic pet under the care of a veterinarian licensed by the department of health and](#)
13 [subject to regulation pursuant to chapter 25 of title 5 \("veterinary practice"\).](#)

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

1 title 2.

2 (3) “Cannabis testing laboratory” means a third-party analytical testing laboratory licensed
3 by the department of health, in coordination with the department of business regulation, to collect
4 and test samples of cannabis.

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

8 (5) “Commercial unit” means a building, or other space within a commercial or industrial
9 building, for use by one business or person and is rented or owned by that business or person.

10 (6)(i) “Compassion center” means a not-for-profit corporation, subject to the provisions of
11 chapter 6 of title 7, and is licensed under § 21-28.6-12, that acquires, possesses, cultivates,
12 manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or
13 related supplies and educational materials, to patient cardholders and/or their registered caregiver
14 cardholder or authorized purchaser.

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

18 (7) “Debilitating medical condition” means:

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

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

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

29 (iv) Any condition suffered by a domestic pet that would be a “debilitating medical
30 condition” if it were suffered by a person.

31 (8) “Department of business regulation” means the office of cannabis regulation within the
32 Rhode Island department of business regulation or its successor agency.

33 (9) “Department of health” means the Rhode Island department of health or its successor
34 agency.

1 (10) “Department of public safety” means the Rhode Island department of public safety or
2 its successor agency.

3 (11) “Dried marijuana” means the dried leaves and flowers of the marijuana plant as
4 defined by regulations promulgated by the department of business regulation.

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

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

11 (14) “Immature marijuana plant” means a marijuana plant, rooted or unrooted, with no
12 observable flower or buds.

13 (15) “Licensed medical marijuana cultivator” means a person or entity, as identified in §
14 43-3-6, who or that has been licensed by the department of business regulation to cultivate medical
15 marijuana pursuant to § 21-28.6-16.

16 (16) “Marijuana” has the meaning given that term in § 21-28-1.02.

17 (17) “Marijuana establishment licensee” means any person or entity licensed by the
18 department of business regulation under this chapter whose license permits it to engage in or
19 conduct activities in connection with the medical marijuana program. “Marijuana establishment
20 licensees” shall include compassion centers, medical marijuana cultivators, and cannabis testing
21 laboratories.

22 (18) “Mature marijuana plant” means a marijuana plant that has flowers or buds that are
23 readily observable by an unaided visual examination.

24 (19) “Medical marijuana emporium” means any establishment, facility or club, whether
25 operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer, or
26 use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among
27 registered patients, registered caregivers, authorized purchaser cardholders or any other person.
28 This shall not include a compassion center regulated and licensed by the department of business
29 regulation pursuant to the terms of this chapter.

30 (20) “Medical marijuana” means marijuana and marijuana products that satisfy the
31 requirements of this chapter and have been given the designation of “medical marijuana” due to
32 dose, potency, form. Medical marijuana products are only available for use by patient cardholders,
33 and may only be sold to or possessed by patient cardholders, or their registered caregiver, or
34 authorized purchaser, [including those assisting a domestic pet pursuant to § 21-28.6-3\(1\)](#), in

1 accordance with this chapter. Medical marijuana may not be sold to, possessed by, manufactured
2 by, or used except as permitted under this chapter.

3 (21) “Medical marijuana plant tag set” or “plant tag” means any tag, identifier, registration,
4 certificate, or inventory tracking system authorized or issued by the department or which the
5 department requires be used for the lawful possession and cultivation of medical marijuana plants
6 in accordance with this chapter.

7 (22) “Medical use” means the acquisition, possession, cultivation, manufacture, use,
8 delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the
9 consumption of marijuana to alleviate a patient cardholder’s debilitating medical condition or
10 symptoms associated with the medical condition in accordance with the provisions of this chapter.
11 “Medical use” also shall mean consumption of marijuana by a domestic pet pursuant to a written
12 certification by a veterinarian licensed pursuant to chapter 25 of title 5.

13 (23) “Practitioner” means a person who is licensed with authority to prescribe drugs
14 pursuant to chapters [25](#), 34, 37, and 54 of title 5, who may provide a qualifying patient with a
15 written certification in accordance with regulations promulgated by the department of health.

16 (24) “Primary caregiver” means a natural person who is at least twenty-one (21) years old
17 who is registered under this chapter in order to, and who may assist one qualifying patient, but no
18 more than five (5) qualifying patients, with their medical use of marijuana, provided that a qualified
19 patient may also serve as his or her own primary caregiver subject to the registration and
20 requirements set forth in § 21-28.6-4.

21 (25) “Qualifying patient” means a person [or domestic pet](#) who has been certified by a
22 practitioner as having a debilitating medical condition and is a resident of Rhode Island.

23 (26) “Registry identification card” means a document issued by the department of health
24 or the department of business regulation, as applicable, that identifies a person as a registered
25 qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued
26 by the department of business regulation that identifies a person as a registered principal officer,
27 board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana
28 cultivator, cannabis testing lab, or any other medical marijuana licensee.

29 (27) “Unusable marijuana” means marijuana seeds, stalks, and unusable roots and shall not
30 count towards any weight-based possession limits established in this chapter.

31 (28) “Usable marijuana” means the leaves and flowers of the marijuana plant, and any
32 mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

33 (29) “Wet marijuana” means the harvested leaves and flowers of the marijuana plant before
34 they have reached a dry state, as defined by regulations promulgated by the department of health

1 and department of business regulation.

2 (30) “Written certification” means a statement signed by a practitioner, stating that, in the
3 practitioner’s professional opinion, the potential benefits of the medical use of marijuana would
4 likely outweigh the health risks for the qualifying patient. A written certification shall be made only
5 in the course of a bona fide, practitioner-patient relationship after the practitioner has completed a
6 full assessment of the qualifying patient’s medical history. The written certification shall specify
7 the qualifying patient’s debilitating medical condition or conditions which may include the
8 qualifying patient’s relevant medical records.

9 SECTION 2. Sections 21-28.11-2, 21-28.11-3, 21-28.11-4 and 21-28.11-5 of the General
10 Laws in Chapter 21-28.11 entitled "The Rhode Island Cannabis Act" are hereby amended to read
11 as follows:

12 **21-28.11-2. Organizational structure.**

13 (a) The regulation, licensing, and enforcement requirements pertaining to regulated
14 cannabis establishments shall be conducted pursuant to the provisions of this chapter by virtue of
15 an independent three (3) member commission which shall exercise all powers necessary for the
16 implementation, administration and enforcement of cannabis regulation and policy for both [human](#)
17 [and domestic pet](#) medical [use](#) and adult use cannabis.

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

22 (c) Additionally, pursuant to the provisions of this chapter following the final issuance of
23 the commission’s rules and regulations, there shall be established the “cannabis office” which shall
24 provide administrative and other support to the commission subject to this chapter and the rules
25 and regulations promulgated by the commission pursuant hereto.

26 **21-28.11-3. Definitions.**

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

29 (1) “Administrator” means the administrator of the cannabis office appointed by the
30 governor pursuant to the provisions of § 21-28.11-18.1.

31 (2) “Adult use cannabis” or “recreational cannabis” means cannabis which may be legally
32 possessed and consumed for non-medical purposes by a person who is at least twenty-one (21)
33 years of age.

34 (3) “Applicant” means a Rhode Island resident or a business entity with a principal place

1 of business located in Rhode Island to include, but not limited to, a corporation, limited liability
2 company, limited liability partnership or partnership, and in which fifty-one percent (51%) of the
3 equity in the business entity is owned by residents of Rhode Island, and the Rhode Island resident
4 or business entity has made application for issuance of a license or certificate to own or engage in
5 a cannabis business subject to the provisions of this chapter.

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

8 (5) "Cannabinoid profile" means amounts, expressed as the dry-weight percentages, of
9 delta-9-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a
10 cannabis product. Amounts of other cannabinoids may be regulated by the commission.

11 (6) "Cannabis" or "marijuana" or "marihuana" means all parts of any plant of the genus
12 cannabis not excepted herein, and whether growing or not; the seeds thereof; and resin extracted
13 from any part of the plant; and every compound, manufacture, salt, derivative, mixture or
14 preparation of the plant, its seeds or resin including tetrahydrocannabinol; provided, however, that
15 "cannabis" shall not include:

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

20 (ii) Hemp; or

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

23 (7) "Cannabis accessories" or "marijuana accessories" means equipment, products, devices
24 or materials of any kind that are intended or designed for use in planting, propagating, cultivating,
25 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
26 testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise
27 introducing cannabis into the human body.

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

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

34 (10) "Cannabis control commission" or "commission" means the Rhode Island cannabis

1 control commission established by § 21-28.11-4.

2 (11) “Cannabis cultivator” or “marijuana cultivator” means an entity licensed to cultivate,
3 process and package cannabis, to deliver cannabis to cannabis establishments and to transfer
4 cannabis to other cannabis establishments, but not to consumers.

5 (12) “Cannabis establishment” or “marijuana establishment” means a cannabis cultivator,
6 cannabis testing laboratory, cannabis product manufacturer, cannabis retailer, hybrid cannabis
7 retailer or any other type of licensed cannabis-related business.

8 (13) “Cannabis office” means the office established pursuant to § 21-28.11-18.1.

9 (14) “Cannabis product manufacturer” or “marijuana product manufacturer” means an
10 entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to
11 deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and
12 cannabis products to other cannabis establishments, but not to consumers.

13 (15) “Cannabis products” or “marijuana products” means products that have been
14 manufactured and contain cannabis or an extract from cannabis, including concentrated forms of
15 cannabis and products composed of cannabis and other ingredients that are intended for use or
16 consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

17 (16) “Cannabis retailer” or “marijuana retailer” means an entity licensed pursuant to § 21-
18 28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments
19 and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments
20 and to consumers.

21 (17) “Cannabis testing laboratory” means a third-party analytical testing laboratory that is
22 licensed annually by the commission, in consultation with the department of health, to collect and
23 test samples of cannabis and cannabis products pursuant to regulations issued by the commission
24 and is:

25 (i) Independent financially from any medical cannabis treatment center or any licensee or
26 cannabis establishment for which it conducts a test; and

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

30 (18) “Chairperson” means the chairperson of the cannabis control commission established
31 pursuant to § 21-28.11-4.

32 (19) “Close associate” means a person who holds a legally recognized financial interest in,
33 or is entitled to exercise power in, the business of an applicant or licensee and, by virtue of that
34 interest or power, is able to exercise a significant influence over the management or operation of a

1 cannabis establishment licensed under this chapter.

2 (20) “Consumer” means a person who is at least twenty-one (21) years of age, and who is
3 authorized by law to consume or use cannabis.

4 (21) “Controlling person” means an officer, board member or other individual who has a
5 financial or voting interest of ten percent (10%) or greater in a cannabis establishment.

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

12 (23) “Disproportionately impacted area” means a census tract or comparable geographic
13 area that satisfies at least one of the following criteria as determined by the commission, that:

14 (i) The area has a poverty rate of at least twenty percent (20%) according to the latest
15 federal decennial census;

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

18 (iii) At least twenty percent (20%) of the households in the area receive assistance under
19 the Supplemental Nutrition Assistance Program (SNAP);

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

24 (v)(A) The area has disproportionately high rates of arrest, conviction, and incarceration
25 related to the sale, possession, use, cultivation, manufacture, or transportation of cannabis in
26 comparison to other communities and localities in the state; or

27 (B) The area has a history of arrests, convictions, and other law enforcement practices in a
28 certain geographic area, such as, but not limited to, precincts, zip codes, neighborhoods, and
29 political subdivisions, reflecting a disparate enforcement of cannabis prohibition during a certain
30 time period, when compared to the remainder of the state.

31 (vi) The commission shall, with recommendations from the cannabis advisory board and
32 the chief equity officer, issue guidelines to determine how to assess which communities have been
33 disproportionately impacted and how to assess if someone is a member of a community
34 disproportionately impacted.

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

6 (25) “Finished cannabis” means a usable cannabis, cannabis resin or cannabis concentrate.
7 [The rules and regulations adopted shall also authorize the use of medical veterinary cannabis for](#)
8 [use in domestic canines and felines and establish rules and regulations for the prescribing of](#)
9 [medical marijuana by veterinarians licensed pursuant to chapter 25 of title 5.](#)

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

16 (27) “Host community” means a municipality in which a cannabis establishment or a
17 medical cannabis treatment center is located or in which an applicant has proposed locating a
18 cannabis establishment or a medical cannabis treatment center.

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

23 (29) “Laboratory agent” means a registered employee of a cannabis testing laboratory who
24 transports, possesses or tests cannabis.

25 (30) “Licensee” means a person or entity licensed by the commission pursuant to the
26 provisions of this chapter. Any business structure recognized under title 7, including, but not limited
27 to, corporations, partnerships, limited partnerships, limited-liability companies, and workers’
28 cooperatives, which is otherwise qualified, is eligible to be considered by the commission as an
29 entity licensee.

30 (31) “Manufacture” means to compound, blend, extract, infuse or otherwise make or
31 prepare a cannabis product.

32 (32) “Medical cannabis” means cannabis and cannabis products that satisfy the
33 requirements of chapter 28.6 of this title and have been given the designation of “medical cannabis”
34 or “medical marijuana” due to dose, potency and form. Medical cannabis products are only

1 available for use by patient cardholders, and may only be sold to or possessed by patient
2 cardholders, or their registered caregiver, or authorized purchaser in accordance with chapter 28.6
3 of this title. Medical cannabis may not be sold to, possessed by, manufactured by, or used by any
4 person except as permitted pursuant to chapter 28.6 of this title.

5 (33) “Medical cannabis treatment center” or “Medical marijuana treatment center” includes
6 a compassion center, a medical marijuana emporium, or marijuana establishment licensee who
7 operates a treatment center, as defined in § 21-28.6-3.

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

12 (35) “Ownership and control” means ownership of at least fifty-one percent (51%) of the
13 cannabis establishment, and control over the management and day-to-day operations of the
14 cannabis establishment, and an interest in the capital, assets, and profits and losses of the cannabis
15 establishment proportionate to percentage of ownership.

16 (36) “Process” or “processing” means to harvest, dry, cure, trim and separate parts of the
17 cannabis plant by manual or mechanical means, except it shall not include manufacture as defined
18 in this section.

19 (37) “Production batch” means a batch of finished plant material, cannabis resin, cannabis
20 concentrate or cannabis-infused product made at the same time, using the same methods, equipment
21 and ingredients. The commission shall require licensees to assign and record a unique, sequential
22 alphanumeric identifier to each production batch for the purposes of production tracking, product
23 labeling and product recalls. All production batches shall be traceable to one or more cannabis
24 cultivation batches.

25 (38) “Residual solvent” means a volatile organic chemical used in the manufacture of a
26 cannabis product and that is not completely removed by practical manufacturing techniques.

27 (39) “Social equity applicant” means an applicant that has been disproportionately
28 impacted by criminal enforcement of marijuana laws, including individuals convicted of nonviolent
29 marijuana offenses, immediate family members of individuals convicted of nonviolent marijuana
30 offenses and individuals who have resided in disproportionately impacted areas for at least five (5)
31 of the last ten (10) years, as determined by the commission after consultation with the cannabis
32 advisory board, and further specified in the rules and regulations that shall identify factors and other
33 considerations to be evaluated in certifying applicants as social equity applicants, provided that
34 such applicants shall at a minimum meet one of the following criteria:

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

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

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

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

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

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

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

14 (iv) Can demonstrate significant past experience in or business practices that promote
15 economic empowerment in disproportionately impacted areas.

16 (v) Had income which does not exceed four hundred percent (400%) of the median income,
17 as defined by the commission, in a disproportionately impacted area for at least five (5) of the past
18 ten (10) years.

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

22 (41) "Unreasonable and impracticable" means that the measures necessary to comply with
23 the rules and regulations adopted pursuant to this chapter subject licensees to unreasonable risk or
24 require such a high investment of money, time or any other resource or asset that a reasonably
25 prudent businessperson would not operate a cannabis establishment.

26 (42) "Workers' cooperative" means an applicant organized and operated pursuant to the
27 provisions of chapter 6.2 of title 7.

28 **21-28.11-4. Cannabis control commission.**

29 (a) **Establishment of commission.** There is hereby established an independent
30 commission known as the Rhode Island Cannabis Control Commission (commission). The purpose
31 of the commission is to oversee the regulation, licensing and control of adult use and medical
32 cannabis and upon transfer of powers pursuant to the provisions of § 21-28.11-10.1, to exercise
33 primary responsibility to oversee the regulation, licensing and control of all cannabis and marijuana
34 use to include medical marijuana, [including the medical use for domestic canines and felines.](#)

1 **(b) Appointment of commissioners.** The Rhode Island Cannabis Control Commission
2 shall consist of three (3) voting commissioners as follows:

3 (1) The governor shall appoint, with the advice and consent of the senate, the three (3)
4 voting members of the commission. The speaker of the house shall, within thirty (30) days of the
5 effective date of this chapter, submit to the governor a list of three (3) individuals that the governor
6 shall give due consideration in appointing one individual from this list. The governor shall appoint
7 the other two (2) commissioners without regard to the list submitted by the speaker of the house.
8 The governor shall designate one of the members to serve as chairperson of the commission. Within
9 forty (40) days of the effective date of this chapter, the governor shall submit to the senate for
10 advice and consent the list of three (3) individuals for appointment to the commission along with
11 the governor's designation of chairperson.

12 (2) Prior to appointment to the commission, a background investigation shall be conducted
13 into the financial stability, integrity and responsibility of each appointee, including the appointee's
14 reputation for good character, and honesty. No commissioner or commissioner's spouse, or child
15 shall have any interest whatsoever in any entity regulated by the commission.

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

- 18 (1) Hold, or be a candidate for, federal, state or local elected office;
19 (2) Hold an appointed office or other employment in a federal, state or local government;
20 or
21 (3) Serve as an official in a political party.

22 **(d) Term Limits.** Term limits on the initial commissioners shall be as follows: The
23 appointee chosen after consideration of the list provided to the governor by the speaker of the house
24 shall serve an initial term of three (3) years and shall be eligible for reappointment in accordance
25 with this section. Of the appointees chosen by the governor without regard to the list submitted by
26 the speaker of the house, one shall serve an initial term of two (2) years, and one shall serve an
27 initial term of one year and both shall be eligible for reappointment in accordance with this section.

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

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

1 reappointment for one additional term pursuant to this section.

2 (e) **Compensation.** The chairperson of the commission shall devote their full time attention
3 to the duties of the commission. Upon confirmation, the chairperson shall become a state employee
4 and shall receive a salary as determined by the governor subject to appropriation by the general
5 assembly. The remaining commissioners shall not be state employees but shall receive a monthly
6 stipend as determined by the governor, subject to appropriation by the general assembly, and shall
7 devote sufficient time and attention to the commission to adequately perform their duties.

8 (f) **Records.** The commission shall keep a record of the proceedings of the commission
9 and the chair shall be the custodian and keeper of the records of all books, documents and papers
10 filed by the commission and of its minute book. The chair shall cause copies to be made of all
11 minutes and other records and documents of the commission and shall certify that such copies are
12 true copies and all persons dealing with the commission may rely upon such certification. These
13 records shall also be subject to the provisions of title 38, "public records." The chair shall have and
14 exercise supervision and control over all the affairs of the commission. The chair shall preside at
15 all hearings at which the chair is present and shall designate a commissioner to act as chair in the
16 chair's absence. To promote efficiency in administration, the chair shall make such division or re-
17 division of the work of the commission among the commissioners, as the chair deems expedient.

18 (g) **Conduct of hearings.** The commissioners shall, if so directed by the chair, participate
19 in the hearing and decision of any matter before the commission.

20 (1) For purposes of this section, "formal matter", as so designated by the chair, shall include
21 all non-procedural matters to include, but not limited to, hearings subject to the provisions of
22 chapter 35 of title 42 (the "administrative procedures act") and all decisions relative to the awarding
23 of a license or to the denial or revocation of licenses. A majority of the commissioners is required
24 to hear and approve all formal matters.

25 (2) For purposes of this section, "procedural matters", as so designated by the chair, include
26 scheduling, inclusion of agenda items, administrative compliance decisions, ministerial matters,
27 routine clerical functions, and any other act delegated by the commission to be performed by an
28 employee of the commission or the cannabis office. Any procedural or administrative matter may
29 be heard, examined and investigated by a single commissioner or an employee of the commission
30 or the cannabis office as designated and assigned by the chair, with the concurrence of one other
31 commissioner. If designated by the commission or the cannabis office, the designated employee
32 shall make a report in writing relative to the hearing, examination and investigation of every
33 procedural or administrative matter. For the purposes of hearing, examining and investigating any
34 procedural or administrative matter, the designated employee shall have all of the powers conferred

1 upon a commissioner by this section. Any procedural or administrative decision made by a single
2 commissioner or designated employee may be appealed within ten (10) days of issuance of the
3 decision for a hearing before the full commission.

4 (h) **Ethics.** The provisions of chapter 14 of title 36, the state code of ethics, shall apply to
5 the commissioners and to employees operating under the jurisdiction of the commission to include,
6 but not limited to, personnel of the cannabis office; provided, however, that the commission may
7 promulgate an internal code of ethics for all members and employees that may be more restrictive
8 than the provisions of chapter 14 of title 36. A copy of any internal code of ethics adopted or as
9 amended shall be filed with the state ethics commission. The internal code may include provisions
10 reasonably necessary to carry out the purposes of this chapter.

11 (i) **Public body.** The cannabis control commission shall be a public body for the purposes
12 of chapter 46 of title 42 (the “open meetings act”).

13 (j) **Finance.** The commission shall, for the purposes of compliance with state finance law,
14 and subject to appropriation by the general assembly, operate as an independent state agency and
15 shall be subject to the laws applicable to agencies under the control of the governor; provided,
16 however, that the chairperson may identify any additional instructions or actions necessary for the
17 department of administration to manage fiscal operations in the state accounting system and meet
18 statewide and other governmental accounting and audit standards. The commission shall properly
19 classify the commission’s operating and capital expenditures, and shall not include any salaries of
20 employees in the commission’s capital expenditures. Unless otherwise exempted by law, the
21 commission shall participate in any other available state administrative services including, but not
22 limited to, the state payroll system, the state retirement system, and state purchases.

23 (k) **Prohibition on discrimination.** The commission and all personnel and employees
24 operating under the jurisdiction of the commission to include, but not limited to, personnel of the
25 cannabis office, shall not unlawfully discriminate by considering race, color, religion, sex, sexual
26 orientation, gender identity or expression, age, national origin, or disability in granting, denying,
27 or revoking a license, nor shall any person, corporation, or business firm which is licensed pursuant
28 to the provisions of this chapter unlawfully discriminate against or segregate any person based on
29 these grounds. All businesses licensed by the commission shall operate on a nondiscriminatory
30 basis, according to equal employment treatment and access to their services to all persons, unless
31 otherwise exempted by the laws of the state. Any licensee who fails to comply with this policy is
32 subject to any disciplinary action that is consistent with the legal authority and rules and regulations
33 of the commission. The commission shall cooperate with the state equal opportunity office to
34 prevent any person, corporation, or business firm from unlawfully discriminating because of race,

1 color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or
2 disability or from participating in any practice which may have a disparate effect on any protected
3 class within the population. The state equal opportunity office shall monitor the equal employment
4 opportunity activities and affirmative action plans of the commission.

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

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

9 (1) Adopt, amend or repeal rules and regulations for the implementation, administration
10 and enforcement of this chapter;

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

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

13 (4) Determine and establish the process and methodology by which licenses shall be
14 awarded by the commission;

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

18 (6) Establish a registration process;

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

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

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

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

29 (11) Subject to appropriation by the general assembly, provide and pay for advisory
30 services and technical and other assistance including the hiring of appropriate support staff
31 personnel as may be necessary in its judgment to carry out the purpose and intent of this chapter,
32 and subject to applicable law, fix the compensation of persons providing such services or
33 assistance;

34 (12) Prepare, publish and distribute, with or without charge as the commission may

1 determine, such studies, reports, bulletins and other materials as required by the provisions of this
2 chapter or other applicable law or as the commission considers appropriate;

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

6 (14) Conduct and administer procedures and hearings in compliance with chapter 35 of
7 title 42 (the “administrative procedures act”) for adoption of rules or regulations, issuance, denial
8 or revocation of licenses or permits; or for violation of the provisions of this chapter or the rules
9 and regulations adopted pursuant to the provisions of this chapter;

10 (15) Gather facts and information and take action applicable to the commission’s
11 obligations pursuant to this chapter relating to:

12 (i) Any violation of this chapter or any rule or regulation adopted by the commission; and

13 (ii) Any willful violation of an order of the commission directed to a licensee or a person
14 required to be registered;

15 (iii) The conviction of a criminal offense, for the purpose of determining whether said
16 conviction substantially relates to the occupation or activity to which the license or registration
17 applies;

18 (iv) Any other action or conduct which would disqualify a licensee from holding a license
19 pursuant to the provisions of this chapter;

20 (16) In connection with matters having to do with the discharge of the duties of the
21 commission pursuant to this chapter, the chairperson of the commission, in cases pending before
22 the commission, is hereby authorized and empowered to summon witnesses to attend and testify in
23 a like manner as in either the supreme or superior courts. The commission is authorized to compel
24 the production of all papers, books, documents, records, certificates, or other legal evidence that
25 may be necessary for the determination and the decision of any question or the discharge of any
26 duty required by law of the commission, by issuing a subpoena duces tecum signed by the
27 chairperson. Any person who shall willfully swear falsely in any proceedings, matter, or hearing
28 before the commission shall be subject to the law pertaining to the crime of perjury. Any person
29 who disobeys may be referred by the chairperson of the commission to the presiding justice of the
30 superior court for assignment of a hearing on civil contempt citation and/or to the attorney general
31 for criminal contempt prosecution;

32 (17) Conduct investigations into the qualifications of all applicants for employment by the
33 commission, the cannabis office and all applicants for licensure pursuant to the provisions of this
34 chapter;

1 (18) Receive from the state police, the department of attorney general or other criminal
2 justice agencies, including, but not limited to, the Federal Bureau of Investigation and the Internal
3 Revenue Service, such criminal record information relating to criminal and background
4 investigations as necessary for the purpose of evaluating licensees, applicants for licenses,
5 laboratory agents, and any other employee or agent of a cannabis establishment, as determined by
6 the commission or otherwise required by law;

7 (19) Be present, through its designated inspectors and agents, at any reasonable time, in
8 cannabis establishments for the purposes of exercising its powers and duties;

9 (20) Inspect cannabis establishments and have access to all equipment and supplies in a
10 cannabis establishment for the purpose of ensuring and enforcing compliance with this chapter,
11 chapter 28.6 of this title, and all rules and regulations promulgated pursuant to this chapter and
12 chapter 28.6 of this title;

13 (21) In accordance with all applicable law, coordinate with the state police to seize,
14 impound and remove from the premises of a cannabis establishment any cannabis, equipment,
15 supplies, documents and records obtained or possessed in violation of this chapter, chapter 28.6 of
16 this title, or the rules and regulations of the commission;

17 (22) Require that the books and financial or other records or statements of a licensee be
18 kept in a manner that the commission deems proper;

19 (23) For cause, demand access to and inspect all papers, books and records of close
20 associates of a licensee whom the commission reasonably suspects is involved in the financing,
21 operation or management of the licensee; provided, however, that the inspection, examination,
22 photocopying and audit may take place on the affiliate's premises or elsewhere as practicable and
23 in the presence of the affiliate or its agent;

24 (24) Impose and collect fees, sanctions and administrative penalties, as authorized by this
25 chapter and established by regulation, and for a violation of any rule or regulation promulgated by
26 the commission except as of December 1, 2022, no fee shall be authorized or imposed for registry
27 identification cards or for plant tags;

28 (25) Establish adjudicatory procedures and conduct adjudicatory proceedings pursuant to
29 the provisions of chapter 35 of title 42 (the "administrative procedures act");

30 (26) Refer cases for criminal prosecution to the appropriate federal, state or local
31 authorities;

32 (27) Maintain an official Internet website for the commission that, in the discretion of the
33 commission, may be in coordination with the cannabis office;

34 (28) Submit any matter to the advisory board for study, review or recommendation;

1 (29) Request and/or approve or disapprove recommendations by the cannabis advisory
2 board made pursuant to § 21-28.11-6 to include, but not be limited to, distribution of funds from
3 the social equity assistance fund established pursuant to § 21-28.11-31;

4 (30) Monitor any federal activity regarding cannabis;

5 (31) Delegate any administrative, procedural or operational matter to the cannabis office;

6 (32) Issue temporary emergency orders, directives or instructions, with or without prior
7 notice or hearing, in an instance in which the public health or safety is in substantial or imminent
8 danger as it relates to the activities, conduct or practices of a licensee or as a result of a defective
9 or dangerous product offered for sale by a licensee. If a temporary emergency order, directive or
10 instruction without notice or a hearing is issued by the commission then the order, directive or
11 instruction shall expire after ten (10) days unless a hearing is noticed by the commission within the
12 ten (10) day period, and the hearing is scheduled to be conducted within twenty (20) days of the
13 issuance of the order, directive or instruction;

14 (33) Amend forms, procedures and requirements adopted by the office of cannabis
15 regulation pursuant to § 21-28.11-10.1 related to the temporary regulation of cultivation,
16 manufacture and sale of cannabis for adult use by hybrid cannabis retailers during the transitional
17 period established by § 21-28.11-10.1; ~~and~~

18 [\(34\) Authorize the use of medical veterinary cannabis for use in domestic canines and](#)
19 [felines as prescribed by veterinarians licensed pursuant to chapter 25 of title 5; and](#)

20 ~~(34)~~(35) Provide recommendations to the general assembly regarding any advisable or
21 proposed amendments to chapter 26 of title 2 relative to the regulation of industrial hemp and the
22 use of hemp as a commercial product.

23 (b) The commission shall, pursuant to subsection (a) of this section, adopt rules and
24 regulations consistent with this chapter for the administration, clarification and enforcement of
25 provisions regulating and licensing cannabis establishments and the sale, possession and use of
26 cannabis. The rules and regulations shall include, but not be limited to:

27 (1) Methods and forms of application which an applicant for a license shall follow and
28 complete before consideration by the commission;

29 (2) Requirements for the information to be furnished by an applicant or licensee;

30 (3) Criteria for evaluation of the application for a license;

31 (4) Qualifications for licensure and minimum standards for employment that are directly
32 and demonstrably related to the operation of a cannabis establishment and similar to qualifications
33 for licensure and employment standards in connection with the manufacture, distribution or sale of
34 alcoholic beverages as regulated under title 3 of the general laws; provided, that a criminal

1 conviction relating solely to the possession of marijuana or cannabis shall not automatically
2 disqualify an individual from eligibility for employment or licensure in connection with a cannabis
3 establishment pursuant to § 21-28.11-12.1;

4 (5) In consultation with the cannabis advisory board, identification of factors to be
5 evaluated in the approval and certification of social equity applicants and establishment of
6 procedures and policies to promote and encourage full participation in the regulated cannabis
7 industry by people from communities that have previously been disproportionately harmed by
8 cannabis prohibition and enforcement;

9 (6) In accordance with all applicable law, standards for the payment or reporting of
10 licensure fees and taxes;

11 (7) Requirements for the information to be furnished by a licensee to the licensee's
12 employees;

13 (8) Requirements for fingerprinting or other method of identification of an applicant for a
14 license or a licensee and the employees of licensees;

15 (9) Procedures and grounds for the revocation or suspension of a license or registration;

16 (10) Minimum uniform standards of accounting procedures;

17 (11) Requirements for record keeping by cannabis establishments and procedures to track
18 cannabis cultivated, processed, manufactured, delivered or sold by cannabis establishments;

19 (12) Minimum standards for the requirement that all licensees possess and operate an
20 interoperable publicly available application programming interface seed-to-sale tracking system
21 sufficient to ensure the appropriate track and trace of all cannabis cultivated, processed or
22 manufactured pursuant to this chapter;

23 (13) Standards and procedures to leverage seed-to-sale tracking technology which may
24 allow for the appropriate transfer or acquisition of cannabis seeds, clones, cuttings, plants or plant
25 tissue between medical and nonmedical establishments;

26 (14) Registration requirements for employees of cannabis establishments including
27 ensuring that employees be properly trained in the performance of their duties as necessary;

28 (15) Minimum security requirements for licensees sufficient to deter and prevent theft and
29 unauthorized entrance into areas containing cannabis, which may include, but not be limited to, the
30 use of security personnel, security cameras, or alarms;

31 (16) Minimum standards for liability insurance coverage;

32 (17) Requirements and procedures, utilizing best practices, to prevent the sale, delivery or
33 transfer of cannabis to persons under twenty-one (21) years of age, or the purchase of cannabis on
34 behalf of a person under twenty-one (21) years of age to include, but not limited to, the

1 establishment of age verification procedures;

2 (18) Health and safety standards, established in consultation with the department of health,
3 for the cultivation, processing, manufacturing and distribution of cannabis, including standards
4 regarding sanitation for the preparation, storage, handling and sale of food products, including
5 compliance with state sanitation requirements, and health inspections; provided, however, that the
6 authority to promulgate regulations pertaining to the use of pesticides shall remain with the
7 department of environmental management pursuant to the provisions of chapter 25 of title 23;

8 (19) Requirements for the packaging and labeling of cannabis and cannabis products that
9 shall, at a minimum:

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

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

14 (20) Requirements and restrictions for advertising, marketing and branding of cannabis and
15 cannabis products;

16 (21) Requirements for the safe disposal of excess, contaminated, adulterated or deteriorated
17 cannabis, which shall consider policies which promote the reasonable remediation and/or recycling
18 of such waste, including, but not limited to, recycled industrial products;

19 (22) Procedures and requirements to enable the transfer of a license for a cannabis
20 establishment to another qualified person or to another suitable location in compliance with the
21 provisions of § 21-28.11-10.2 following notification and approval by the commission; provided
22 however, that a license issued to a social equity applicant shall only be transferred to another
23 qualified social equity applicant, and a license issued to a workers' cooperative applicant shall only
24 be transferred to another qualified workers' cooperative applicant;

25 (23) Requirements to establish a process allowing the commission to order a prohibition
26 on the sale of a cannabis product found especially appealing to persons under twenty-one (21) years
27 of age including a means for allowing a cannabis product manufacturer to voluntarily submit a
28 product, its packaging and intended marketing to the commission for preliminary determination
29 whether the product is especially appealing to persons under twenty-one (21) years of age;

30 (24) Requirements that may prohibit cannabis product manufacturers from altering or
31 utilizing commercially-manufactured food products when manufacturing cannabis products unless
32 the food product was commercially manufactured specifically for use by the cannabis product
33 manufacturer to infuse with cannabis;

34 (25) Energy and environmental standards for licensure and licensure renewal of cannabis

1 establishments licensed as a cannabis cultivator or cannabis product manufacturer;

2 (26) If determined necessary to protect or promote public health and safety, the commission
3 may establish reasonable limits for cannabis product potency and/or dosing; provided that, in the
4 interest of maintaining a stable cannabis market, before imposing such limits, the commission shall
5 give due consideration to the limits on potency and/or dosing imposed by neighboring states;

6 (27) The testing and safety of cannabis and cannabis products, including but not limited to,
7 regulations promulgated by the commission in consultation with the department of health, as
8 applicable which:

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

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

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

17 (iv) Require that all cannabis and cannabis products must undergo random sample testing
18 at a licensed cannabis testing facility or other laboratory equipped to test cannabis and cannabis
19 products that have been approved by the commission;

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

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

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

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

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

33 (28) Standards and restrictions for cannabis manufacturing and processing which shall
34 include, but not be limited to, requirements that cannabis processors:

- 1 (i) Comply with all applicable building and fire codes;
- 2 (ii) Receive approval from the state fire marshal's office for all forms of manufacturing
3 that use a heat source or flammable solvent;
- 4 (iii) Require any cannabis processor that manufactures edibles of cannabis infused food
5 products to comply with all applicable requirements and regulations and obtain a food business
6 license as defined by § 21-27-1 issued by the department of health's office of food safety; and
- 7 (iv) Comply with any other requirements deemed suitable by the commission;
- 8 (29) Standards for manufacturing or extracting cannabinoid oils or butane hash oil;
- 9 (30) General operating requirements, minimum oversight, and any other activities,
10 functions, or aspects of a cannabis establishment licensee in furtherance of creating a stable,
11 regulated cannabis industry and mitigating its impact on public health and safety;
- 12 (31) Rules and regulations based on federal law, provided such rules and regulations are
13 designed to comply with federal guidance and mitigate federal enforcement against the cannabis
14 establishments and adult use establishments authorized, licensed and operated pursuant to this
15 chapter;
- 16 (32) Coordinate and implement the transition and transfer of regulatory authority of
17 medical marijuana from the department of business regulation to the commission; and
- 18 (33) Requirements that, after March 1, 2023, according to a timeline determined by the
19 commission, patients with out-of-state medical marijuana cards must also possess and produce a
20 valid government issued identification demonstrating residency in the same state jurisdiction that
21 issued the medical marijuana card.
- 22 (c) Regulations made pursuant to this section shall not:
- 23 (1) Except to protect public health and safety, prohibit the operation of a cannabis
24 establishment either expressly or through regulations that make operation of a cannabis
25 establishment unreasonable and impracticable;
- 26 (2) Require an adult retail purchaser to provide a cannabis retailer with identifying
27 information other than proper identification to determine the customer's age, and shall not require
28 the cannabis retailer to acquire or record personal information about customers other than
29 information typically required in a retail transaction;
- 30 (3) Except as provided pursuant to chapter 28.6 of this title, authorize a cannabis retailer,
31 medical marijuana treatment center or a hybrid cannabis retailer to operate at a shared location with
32 a cultivator;
- 33 (4) Authorize a cannabis establishment to transfer or acquire cannabis seeds, clones,
34 cuttings, plants or plant tissue to or from another cannabis establishment unless notice of the

1 transfer or acquisition is provided to the commission; or

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

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

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

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

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

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

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

21 (i) Licenses that authorize limited or restricted cultivation, processing, manufacture,
22 possession or storage of cannabis or cannabis products, limited delivery of cannabis or cannabis
23 products to consumers;

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

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

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

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

33 (f) The commission may investigate, in conjunction with the department of health, the
34 effects of cannabis and cannabis products with a high potency of tetrahydrocannabinol on human

1 [and domestic pet](#) health and consider restrictions on the potency of tetrahydrocannabinol in
2 cannabis and cannabis products that are necessary for protection of public health or safety in
3 accordance with the provisions of subsection (b)(26) of this section.

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

5 (h) The commission shall cause to be deposited all fees and monetary penalties collected
6 pursuant to this chapter in the social equity assistance fund established pursuant to § 21-28.11-31,
7 excluding medical compassion center license fees pursuant to § 21-28.6-12, tax penalties and any
8 funds designated to be deposited in the marijuana trust fund pursuant to § 21-28.11-13(d).

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

12 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS -- EDWARD O. HAWKINS AND THOMAS C.
SLATER MEDICAL MARIJUANA ACT

1 This act would include domestic pets as eligible to use medical marijuana, through an
2 authorized person, if certified by a licensed veterinarian and provides that the cannabis commission
3 adopt rules and regulations concerning the prescribing of medical cannabis for domestic pet use.

4 This act would take effect upon passage.

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