

1 **ARTICLE 20**

2 RELATING TO MARIJUANA

3 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  
4 Laws in Chapter 2-26 entitled "Hemp Growth Act" are hereby amended to read as follows:

5 **2-26-1. Short title.**

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

7 **2-26-3. Definitions.**

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

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

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

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

21 ~~(2)~~ (4) "Department" means the office of cannabis regulation within the department of  
22 business regulation.

23 ~~(3)~~ (5) "Division" means the division of agriculture in the department of environmental  
24 management.

25 ~~(4)~~ (6) "Grower" means a person or entity who or that produces hemp for commercial  
26 purposes.

27 ~~(5)~~ (7) "Handler" means a person or entity who or that produces hemp for processing into  
28 commodities, products, or agricultural hemp seed.

29 ~~(6)~~ (8) "Hemp" or "industrial hemp" means ~~the plant of the genus cannabis and any part of~~  
30 ~~such plant, whether growing or not, with a delta 9 tetrahydrocannabinol concentration that does not~~

1 ~~exceed three tenths percent (0.3%) on a dry weight basis of any part of the plant cannabis, or per~~  
2 ~~volume or weight of marijuana product or the combined percent of delta-9 tetrahydrocannabinol~~  
3 ~~and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of the moisture content.~~

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

9 (9) "Hemp-derived consumable CBD product" means any product meant for ingestion,  
10 including but not limited to concentrates, extracts, and cannabis-infused foods and products, which  
11 contains cannabidiol derived from a hemp plant as defined in § 2-26-3(8), not including products  
12 derived from exempt cannabis plant material as defined in 21 C.F.R. § 1308.35.

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

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

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

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

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

#### 24 **2-26-4. Hemp an agricultural product.**

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

#### 29 **2-26-5. Authority over licensing and sales.**

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

34 (b) All growers ~~and~~ handlers, ~~and~~ licensed CBD distributors, and licensed CBD retailers

1 must have a hemp license issued by the department.

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

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

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

10 (2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type  
11 and variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-  
12 3(8); any seeds that are obtained from a federal agency are presumed not to exceed the maximum  
13 concentration and do not require a certificate of analysis.

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

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

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

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

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

28 (7) All applicants:

29 (i) Shall apply to the state police, attorney general, or local law enforcement for a National  
30 Criminal Identification records check that shall include fingerprints submitted to the Federal  
31 Bureau of Investigation. Upon the discovery of a disqualifying conviction defined in paragraph (iv)  
32 and (v), and in accordance with the rules promulgated by the department, the state police shall  
33 inform the applicant, in writing, of the nature of the conviction, and the state police shall notify the  
34 department, in writing, without disclosing the nature of the conviction, that a conviction has been

1 found;

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

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

6 (iv) Any applicant who has been convicted of any felony offense under chapter 28 of title  
7 21, or any person who has been convicted of murder, manslaughter, first-degree sexual assault,  
8 second-degree sexual assault, first-degree child molestation, second-degree child molestation,  
9 kidnapping, first-degree arson, second-degree arson, mayhem, robbery, burglary, breaking and  
10 entering, assault with a dangerous weapon, or any assault and battery punishable as a felony or  
11 assault with intent to commit any offense punishable as a felony, shall be disqualified from holding  
12 any license or permit under this chapter. The department shall notify any applicant, in writing, of  
13 ~~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  
16 defendant has entered a plea of nolo contendere and has received a jail sentence or a suspended jail  
17 sentence, or those instances wherein the defendant has entered into a deferred sentence agreement  
18 with the Rhode 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  
20 department.

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

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

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

1 [\(f\) For applicants who do not hold, renew, or receive a grower or handler license, CBD](#)  
2 [handler and CBD retailer licenses shall have a licensure fee of five hundred dollars \(\\$500\). Said](#)  
3 [licenses shall be renewed each year upon approval by the department and payment of a five hundred](#)  
4 [dollars \(\\$500\) renewal fee.](#)

5 **2-26-6. Rulemaking authority.**

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

12 [\(b\) The department shall adopt rules and regulations for all operational requirements for](#)  
13 [licensed growers, handlers, CBD distributors and retailers.](#)

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

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

20 **2-26-7. Registration Licensure.**

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

24 (b) A person or entity ~~registered with~~ [licensed by](#) the department pursuant to this chapter  
25 shall allow hemp crops, throughout sowing, year-long growing seasons, harvest storage, and  
26 processing, to be inspected and tested by and at the discretion of the department.

27 SECTION 2. Chapter 2-26 of the General Laws entitled "Hemp Growth Act" is hereby  
28 amended by adding thereto the following Sections 2-26-10; 2-26-11 and 2-26-12:

29 **2-26-10. Tax obligations; enforcement.**

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

33 **2-26-11. Enforcement of violations of chapter.**

34 [\(a\) \(1\) Notwithstanding any other provision of this chapter, if the director of the department](#)

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

7 (i) Revoke or suspend a license;

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

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

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

14 (v) Any combination of the above penalties.

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

19 **2-26-12. Revenue.**

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

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

30 **21-28-1.02. Definitions. [Effective until January 1, 2023.]**

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

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

- 1 (i) A practitioner, or, in his or her presence by his or her authorized agent; or
- 2 (ii) The patient or research subject at the direction and in the presence of the practitioner
- 3 whether the application is by injection, inhalation, ingestion, or any other means.
- 4 (2) "Agent" means an authorized person who acts on behalf of, or at the direction of, a
- 5 manufacturer, wholesaler, distributor, or dispenser; except that these terms do not include a
- 6 common or contract carrier or warehouse operator, when acting in the usual and lawful course of
- 7 the carrier's or warehouse operator's business.
- 8 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and,
- 9 where the context requires, the owner of a licensed pharmacy or other place of business where
- 10 controlled substances are compounded or dispensed by a registered pharmacist; and includes
- 11 registered assistant pharmacists as defined by existing law, but nothing in this chapter shall be
- 12 construed as conferring on a person who is not registered as a pharmacist any authority, right, or
- 13 privilege that is not granted to him or her by the pharmacy laws of the state.
- 14 (4) "Automated data processing system" means a system utilizing computer software and
- 15 hardware for the purposes of record keeping.
- 16 (5) "Certified law enforcement prescription drug diversion investigator" means a certified
- 17 law enforcement officer assigned by his or her qualified law enforcement agency to investigate
- 18 prescription drug diversion.
- 19 (6) "Computer" means programmable electronic device capable of multi-functions,
- 20 including, but not limited to: storage, retrieval, and processing of information.
- 21 (7) "Control" means to add a drug or other substance or immediate precursor to a schedule
- 22 under this chapter, whether by transfer from another schedule or otherwise.
- 23 (8) "Controlled substance" means a drug, substance, immediate precursor, or synthetic drug
- 24 in schedules I -- V of this chapter. The term shall not include distilled spirits, wine, or malt
- 25 beverages, as those terms are defined or used in chapter 1 of title 3, nor tobacco.
- 26 (9) "Co-prescribing" means issuing a prescription for an opioid antagonist along with a
- 27 prescription for an opioid analgesic.
- 28 (10) "Counterfeit substance" means a controlled substance that, or the container or labeling
- 29 of which, without authorization bears the trademark, trade name, or other identifying mark, imprint,
- 30 number, or device, or any likeness of them, of a manufacturer, distributor, or dispenser, other than
- 31 the person or persons who in fact manufactured, distributed, or dispensed the substance and that
- 32 thereby falsely purports or is represented to be the product of, or to have been distributed by, the
- 33 other manufacturer, distributor, or dispenser, or which substance is falsely purported to be or
- 34 represented to be one of the controlled substances by a manufacturer, distributor, or dispenser.

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

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

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

6 (14) "Depressant or stimulant drug" means:

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

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

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

13 (ii) A drug that contains any quantity of:

14 (A) Amphetamine or any of its optical isomers;

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

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

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

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

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

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

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



1 controlled substance.

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

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

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

8 (22) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of  
9 1970, (84 stat. 1236) (see generally 21 U.S.C. § 801 et seq.), and all regulations pertaining to that  
10 federal act.

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

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

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

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

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

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

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

31 (26) "Immediate precursor" means a substance:

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

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

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

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

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

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

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

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

30 (i) Opium and opiates.

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

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

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

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

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

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

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

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

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

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

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

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

26 (41) "Practitioner" means:

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

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

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

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

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

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

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

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

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

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

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

20 **21-28-1.02. Definitions. [Effective January 1, 2023.]**

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

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

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

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

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

32 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and,  
33 where the context requires, the owner of a licensed pharmacy or other place of business where  
34 controlled substances are compounded or dispensed by a registered pharmacist; and includes

1 registered assistant pharmacists as defined by existing law, but nothing in this chapter shall be  
2 construed as conferring on a person who is not registered as a pharmacist any authority, right, or  
3 privilege that is not granted to him or her by the pharmacy laws of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (ii) A drug that contains any quantity of:

- 1 (A) Amphetamine or any of its optical isomers;
- 2 (B) Any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of  
3 amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation of them.
- 4 (iii) A drug that contains any quantity of coca leaves. "Coca leaves" includes cocaine, or  
5 any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except  
6 derivatives of coca leaves, that do not contain cocaine, ecgonine, or substance from which cocaine  
7 or ecgonine may be synthesized or made.
- 8 (iv) Any other drug or substance that contains any quantity of a substance that the attorney  
9 general of the United States, or the director of health, after investigation, has found to have, or by  
10 regulation designates as having, a potential for abuse because of its depressant or stimulant effect  
11 on the central nervous system.
- 12 (14) "Director" means the director of health.
- 13 (15) "Dispense" means to deliver, distribute, leave with, give away, or dispose of a  
14 controlled substance to the ultimate user or human research subject by or pursuant to the lawful  
15 order of a practitioner, including the packaging, labeling, or compounding necessary to prepare the  
16 substance for that delivery.
- 17 (16) "Dispenser" is a practitioner who delivers a controlled substance to the ultimate user  
18 or human research subject.
- 19 (17) "Distribute" means to deliver (other than by administering or dispensing) a controlled  
20 substance or an imitation controlled substance and includes actual constructive, or attempted  
21 transfer. "Distributor" means a person who so delivers a controlled substance or an imitation  
22 controlled substance.
- 23 (18) "Downtime" means that period of time when a computer is not operable.
- 24 (19) "Drug addicted person" means a person who exhibits a maladaptive pattern of  
25 behavior resulting from drug use, including one or more of the following: impaired control over  
26 drug use; compulsive use; and/or continued use despite harm, and craving.
- 27 (20) "Drug Enforcement Administration" means the Drug Enforcement Administration  
28 United States Department of Justice or its successor.
- 29 (21) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of  
30 1970, (84 stat. 1236) (see generally 21 U.S.C. § 801 et seq.), and all regulations pertaining to that  
31 federal act.
- 32 (22) "Hardware" means the fixed component parts of a computer.
- 33 (23) "Hospital" means an institution as defined in chapter 17 of title 23.
- 34 (24) "Imitation controlled substance" means a substance that is not a controlled substance,

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

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

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

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

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

18 (25) "Immediate precursor" means a substance:

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

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

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

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

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

1 to his or her administration or dispensing of the drug or substance in the course of his or her  
2 professional practice.

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

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

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

17 (i) Opium and opiates.

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

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

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

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

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

32 (33) "Opioid analgesics" means and includes, but is not limited to, the medicines  
33 buprenorphine, butorphanol, codeine, hydrocodone, hydromorphone, levorphanol, meperidine,  
34 methadone, morphine, nalbuphine, oxycodone, oxymorphone, pentazocine, propoxyphene as well



1 as their brand names, isomers, and combinations, or other medications approved by the department.

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

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

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

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

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

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

13 (40) "Practitioner" means:

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

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

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

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

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

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

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

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

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

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

3 **21-28.5-2. Manufacture or delivery of drug paraphernalia -- Penalty.**

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

11 [Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery](#)  
12 [of drug paraphernalia to a person acting in accordance with chapters 21-28.6, 21-28.10, or 21-28.11](#)  
13 [of the general laws shall not be considered a violation of this chapter.](#)

14 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,  
15 21-28.6-9, 21-28.6-12, 21-28.6-14, 21-28.6-15, 21-28.6-16, 21-28.6-16.2 and 21-28.6-17 of the  
16 General Laws in Chapter 21-28.6 entitled "The Edward O. Hawkins and Thomas C. Slater Medical  
17 Marijuana Act" are hereby amended to read as follows:

18 **21-28.6-3. Definitions.**

19 For the purposes of this chapter:

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

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

32 ~~(15)~~(3) "~~Medical marijuana~~ [Cannabis](#) testing laboratory" means a third-party analytical  
33 testing laboratory licensed by the department of health, [in coordination with the department of](#)  
34 [business regulation](#), to collect and test samples of medical marijuana pursuant to regulations

1 promulgated by the departments.

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

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

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

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

18 ~~(5)~~(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.

29 ~~(6)~~(8) "Department of business regulation" means the Rhode Island department of business  
30 regulation or its successor agency.

31 ~~(7)~~(9) "Department of health" means the Rhode Island department of health or its successor  
32 agency.

33 ~~(8)~~(10) "Department of public safety" means the Rhode Island department of public safety  
34 or its successor agency.

1           ~~(9)~~(11) "Dried, ~~useable~~ marijuana" means the dried leaves and flowers of the marijuana  
2 plant as defined by regulations promulgated by the departments of ~~health~~ business regulation.

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

6           ~~(11)~~(13) "Equivalent amount" means the portion of usable marijuana, be it in extracted,  
7 edible, concentrated, or any other form, found to be equal to a portion of dried, ~~usable~~ marijuana,  
8 as defined by regulations promulgated by the departments of ~~health and~~ business regulation.

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

11           ~~(12)~~(15) "Licensed medical marijuana cultivator" means a person or entity, as identified in  
12 § 43-3-6, who has been licensed by the department of business regulation to cultivate medical  
13 marijuana pursuant to § 21-28.6-16.

14           (16) "Licensed medical marijuana processor" means a person or entity, as identified in §  
15 43-3-6, who has been licensed by the department of business regulation to manufacture medical  
16 marijuana products and/or process medical marijuana products pursuant to § 21-28.6-16.1.

17           ~~(13)~~(17) "Marijuana" has the meaning given that term in § 21-28-1.02(30).

18           (18) "Marijuana establishment licensee" means any person or entity licensed by the  
19 department of business regulation under chapters 21-28.6 or 21-28.11 whose license permits it to  
20 engage in or conduct activities in connection with the medical marijuana program or adult use  
21 marijuana industry. "Marijuana establishment licensees" shall include but not be limited to,  
22 compassion centers, medical marijuana cultivators, medical marijuana processors, marijuana  
23 retailers, marijuana cultivators, marijuana processors, cannabis testing laboratories, and the holder  
24 of any other license issued by the department of business regulation under chapters 21-28.6 or 21-  
25 28.11 of the Rhode Island General Laws and/or as specified and defined in regulations promulgated  
26 by the department of business regulation.

27           ~~(14)~~(19) "Mature marijuana plant" means a marijuana plant that has flowers or buds that  
28 are readily observable by an unaided visual examination.

29           (20) "Medical marijuana emporium" means any establishment, facility or club, whether  
30 operated for-profit or nonprofit, or any commercial unit or other premises as further defined through  
31 regulations promulgated by the department of business regulation, at which the sale, distribution,  
32 transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to,  
33 by or among registered patients, registered caregivers, authorized purchaser cardholders or other  
34 persons as further defined through regulations promulgated by the department of business

1 regulation. This shall not include a compassion center regulated and licensed by the department of  
2 business regulation pursuant to the terms of 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 ~~(16)~~(22) "Medical use" means the acquisition, possession, cultivation, manufacture, use,  
8 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of  
9 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated  
10 with the medical condition in accordance with the provisions of this chapter.

11 ~~(17)~~(23) "Practitioner" means a person who is licensed with authority to prescribe drugs  
12 pursuant to chapters 34, 37, and 54 of title 5, ~~or a physician licensed with authority to prescribe~~  
13 ~~drugs in Massachusetts or Connecticut,~~ who may provide a qualifying patient with a written  
14 certification in accordance with regulations promulgated by the department of health or a physician  
15 licensed with authority to prescribe drugs in Massachusetts or Connecticut.

16 ~~(18)~~(24) "Primary caregiver" means a natural person who is at least twenty-one (21) years  
17 old who is registered under this chapter in order to, and who ~~A primary caregiver~~ may, assist one  
18 (1) qualifying patient, or upon a demonstration of need in accordance with regulations promulgated  
19 by the department of business regulation, up to but no more than five (5) qualifying patients with  
20 their medical use of marijuana in accordance with regulations promulgated by the department of  
21 business regulation, provided that a qualified patient may also serve as their own primary caregiver  
22 subject to the registration and requirements set forth in § 21-28.6-4 and any regulations  
23 promulgated thereunder.

24 ~~(19)~~(25) "Qualifying patient" means a person who has been ~~diagnosed~~ certified by a  
25 practitioner as having a debilitating medical condition and is a resident of Rhode Island.

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

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

34 ~~(22)~~(27) "Unusable marijuana" means marijuana seeds, stalks, ~~seedlings~~ and unusable

1 roots and shall not count towards any weight based possession limits established in the act.

2 ~~(23)~~(28) "Usable marijuana" means the ~~dried~~ leaves and flowers of the marijuana plant,  
3 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

4 ~~(24)~~(29) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant  
5 before they have reached a dry ~~useable~~ state, as defined by regulations promulgated by the  
6 departments of ~~health and~~ business regulation.

7 ~~(25)~~(30) "Written certification" means ~~the qualifying patient's medical records, and~~ a  
8 statement signed by a practitioner, stating that, in the practitioner's professional opinion, the  
9 potential benefits of the medical use of marijuana would likely outweigh the health risks for the  
10 qualifying patient. A written certification shall be made only in the course of a bona fide,  
11 practitioner-patient relationship after the practitioner has completed a full assessment of the  
12 qualifying patient's medical history. The written certification shall specify the qualifying patient's  
13 debilitating medical condition or conditions and include any other information required by  
14 regulations promulgated by the department of health which may include the qualifying patient's  
15 medical records.

16 **21-28.6-4. Protections for the medical use of marijuana.**

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

22 (1) Before July 1, 2019, tThe qualifying patient cardholder possesses an amount of  
23 marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature  
24 marijuana plants that are accompanied by valid medical marijuana tags (provided that if a  
25 qualifying patient cardholder has valid medical marijuana tags that were ordered and issued prior  
26 to July 1, 2019, and such tags have an expiration date that is on or after July 1, 2019, the plant  
27 possession limits set forth in this subsection shall apply to such qualifying patient until the  
28 expiration date of the issued tags), ~~two and one half (2.5)~~ three (3) ounces of dried usable  
29 marijuana, or its equivalent amount, and an amount of wet marijuana to be set by regulations  
30 promulgated by the departments of ~~health and~~ business regulation. Said plants shall be stored in an  
31 indoor facility.

32 Marijuana plants and the marijuana they produce shall only be grown, stored,  
33 manufactured, and processed in accordance with regulations promulgated by the department of  
34 business regulation; and

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

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

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

26           (c) A qualifying patient cardholder, who has in his or her possession a registry  
27 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
28 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business  
29 or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or  
30 before December 31, 2016, to a compassion center cardholder, marijuana of the type, and in an  
31 amount not to exceed, that set forth in subsection (a), that he or she has cultivated or manufactured  
32 pursuant to this chapter.

33           (d) No school, employer, or landlord may refuse to enroll, employ, or lease to, or otherwise  
34 penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety

1 and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have  
2 the discretion not to lease, or continue to lease, to a cardholder who cultivates, manufactures,  
3 processes, smokes, or vaporizes marijuana in the leased premises.

4 (e) A primary caregiver cardholder, who has in his or her possession a registry  
5 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied  
6 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business  
7 or occupational or professional licensing board or bureau, for assisting a patient cardholder, to  
8 whom he or she is connected through the department of health or department of business  
9 regulation's registration process, with the medical use of marijuana; provided, that;

10 (1) Before July 1, 2019, the primary caregiver cardholder possesses an amount of marijuana  
11 that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana  
12 plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver  
13 cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2019,  
14 and such tags have an expiration date that is on or after July 1, 2019, the plant possession limits set  
15 forth in this subsection shall apply to such primary caregiver until the expiration date of the issued  
16 tags), ~~two and one-half (2.5)~~ three (3) ounces of dried usable marijuana, or its equivalent amount,  
17 and an amount of wet marijuana set in regulations promulgated by the departments of ~~health and~~  
18 business regulation for each qualified patient cardholder to whom he or she is connected through  
19 the department of ~~health~~ business regulation's registration process. Said plants shall be stored in an  
20 indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored,  
21 manufactured, processed, and distributed to qualified patient cardholders to whom the primary  
22 caregiver is connected and in accordance with regulations promulgated by the department of  
23 business regulation; and

24 (2) On and after July 1, 2019, the primary caregiver cardholder possesses an amount of  
25 marijuana that does not exceed six (6) mature marijuana plants and six (6) immature marijuana  
26 plants that are accompanied by valid medical marijuana tags (provided that if a primary caregiver  
27 cardholder has valid medical marijuana tags that were ordered and processed prior to July 1, 2019,  
28 and such tags have an expiration date that is on or after July 1, 2019, the plant possession limits set  
29 forth in subsection (1) above shall apply to such primary caregiver until the expiration date of the  
30 issued tags), three (3) ounces of dried marijuana, or its equivalent amount, and an amount of wet  
31 marijuana set in regulations promulgated by the department of business regulation for each  
32 qualified patient cardholder to whom he or she is connected through the department of business  
33 regulation's registration process. Said plants shall be stored in an indoor facility. Marijuana plants  
34 and the marijuana they produce shall be grown, stored, manufactured, processed, and distributed to



1 qualified patient cardholders to whom the primary caregiver is connected and in accordance with  
2 regulations promulgated by the department of business regulation.

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

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

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

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

16 ~~(h)~~(g) A primary caregiver cardholder may receive reimbursement for costs associated with  
17 assisting a qualifying patient cardholder's medical use of marijuana A primary caregiver cardholder  
18 may only receive reimbursement for the actual costs of goods, materials, services or utilities for  
19 which they have incurred expenses. A primary caregiver may not receive reimbursement or  
20 compensation for their time, knowledge, or expertise. Compensation shall not constitute sale of  
21 controlled substances under state law. The department of business regulation may promulgate  
22 regulations for the documentation and tracking of reimbursements and the transfer of marijuana  
23 between primary caregivers and their registered patients.

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

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

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

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

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

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

14          ~~(l)~~(l) A practitioner, licensed with authority to prescribe drugs pursuant to chapters 34,  
15 37, and 54 of title 5, or pharmacist, licensed under chapter 19.1 of title 5, or certified school nurse  
16 teacher, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or  
17 privilege, including, but not limited to, civil penalty or disciplinary action by an employer ~~business~~  
18 or occupational or professional licensing board or bureau solely for:

19           (i) discussing the benefits or health risks of medical marijuana or its interaction with other  
20 substances with a patient ~~or~~ or;

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

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

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

31           (1) Before July 1, 2019, pPossess an amount of marijuana in excess of twenty-four (24)  
32 mature marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by  
33 valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical  
34 marijuana tags that were ordered and processed prior to July 1, 2019, and such tags have an

1 expiration date that is on or after July 1, 2019, the plant possession limits set forth in this subsection  
2 (1) shall apply to such primary caregiver until the expiration date of the issued tags) and ~~five (5)~~  
3 six (6) ounces of ~~dried usable~~ marijuana, or its equivalent, and an amount of wet marijuana set in  
4 regulations promulgated by the departments of ~~health and~~ business regulation for patient  
5 cardholders to whom he or she is connected through the ~~department of health~~ department of  
6 business regulation's registration process.

7 (2) On or after July 1, 2019, possess an amount of marijuana in excess of twelve (12)  
8 mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid  
9 medical marijuana tags (provided that if a primary caregiver cardholder has valid medical  
10 marijuana tags that were ordered and processed 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)  
12 above shall apply to such primary caregiver until the expiration date of the issued tags) and six (6)  
13 ounces of dried marijuana, or its equivalent, and an amount of wet marijuana set in regulations  
14 promulgated by the department of business regulation for patient cardholders to whom he or she is  
15 connected through the department of business regulation's registration process.

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

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

22 ~~(p)~~ (p) Qualifying patient cardholders and primary caregiver cardholders electing to grow  
23 marijuana shall only grow at one premises, and this premises shall be registered with the department  
24 of ~~health~~ business regulation. Except for licensed compassion centers, licensed cooperative  
25 cultivations, licensed medical marijuana processors and licensed medical marijuana cultivators, no  
26 more than ~~twenty four (24)~~ twelve (12) mature marijuana plants and twelve (12) immature  
27 marijuana plants that are accompanied by valid medical marijuana tags shall be grown or otherwise  
28 located at any one dwelling unit or commercial unit (provided that if a qualifying patient cardholder  
29 or a primary caregiver cardholder has valid medical marijuana tags for the plants grown at such  
30 registered premises that were ordered and processed prior to July 1, 2019, and such tags have an  
31 expiration date that is on or after July 1, 2019, the plant possession limit of twenty-four (24) mature  
32 marijuana plants and twenty-four (24) immature marijuana plants shall apply to such qualifying  
33 patient or primary caregiver until the expiration date of the issued tags). The number of qualifying  
34 patients or primary caregivers residing, owning, renting, growing, or otherwise operating at a

1 dwelling or commercial unit does not affect this limit. The department of ~~health~~ [business regulation](#)  
2 shall promulgate regulations to enforce this provision.

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

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

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

17 **21-28.6-5. Departments of health and business regulation to issue regulations.**

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

29 (b) Not later than ninety (90) days after the effective date of this chapter, the department  
30 of health shall promulgate regulations governing the manner in which it shall consider applications  
31 for, and renewals of, registry identification cards for qualifying patients, ~~primary caregivers~~, and  
32 authorized purchasers. The department of health's regulations shall establish application and  
33 renewal fees that generate revenues sufficient to offset all expenses of implementing and  
34 administering this chapter. The department of health may vary the application and renewal fees

1 along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department  
2 of health may accept donations from private sources in order to reduce the application and renewal  
3 fees.

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

12 **21-28.6-6. Administration of departments of health and business regulation**  
13 **regulations.**

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

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

18 (2) Application fee, as applicable;

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

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

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

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

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

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

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

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

1 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and  
2 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical  
3 use of marijuana by the qualifying patient.

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

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

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

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

26 (g) Following the promulgation of regulations pursuant to 21-28.6-5 (c), ~~The department~~  
27 ~~of health shall~~ department of business regulation may issue or renew a registry identification card  
28 to the qualifying patient cardholder's primary caregiver, if any, who is named in the qualifying  
29 patient's approved application provided the qualifying patient is eligible to appoint a primary  
30 caregiver, or serve as their own primary caregiver pursuant to regulations promulgated by the  
31 department of business regulation and the caregiver applicant has submitted all necessary  
32 application or renewal materials and fees pursuant to regulations promulgated by the department  
33 of business regulation. The department of business regulation shall verify the information contained  
34 in applications and renewal forms submitted pursuant to this chapter prior to issuing any registry

1 identification card. The department of business regulation may deny an application or renewal if  
2 the applicant or appointing patient did not provide the information required pursuant to this section,  
3 or if the department determines that the information provided was falsified, or if the applicant or  
4 appointing patient has violated this chapter under their previous registration or has otherwise failed  
5 to satisfy the application or renewal requirements.

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

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

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

16 ~~(4)~~(4) A primary caregiver applicant or an authorized purchaser applicant shall apply to the  
17 bureau of criminal identification of the department of attorney general, department of public safety  
18 division of state police, or local police department for a national criminal records check that shall  
19 include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any  
20 disqualifying information as defined in subdivision (g) ~~(4)~~(8), and in accordance with the rules  
21 promulgated by the director, the bureau of criminal identification of the department of attorney  
22 general, department of public safety division of state police, or the local police department shall  
23 inform the applicant, in writing, of the nature of the disqualifying information; and, without  
24 disclosing the nature of the disqualifying information, shall notify the department of business  
25 regulation or department of health, as applicable, in writing, that disqualifying information has been  
26 discovered.

27 ~~(5)~~(5) In those situations in which no disqualifying information has been found, the bureau  
28 of criminal identification of the department of attorney general, department of public safety division  
29 of state police, or the local police shall inform the applicant and the department of business  
30 regulation or department of health, as applicable, in writing, of this fact.

31 ~~(6)~~(6) The department of health or department of business regulation, as applicable, shall  
32 maintain on file evidence that a criminal records check has been initiated on all applicants seeking  
33 a primary caregiver registry identification card or an authorized purchaser registry identification  
34 card and the results of the checks. The primary caregiver cardholder shall not be required to apply

1 for a national criminal records check for each patient he or she is connected to through the  
2 department's registration process, provided that he or she has applied for a national criminal records  
3 check within the previous two (2) years in accordance with this chapter. The department of health  
4 and department of business regulation, as applicable, shall not require a primary caregiver  
5 cardholder or an authorized purchaser cardholder to apply for a national criminal records check  
6 more than once every two (2) years.

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

15 ~~(4)~~(8) Information produced by a national criminal records check pertaining to a conviction  
16 for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act"),  
17 murder, manslaughter, rape, first-degree sexual assault, second-degree sexual assault, first-degree  
18 child molestation, second-degree child molestation, kidnapping, first-degree arson, second-degree  
19 arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault  
20 or battery involving grave bodily injury, and/or assault with intent to commit any offense  
21 punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the  
22 applicant and the department of health or department of business regulation, as applicable,  
23 disqualifying the applicant. If disqualifying information has been found, the department of health  
24 or department of business regulation, as applicable may use its discretion to issue a primary  
25 caregiver registry identification card or an authorized purchaser registry identification card if the  
26 applicant's connected patient is an immediate family member and the card is restricted to that  
27 patient only.

28 ~~(5)~~(9) The primary caregiver or authorized purchaser applicant shall be responsible for any  
29 expense associated with the national criminal records check.

30 ~~(6)~~(10) For purposes of this section, "conviction" means, in addition to judgments of  
31 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
32 where the defendant has entered a plea of nolo contendere and has received a sentence of probation  
33 and those instances where a defendant has entered into a deferred sentence agreement with the  
34 attorney general.



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

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

7           (iii) Registry identification cards shall contain:

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

9           (2) A random registry identification number;

10          (3) A photograph; and

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

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

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

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

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

28          (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the  
29 department of health or department of business regulation, as applicable, of any changes listed in  
30 this subsection, the department of health or department of business regulation, as applicable, shall  
31 issue the qualifying patient cardholder and each primary caregiver cardholder a new registry  
32 identification card within ten (10) days of receiving the updated information and a ten-dollar  
33 (\$10.00) fee.

34          (5) When a qualifying patient cardholder changes his or her primary caregiver or authorized

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

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

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

16 ~~(8)~~(7) If a cardholder or authorized purchaser willfully violates any provision of this  
17 chapter as determined by the department of health or the department of business regulation, his or  
18 her registry identification card may be revoked.

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

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

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

1 conducted outside of Rhode Island.

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

10 (l) Notwithstanding subsections (k) C the departments of health and business regulation,  
11 as applicable, shall verify to law enforcement personnel whether a registry identification card is  
12 valid and may provide additional information to confirm whether a cardholder is compliant with  
13 the provisions of this chapter and the regulations promulgated hereunder. ~~solely by confirming the~~  
14 ~~random registry identification number or name.~~ The department of business regulation shall verify  
15 to law enforcement personnel whether a registry identification card is valid and may confirm  
16 whether the cardholder is compliant with the provisions of this chapter and the regulations  
17 promulgated hereunder. This verification may occur through the use of a shared database, provided  
18 that any medical records or confidential information in this database related to a cardholder's  
19 specific medical condition is protected in accordance with subdivision (k)(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **21-28.6-7. Scope of chapter.**

4 (a) This chapter shall not permit:

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

7 (2) The smoking of marijuana:

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

9 (ii) On any school grounds;

10 (iii) In any correctional facility;

11 (iv) In any public place;

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

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

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

19 [\(4\) The operation of a medical marijuana emporium is prohibited in this state without a](#)  
20 [license issued by the department of business regulation.](#)

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

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

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

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

29 **21-28.6-8. Affirmative defense and dismissal.**

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

33 (1) The qualifying patient's practitioner has stated that, in the practitioner's professional  
34 opinion, after having completed a full assessment of the person's medical history and current

1 medical condition made in the course of a bona fide practitioner-patient relationship, the potential  
2 benefits of using marijuana for medical purposes would likely outweigh the health risks for the  
3 qualifying patient; and

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

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

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

15 **21-28.6-9. Enforcement.**

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

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

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

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

1 (e) (1) Notwithstanding any other provision of this chapter, if the director of the department  
2 of business regulation or his or her designee has cause to believe that a violation of any provision  
3 of chapter 21-28.6 or the regulations promulgated thereunder has occurred by a licensee or  
4 registrant under the department's jurisdiction, or that any person or entity is conducting any  
5 activities requiring licensure or registration by the department of business regulation under chapter  
6 21-28.6 or the regulations promulgated thereunder without such licensure or registration, the  
7 director or his or her designee may, in accordance with the requirements of the administrative  
8 procedures act, chapter 35 of title 42:

9 (i) Revoke or suspend a license or registration;

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

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

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

16 (v) Any combination of the above penalties.

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

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

28 **21-28.6-12. Compassion centers.**

29 (a) A compassion center ~~registered~~ licensed under this section may acquire, possess,  
30 ~~cultivate, manufacture~~, deliver, transfer, transport, supply, or dispense marijuana, or related  
31 supplies and educational materials, to registered qualifying patients and their registered primary  
32 caregivers or authorized purchasers, out of state patient cardholders, or other marijuana business  
33 license holders, in accordance with regulations promulgated by the department of business  
34 regulation. Except as specifically provided to the contrary, all provisions of the Edward O. Hawkins

1 and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 et seq., apply to a compassion center  
2 unless they conflict with a provision contained in § 21-28.6-12.

3 (b) ~~Registration~~ License of compassion centers--authority of the departments of health and  
4 business regulation:

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

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

9 (ii) Minimum oversight requirements for compassion centers;

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

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

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

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

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

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

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

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

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

34 (ii) Any time a compassion center registration certificate is revoked, is relinquished, or



1 expires on or after January 1, 2017, the department of business regulation shall accept applications  
2 for a new compassion center.

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

11 (ii) Before September 1, 2019 the department of business regulation shall not accept  
12 applications for additional compassion centers except for those submitted by a compassion center  
13 that is licensed by the department. A compassion center that holds a license in good standing by  
14 the department and whose application meets the requirements of this chapter including the payment  
15 of all applicable fees, shall be issued a second compassion center license for the retail sale of  
16 medical marijuana.

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

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

25 (c) Compassion center and agent applications and ~~registration-certificate~~ license:

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

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

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

33 (iii) The proposed physical address of the compassion center, if a precise address has been  
34 determined, or, if not, the general location where it would be located. This may include a second

1 location for ~~the~~ [a second compassion center retail location in accordance with 21-28.6-12 \(b\)\(8\)\(ii\)](#)  
2 ~~cultivation of medical marijuana;~~

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

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

7 ~~(vi)~~[\(v\)](#) Proposed security and safety measures that shall include at least one security alarm  
8 system for each location, planned measures to deter and prevent the unauthorized entrance into  
9 areas containing marijuana and the theft of marijuana, as well as a draft, employee-instruction  
10 manual including security policies, safety and security procedures, personal safety, and crime-  
11 prevention techniques; and

12 ~~(vii)~~[\(vi\)](#) Proposed procedures to ensure accurate record keeping;

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

18 (ii) For applications submitted on or after January 1, 2017, any time one or more  
19 compassion center ~~registration~~ [license](#) applications are being considered, the department of  
20 business regulation shall also allow for comment by the public and shall solicit input from  
21 registered qualifying patients, registered primary caregivers; and the towns or cities where the  
22 applicants would be located.

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

26 (i) Convenience to patients from [underserved areas](#) throughout the state of Rhode Island ~~to~~  
27 ~~the compassion centers if the applicant were approved;~~

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

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

31 (iv) The interests of qualifying patients regarding which applicant be granted a ~~registration~~  
32 ~~certificate~~ [license](#);

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

34 (vi) The sufficiency of the applicant's plans for record keeping and security, which records

1 shall be considered confidential health-care information under Rhode Island law and are intended  
2 to be deemed protected health-care information for purposes of the Federal Health Insurance  
3 Portability and Accountability Act of 1996, as amended; and

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

6 (4) A compassion center approved by the department of health on or before December 31,  
7 2016, shall submit the following to the department before it may begin operations:

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

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

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

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

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

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

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

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

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

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

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

28 (6) Except as provided in subdivision (7), the department of health or the department of  
29 business regulation shall issue each principal officer, board member, agent, volunteer, and  
30 employee of a compassion center a registry identification card or renewal card after receipt of the  
31 person's name, address, date of birth; a fee in an amount established by the department of health or  
32 the department of business regulation; and, except in the case of an employee, notification to the  
33 department of health or the department of business regulation by the department of public safety  
34 division of state police, attorney general's office, or local law enforcement that the registry

1 identification card applicant has not been convicted of a felony drug offense or has not entered a  
2 plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card  
3 shall specify that the cardholder is a principal officer, board member, agent, volunteer, or employee  
4 of a compassion center and shall contain the following:

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

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

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

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

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

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

15 (7) Except as provided in this subsection, neither the department of health nor the  
16 department of business regulation shall issue a registry identification card to any principal officer,  
17 board member, or agent, ~~volunteer, or employee~~ of a compassion center who has been convicted  
18 of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and  
19 received a sentence of probation. If a registry identification card is denied, the compassion center  
20 will be notified in writing of the purpose for denying the registry identification card. A registry  
21 identification card may be granted if the offense was for conduct that occurred prior to the  
22 enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was  
23 prosecuted by an authority other than the state of Rhode Island and for which the Edward O.  
24 Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a  
25 conviction.

26 (i) All registry identification card applicants shall apply to the department of public safety  
27 division of state police, the attorney general's office, or local law enforcement for a national  
28 criminal identification records check that shall include fingerprints submitted to the federal bureau  
29 of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo  
30 contendere for a felony drug offense with a sentence of probation, and in accordance with the rules  
31 promulgated by the department of health and the department of business regulation, the department  
32 of public safety division of state police, the attorney general's office, or local law enforcement shall  
33 inform the applicant, in writing, of the nature of the felony and the department of public safety  
34 division of state police shall notify the department of health or the department of business

1 regulation, in writing, without disclosing the nature of the felony, that a felony drug offense  
2 conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

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

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

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

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

21 (10) When a compassion center cardholder notifies the department of health or the  
22 department of business regulation of any changes listed in this subsection, the department shall  
23 issue the cardholder a new registry identification card within ten (10) days of receiving the updated  
24 information and a ten-dollar (\$10.00) fee.

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

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

33 (13) On or after January 1, 2017, a compassion center cardholder shall notify the  
34 department of business regulation of any disqualifying criminal convictions as defined in

1 subdivision (c)(7). The department of business regulation may choose to suspend and/or revoke his  
2 or her registry identification card after such notification.

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

6 (d) Expiration or termination of compassion center:

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

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

15 (i) The compassion center submits the materials required under subdivisions (c)(4) and  
16 (c)(5), including a ~~two hundred fifty thousand dollar~~ fifty thousand dollar (\$~~250~~50,000) fee;

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

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

22 (3) If the department of health or the department of business regulation determines that any  
23 of the conditions listed in paragraphs (d)(2)(i) -- (iii) have not been met, the department ~~shall~~ may  
24 begin an open application process for the operation of a compassion center. In granting a new  
25 ~~registration certificate~~ license, the department of health or the department of business regulation  
26 shall consider factors listed in subdivision (c)(3);

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

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

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

34 (iii) The compassion center has not had its ~~registration certificate~~ license suspended or

1 revoked due to violations of this chapter or regulations issued pursuant to this chapter.

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

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

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

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

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

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

14 (f) Compassion center requirements:

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

20 (i) Minimum security and surveillance requirements;

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

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

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

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

25 (vi) Minimum requirements to address odor mitigation;

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

27 (viii) Minimum requirements for advertising;

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

34 (x) A requirement that if a compassion center violates this chapter, or any regulation

1 thereunder, and the department of business regulation determines that violation does not pose an  
2 immediate threat to public health or public safety, the compassion center shall pay to the department  
3 of business regulation a fine of no less than five-hundred dollars (\$500); and

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

10 (2) A compassion center may not be located within one thousand feet (1,000') of the  
11 property line of a preexisting public or private school;

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

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

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

29 (5) A compassion center shall implement appropriate security measures to deter and  
30 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and  
31 shall insure that each location has an operational security alarm system. Each compassion center  
32 shall request that the department of public safety division of state police visit the compassion center  
33 to inspect the security of the facility and make any recommendations regarding the security of the  
34 facility and its personnel within ten (10) days prior to the initial opening of each compassion center.



1 Said recommendations shall not be binding upon any compassion center, nor shall the lack of  
2 implementation of said recommendations delay or prevent the opening or operation of any center.  
3 If the department of public safety division of state police does not inspect the compassion center  
4 within the ten-day (10) period, there shall be no delay in the compassion center's opening.

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

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

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

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

18 (10) Effective July 1, 201~~6~~<sup>7</sup>, each compassion center shall be subject to any regulations  
19 promulgated by the department of health and business regulation that specify how ~~usable~~ marijuana  
20 must be tested for items included but not limited to cannabinoid profile and contaminants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (3) Compassion centers shall utilize a database administered by the departments of health  
27 and business regulation. The database shall contain all compassion centers' transactions according  
28 to ~~qualifying~~ patients' cardholders, authorized purchasers', and primary caregivers' registry  
29 identification numbers, or other means as specified by the department(s) to protect the  
30 confidentiality of patient personal and medical information. Compassion centers will not have  
31 access to any applications or supporting information submitted by qualifying patients, authorized  
32 purchasers or primary caregivers. Before dispensing marijuana to any patient, caregiver, or  
33 authorized purchaser, the compassion center must utilize the database to ensure that a ~~qualifying~~  
34 patient cardholder is not dispensed more than ~~two and one half ounces (2.5~~ three (3) ounces of dried

1 usable marijuana or its equivalent directly or through the qualifying patient's primary caregiver or  
2 authorized purchaser during a fifteen-day (15) period.

3 (h) Immunity:

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

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

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

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

25 (i) Prohibitions:

26 (1) A compassion center must limit its inventory of ~~seedlings, plants, and~~ usable marijuana  
27 to reflect the projected needs of qualifying patients; (i) A compassion center may not cultivate  
28 marijuana or manufacture or process marijuana products pursuant to its compassion center  
29 registration, provided that cultivation, processing and manufacture may be conducted under a  
30 medical marijuana cultivator license and/or a medical marijuana processor license which may be  
31 issued to a compassion center by the department of business regulation pursuant to regulations  
32 promulgated by the department.

33 (ii) A compassion center which was approved by the department of health or renewed by  
34 the department of business regulation prior to July 1, 2019 may also hold a medical marijuana

1 cultivator license and a medical marijuana processor license and shall be issued said license or  
2 licenses in accordance with regulations promulgated by the department of business regulation,  
3 provided that the class or classes of said medical marijuana cultivator license and medical  
4 marijuana processor license shall correspond to the size and scope of any growing, manufacturing,  
5 or processing facility or facilities which were in operation or were approved prior to July 1, 2019.

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

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

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

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

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

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

32 (j) Legislative oversight committee:

33 (1) The general assembly shall appoint a nine-member (9) oversight committee comprised  
34 of: one member of the house of representatives; one member of the senate; one physician to be

1 selected from a list provided by the Rhode Island medical society; one nurse to be selected from a  
2 list provided by the Rhode Island state nurses association; two (2) registered qualifying patients;  
3 one registered primary caregiver; one patient advocate to be selected from a list provided by the  
4 Rhode Island patient advocacy coalition; and the superintendent of the department of public safety,  
5 or his/her designee.

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

8 (i) Patients' access to medical marijuana;

9 (ii) Efficacy of compassion centers;

10 (iii) Physician participation in the Medical Marijuana Program;

11 (iv) The definition of qualifying medical condition; and

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

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

15 [\(k\) License required. No person or entity shall engage in activities described in this § 21-](#)  
16 [28.6-12 without a compassion center license issued by the department of business regulation.](#)

17 **21-28.6-14. Cooperative cultivations.**

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

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

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

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

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

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

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

31 (i) A non-residential, cooperative cultivation may have no more than ten (10) ounces of  
32 ~~dried~~ ~~usable~~ marijuana, or its equivalent, and an amount of wet marijuana set in regulations  
33 promulgated by the departments of health and business regulation, forty-eight (48) mature  
34 marijuana plants, and forty-eight (48) seedlings;

1 (ii) A residential, cooperative cultivation may have no more than ten (10) ounces of dried  
2 ~~usable~~ marijuana, or its equivalent, and an amount of wet marijuana set in regulations promulgated  
3 by the departments of health and business regulation, twenty-four (24) mature marijuana plants,  
4 and twenty-four (24) seedlings;

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

7 (iv) Every marijuana plant possessed by a cooperative cultivation must be accompanied by  
8 a valid medical marijuana tag issued by the department of business regulation pursuant to § 21-  
9 28.6-15. Each cooperative cultivation must purchase at least one medical marijuana tag in order to  
10 remain a licensed cooperative cultivation; and

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

14 (7) Cooperative cultivations must be inspected as follows:

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

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

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

26 (9) The reports provided to the department of public safety in subsection (8) of this section  
27 shall be confidential, but locations may be confirmed for law enforcement purposes. The report of  
28 the location of the cooperative cultivation alone shall not constitute probable cause for a search of  
29 the cooperative cultivation.

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

33 (b) Any violation of any provision of this chapter or regulations promulgated hereunder as  
34 determined by the department of business regulation may result in the revocation/suspension of the

1 cooperative cultivation license.

2 (c) License required. No person or entity shall engage in activities described in this § 21-  
3 28.6-14 without a cooperative cultivation license issued by the department of business regulation.

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

8 (e) Effective July 1, 2019, except as permitted in regulations promulgated by the  
9 department of business regulation, not more than one registered cardholder shall be permitted to  
10 grow marijuana in a dwelling unit or commercial unit, except for two (2) or more qualifying patient  
11 or primary caregiver cardholder(s) who are primary residents of the same dwelling unit where the  
12 medical marijuana plants are grown and in all instances subject to the plant limits in § 21-28.6-  
13 4(p).

14 **21-28.6-15. Medical marijuana plant tags.**

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

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

26 (i) For patient cardholders authorized to grow medical marijuana by the ~~department of~~  
27 ~~health~~ department of business regulation, the fee per tag set shall not exceed twenty-five dollars  
28 (\$25);

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

30 (iii) For patients who qualify for reduced registration due to income or disability status,  
31 there shall be no fee per tag set;

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

1 (v) For licensed [medical marijuana](#) cultivators, the fee per tag set shall be established in  
2 regulations promulgated by the department of business regulation.

3 (2) ~~Effective January 1, 2017, †~~The department of business regulation shall verify ~~with the~~  
4 ~~department of health~~ that all medical marijuana tag purchases are made by qualifying patient  
5 cardholders or primary caregiver cardholders [as applicable](#). ~~The department of health shall provide~~  
6 ~~this verification according to qualifying patients' and primary caregivers' registry identification~~  
7 ~~numbers and without providing access to any applications or supporting information submitted by~~  
8 ~~qualifying patients to protect patient confidentiality;~~

9 (3) Effective ~~January~~ [July](#) 1, 2017~~9~~, and thereafter, the department of business regulation  
10 shall verify ~~with the department of health~~ that all medical marijuana tag purchases are made by  
11 ~~registered patient cardholders, who have notified the department of health of their election to grow~~  
12 ~~medical marijuana, or~~ primary caregiver cardholders [in accordance with regulations promulgated](#)  
13 [by the department](#). ~~The department of health shall provide this verification according to qualifying~~  
14 ~~patients' and primary caregivers' registry identification numbers and without providing access to~~  
15 ~~any applications or supporting information submitted by qualifying patients to protect patient~~  
16 ~~confidentiality;~~

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

19 (5) All primary caregivers shall purchase at least one medical marijuana tag [set](#) for each  
20 patient under their care and all patients growing medical marijuana for themselves [or serving as](#)  
21 [their own caregiver](#) shall purchase at least one medical marijuana tag [set](#).

22 (6) All licensed [medical marijuana](#) cultivators shall purchase at least one medical marijuana  
23 tag [set or utilize a seed to sale tracking system in accordance with regulations promulgated by the](#)  
24 [department of business regulation](#).

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

29 (b) Enforcement:

30 (1) If a patient cardholder, primary caregiver cardholder, [licensed medical marijuana](#)  
31 [processor, compassion center,](#) or licensed [medical marijuana](#) cultivator violates any provision of  
32 this chapter or the regulations promulgated hereunder as determined by the departments of business  
33 regulation ~~and~~ [or](#) health, his or her medical marijuana tags may be revoked. In addition, the  
34 department that issued the cardholder's registration or the license may revoke the cardholder's



1 registration or license ~~pursuant to § 21-28.6-9.~~

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

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

20 ~~(4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative~~  
21 ~~cultivation is found to have mature marijuana plants exceeding the limits set forth in § 21-28.6-4,~~  
22 ~~§ 21-28.6-14, and § 21-28.6-16 in addition to any penalties that may be imposed pursuant to § 21-~~  
23 ~~28.6-9, the department of health or department of business regulation may impose an administrative~~  
24 ~~penalty on that cardholder or license holder for each mature marijuana plant in excess of the~~  
25 ~~applicable statutory limit of no less than the total fee that would be paid by a cardholder who~~  
26 ~~purchased medical marijuana tags for such plants in compliance with this chapter.~~

27 **21-28.6-16. Licensed medical marijuana cultivators.**

28 (a) A licensed medical marijuana cultivator licensed under this section may acquire,  
29 possess, cultivate, deliver, or transfer marijuana to licensed compassion centers, to a licensed  
30 medical marijuana processor, to another licensed medical marijuana cultivator, or to any other  
31 marijuana establishment licensee, in accordance with regulations promulgated by the department  
32 of business regulation. A licensed medical marijuana cultivator shall not be a primary caregiver  
33 cardholder and shall not hold a cooperative cultivation license. Except as specifically provided to  
34 the contrary, all provisions of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana

1 Act, §§ 21-28.6-1 -- 21-28.6-15, apply to a licensed cultivator unless they conflict with a provision  
2 contained in § 21-28.6-16.

3 (b) Licensing of [medical marijuana](#) cultivators -- Department of business regulation  
4 authority. The department of business regulation shall promulgate regulations governing the  
5 manner in which it shall consider applications for the licensing of [medical marijuana](#) cultivators,  
6 including regulations governing:

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

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

17 (d) The department of business regulation shall promulgate regulations that govern how  
18 many marijuana plants, ~~how many marijuana seedlings mature and immature~~, how much wet  
19 marijuana, and how much usable marijuana a licensed [medical marijuana](#) cultivator may possess.  
20 Every marijuana plant possessed by a licensed [medical marijuana](#) cultivator must be accompanied  
21 by valid medical marijuana tag issued by the department of business regulation pursuant to § 21-  
22 28.6-15 or catalogued in a seed to sale inventory tracking system in accordance with regulations  
23 promulgated by the department of business regulation. ~~Each cultivator must purchase at least one~~  
24 ~~medical marijuana tag in order to remain a licensed cultivator.~~

25 (e) [Medical marijuana](#) cultivators shall only sell marijuana to compassion centers, a  
26 licensed medical marijuana processor, another licensed medical marijuana cultivator, or other  
27 marijuana establishment licensee, in accordance with regulations promulgated by the department  
28 of business regulation. All marijuana possessed by a cultivator in excess of the possession limit  
29 established pursuant to subsection (d) shall be under formal agreement to be purchased by a  
30 marijuana establishment in accordance with regulations promulgated by the department of business  
31 regulation ~~compassion center~~. If such excess marijuana is not under formal agreement to be  
32 purchased, the cultivator will have a period of time, specified in regulations promulgated by the  
33 department of business regulation, to sell or destroy that excess marijuana. The department may  
34 suspend and/or revoke the cultivator's license and the license of any officer, director, employee, or

1 agent of such cultivator and/or impose an administrative penalty in accordance with such  
2 regulations promulgated by the department for any violation of this section or the regulations. In  
3 addition, any violation of this section or the regulations promulgated pursuant to this subsection  
4 and subsection (d) shall cause a licensed [medical marijuana](#) cultivator to lose the protections  
5 described in subsection (m) and may subject the licensed [medical marijuana](#) cultivator to arrest and  
6 prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

7 (f) [Medical marijuana](#) cultivators shall be subject to any regulations promulgated by the  
8 department of health or department of business regulation that specify how marijuana must be  
9 tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants.

10 (g) [Medical marijuana](#) cultivators shall be subject to any product labeling requirements  
11 promulgated by the department of business regulation and the department of health.

12 (h) Notwithstanding any other provisions of the general laws, the manufacture of marijuana  
13 using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent  
14 by a licensed [medical marijuana](#) cultivator shall not be subject to the protections of this chapter.

15 (i) [Medical marijuana](#) cultivators shall only be licensed to grow marijuana at a single  
16 location, registered with the department of business regulation and the department of public [safety](#)  
17 [unless the cultivator's license is held by a compassion center which was approved by the](#)  
18 [department of health or renewed by the department of business regulation prior to July 1, 2019.](#)  
19 The department of business regulation may promulgate regulations governing where cultivators are  
20 allowed to grow. [Medical marijuana](#) cultivators must abide by all local ordinances, including  
21 zoning ordinances.

22 (j) Inspection. [Medical marijuana](#) cultivators shall be subject to reasonable inspection by  
23 the department of business regulation or the department of health for the purposes of enforcing  
24 regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

25 (k) The cultivator applicant, [unless they are an employee with no equity, ownership,](#)  
26 [financial interest, or managing control,](#) shall apply to the bureau of criminal identification of the  
27 department of attorney general, department of public safety division of state police, or local police  
28 department for a national criminal records check that shall include fingerprints submitted to the  
29 Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined  
30 in subdivision (k)(2), and in accordance with the rules promulgated by the director of the  
31 department of business regulation, the bureau of criminal identification of the department of  
32 attorney general, department of public safety division of state police, or the local police department  
33 shall inform the applicant, in writing, of the nature of the disqualifying information; and, without  
34 disclosing the nature of the disqualifying information, shall notify the department of business

1 regulation, in writing, that disqualifying information has been discovered.

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

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

10 (3) The except for employees; cultivator applicant shall be responsible for any expense  
11 associated with the national criminal records check.

12 (1) Persons issued medical marijuana cultivator licenses shall be subject to the following:

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

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

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

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

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

33 (m) Immunity:

34 (1) No licensed medical marijuana cultivator shall be subject to prosecution; search, except

1 by the departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right  
2 or privilege, including, but not limited to, civil penalty or disciplinary action by a business,  
3 occupational, or professional licensing board or entity, solely for acting in accordance with this  
4 section ~~to assist registered-qualifying~~;

5 (2) No licensed [medical marijuana](#) cultivator shall be subject to prosecution, seizure, or  
6 penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty  
7 or disciplinary action by a business, occupational, or professional licensing board or entity, for  
8 selling, giving, or distributing marijuana in whatever form and within the limits established by the  
9 department of business regulation to a [licensed medical marijuana processor or](#) registered  
10 compassion center.

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

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

22 [\(n\) License required. No person or entity shall engage in activities described in this § 21-](#)  
23 [28.6-16 without a medical marijuana cultivator license issued by the department of business](#)  
24 [regulation.](#)

25 **21-28.6-16.2. Medical marijuana testing laboratories -- Immunity.**

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

31 (b) No ~~medical-marijuana~~ [cannabis](#) testing laboratory shall be subject to prosecution, search  
32 (except by the departments pursuant to regulations), seizure, or penalty in any manner, or denied  
33 any right or privilege, including, but not limited to, civil penalty or disciplinary action, by a  
34 business, occupational, or professional licensing board or entity, for selling, giving, or distributing

1 marijuana in whatever form, and within the limits established by, the department of health to  
2 another ~~medical-marijuana~~ [cannabis](#) testing laboratory.

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

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

14 **21-28.6-17. Revenue.**

15 (a) Effective July 1, 2016, all fees collected by the departments of health and business  
16 regulation from applicants, registered patients, primary caregivers, authorized purchasers, licensed  
17 [medical marijuana](#) cultivators, [licensed medical marijuana processors](#), cooperative cultivations,  
18 compassion centers, [other licensees licensed pursuant to this chapter](#), and compassion-center [and](#)  
19 [other registry identification](#) cardholders shall be placed in restricted-receipt accounts to support the  
20 state's medical marijuana program, including but not limited to, payment of expenses incurred by  
21 the departments of health and business regulation for the administration of the program. [The](#)  
22 [restricted receipt account will be known as the “medical marijuana licensing account” or the](#)  
23 [“medical marijuana licensing program” account and will be housed within the budgets of the](#)  
24 [departments of business regulation, health, revenue and public safety, and the executive office of](#)  
25 [health and human services. All amounts deposited into the medical marijuana licensing account or](#)  
26 [the marijuana licensing program account shall be exempt from the indirect cost recovery provisions](#)  
27 [of § 35-4-27.](#)

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

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

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

4 **21-28.6-16.1 Licensed medical marijuana processors.**

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

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

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

29 (2) Minimum oversight requirements for licensed medical marijuana processors;

30 (3) Minimum record-keeping requirements for medical marijuana processors;

31 (4) Minimum security requirements for medical marijuana processors; and

32 (5) Procedures for suspending, revoking, or terminating the license of medical marijuana  
33 processors that violate any provisions of this chapter or the regulations promulgated hereunder.

34 (6) Applicable application and license fees.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

14 (l) Immunity:

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

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

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

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

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

3 (m) License required. No person or entity shall engage in activities described in this § 21-  
4 28.6-16.1 without a medical marijuana processor license issued by the department of business  
5 regulation.

6 **21-28.6-16.3. Other Supporting Medical Marijuana Licenses.**

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

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

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

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

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

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

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

25 (6) Applicable application and license fees.

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

32 (d) With respect to any licenses and registrations issued by the department of business  
33 regulation pursuant to this chapter, the department of business regulation shall be entitled to charge  
34 application, license and registration fees as set by the department of business regulation and set

1 [forth in regulations promulgated here under.](#)

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

4 [CHAPTER 28.10](#)

5 [ADULT USE OF MARIJUANA ACT](#)

6 **21-28.10-1. Short title.**

7 [This chapter shall be known and may be cited as the "Adult Use of Marijuana Act."](#)

8 **21-28.10-2. Legislative Findings.**

9 [The general assembly finds and declares that:](#)

10 [\(1\) Prohibiting the possession, cultivation, and sale of cannabis to adults has proven to be](#)  
11 [an ineffective policy for the State of Rhode Island. In the absence of a legal, tightly regulated](#)  
12 [market, an illicit cannabis industry has thrived, undermining the public health, safety and welfare](#)  
13 [of Rhode Islanders.](#)

14 [\(2\) Regional and national shifts in cannabis policy are providing Rhode Island adults with](#)  
15 [easy access to cannabis and marijuana products manufactured and sold from other states,](#)  
16 [contributing to the funds these states use to safeguard public health, safety and welfare within their](#)  
17 [borders, while providing no funds to the State of Rhode Island to address the public health, safety](#)  
18 [and welfare externalities that come with increased access to cannabis, including marijuana.](#)

19 [\(3\) It is in the best interests of the of the State of Rhode Island to implement a new](#)  
20 [regulatory framework and tax structure for the commercial production and sale of cannabis and](#)  
21 [cannabis products, all aspects of which shall be tightly regulated and controlled by the provisions](#)  
22 [of this act and the office of cannabis regulation created herein, the revenue from which is to be used](#)  
23 [to tightly regulate cannabis and cannabis products and to study and mitigate the risks and](#)  
24 [deleterious impacts that cannabis and marijuana use may have on the citizens and State of Rhode](#)  
25 [Island.](#)

26 **21-28.10-3. Definitions.**

27 [For purposes of this chapter:](#)

28 [\(1\) "Cannabis" means all parts of the plant of the genus marijuana, also known as](#)  
29 [marijuana sativa L, whether growing or not; the seeds thereof; the resin extracted from any](#)  
30 [part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation](#)  
31 [of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including](#)  
32 ["marijuana", and "industrial hemp" or "industrial hemp products" which satisfy the requirements](#)  
33 [of chapter 2-26 of the general laws and the regulations promulgated thereunder.](#)

34 [\(2\) "Department" or "department of business regulation" means the office of cannabis](#)

1 regulation within the department of business regulation or its successor agency.

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

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

12 (5) "Industrial Hemp products" means all products made from industrial hemp plants,  
13 including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, paint, paper,  
14 construction materials, plastics, seed, seed meal, seed oil, and certified for cultivation which satisfy  
15 the requirements of chapter 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;  
17 the seeds of the plant; the resin extracted from any part of the plant; and every compound,  
18 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not  
19 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the  
20 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of  
21 mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the  
22 plant which is incapable of germination. Marijuana shall not include "industrial hemp" or  
23 industrial hemp products" which satisfy the requirements of chapter 2-26 of the general laws and  
24 the regulations promulgated thereunder.

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

32 (8) "Marijuana establishment" and "marijuana establishment licensee" means any person  
33 or entity licensed by the office of cannabis regulation under chapter 21-28.11 or chapter 21-28.6  
34 whose license permits it to engage in or conduct activities in connection with the adult use

1 marijuana industry or medical marijuana program and includes but is not limited to a licensed  
2 marijuana cultivation facility, marijuana processor, marijuana retailer, marijuana testing facility,  
3 compassion center, medical marijuana cultivator, medical marijuana processor, or any other license  
4 issued by the office of cannabis regulation under chapter 21-28.11 or chapter 21-28.6 and/or as  
5 specified and defined in regulations promulgated by the office of cannabis regulation.

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

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

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

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

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

34 (14) "Office of cannabis regulation" means the office of cannabis regulation within the

1 department of business regulation.

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

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

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

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

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

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

20 **21-28.10-4. Exempt activities.**

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

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

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

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

1 (21) years of age or older in secured and locked storage ten ounces (10 oz.) or less of marijuana  
2 plant material or an equivalent amount of marijuana product as determined by regulations  
3 promulgated by the office of cannabis regulation;

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

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

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

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

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

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

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

30 (iii) Selling, delivering, or transferring marijuana or marijuana products to another retailer  
31 in 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,  
33 or an equivalent amount of marijuana product per day, or marijuana paraphernalia to any person  
34 who is twenty-one (21) years of age or older, in accordance with regulations promulgated by the



1 office of cannabis regulation and within the transaction limits of this chapter, chapter 21-28.11 and  
2 transactions limits specified in regulations promulgated by the office of cannabis regulation;

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

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

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

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

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

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

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

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

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

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

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

33 (4) Except as provided in this chapter and chapter 28.11 of title 21, a marijuana processor  
34 facility or any person who is twenty-one (21) years of age or older and acting in their capacity

1 as an owner, principal officer, partner, board member, employee, or agent of a marijuana  
2 processor facility is exempt from arrest, civil or criminal penalty, seizure or forfeiture of  
3 assets, discipline by any state or local licensing board, and state prosecution for solely engaging  
4 in the following acts:

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

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

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

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

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

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

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

21  
22 (viii) Controlling any premises or vehicle where marijuana products and  
23 marijuana paraphernalia are possessed, manufactured, sold, or deposited;

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

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

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

1 solely engaging in for the following acts:

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

4 (ii) Returning marijuana and marijuana products to marijuana cultivation facilities,  
5 marijuana processor facilities, marijuana retailers, other marijuana establishment licensees and  
6 industrial hemp license holders, in accordance with regulations promulgated by the office of  
7 cannabis regulation ;

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

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

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

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

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

29 **21-28.10-5. Authorized activities; paraphernalia.**

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

33 (b) Any person who is twenty-one (21) years of age or older is authorized to distribute  
34 or sell marijuana paraphernalia to marijuana establishments or persons who are twenty-one

1 (21) years of age or older in accordance with all applicable laws.

2 **21-28.10-6. Unlawful activities; penalties.**

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

6 (b) Any person who cultivates, grows, manufactures, processes, or otherwise produces  
7 cannabis, cannabis plants or cannabis products in violation of this chapter and chapters 2-26, 21-  
8 28.6, 21-28.11, and/or the regulations promulgated hereunder shall be subject to imposition of an  
9 administrative penalty and order by the 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  
12 said plants;

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

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

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

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

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

31 **21-28.10-7. Activities not exempt.**

32 The provisions of this chapter do not exempt any person from arrest, civil or  
33 criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing  
34 board or authority, and state prosecution for, nor may they establish an affirmative defense

1 based on this chapter to charges arising from any of the following acts:

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

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

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

8 (4) Manufacturing or processing of marijuana products with the use of prohibited  
9 solvents, in violation of § 21-28.10-12.

10 **21-28.10-8. Marijuana use prohibitions.**

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

16 (b) No person shall smoke or vaporize cannabis in, on or about the premises of any housing  
17 that is subject to regulation or otherwise within the purview of chapters 45-25, 45-26, 45-53 or 45-  
18 60 of the general laws and any regulations promulgated thereunder. A person who smokes or  
19 vaporizes cannabis in, on or about such housing premises shall be subject to imposition of an  
20 administrative penalty by the office of cannabis regulation of one hundred fifty dollars (\$150) per  
21 violation, in addition to and not in lieu of any applicable penalty, access prohibition or restriction,  
22 eviction or other action that may lawfully be taken by the owner and/or applicable authority with  
23 respect to said housing.

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

33 (d) No person may smoke, vaporize or otherwise consume or use, sell, distribute or  
34 otherwise transfer or propose any such sale, distribution or transfer, cannabis or cannabis products

1 in, on or about the premises of any place of business, establishment, or club, whether public or  
2 private, and whether operated for-profit or nonprofit, or any commercial property or other premises  
3 as further defined through regulations promulgated by the office of cannabis regulation, unless a  
4 cannabis social use license or temporary cannabis social use permit has been issued by the office  
5 of cannabis regulation with respect to such business, establishment, club or commercial property  
6 premises in accordance with regulations promulgated by the office of cannabis regulation. Any  
7 person who violates this section shall be subject to imposition of administrative fine and/or other  
8 penalty as prescribed by the office of cannabis regulation in such regulations.

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

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

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

20 **21-28.10-10. Private property.**

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

24 (b) Except as provided in this section, in the case of the rental of a residential dwelling  
25 unit governed by chapter 18 of title 34, a landlord may not prohibit the consumption of  
26 cannabis by non-smoked or non-vaporized means, or the transfer without compensation of  
27 cannabis by the tenant as defined in § 34-18-11, provided the tenant is in compliance with the  
28 possession and transfer limits and other requirements set forth in § 21-28.10-4(1)(i) and (iv), and  
29 provided any such consumption or transfer by the tenant is done within the tenant's dwelling  
30 unit and is not visible from outside of the individual residential dwelling unit. A landlord  
31 may prohibit the consumption, display, and transfer of cannabis by a roomer as defined in  
32 §34-18-11 and by any other person who is not a tenant.

33 **21-28.10-11. False age representation.**

34 (a) Any person who falsely represents themselves to be twenty-one (21) years of age or

1 older in order to obtain any marijuana, marijuana products, or marijuana paraphernalia  
2 pursuant to this chapter is guilty of a civil violation.

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

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

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

14 (iii) for the third and subsequent offenses, imposition of a mandatory fine for each  
15 offense of not less than seven hundred fifty dollars (\$750) nor more than one thousand dollars  
16 (\$1,000), the requirement to perform by fifty (50) hours of community service and suspension  
17 of his/her motor vehicle operator's license or permit and driving privileges for a period of  
18 one (1) year.

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

27 **21-28.10-12. Unlawful distribution to minors; penalties.**

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

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

1 \$10,000 per violation.

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

6 **21-28.10-13. Unlawful marijuana extraction, penalties.**

7 (a) No person, other than a licensed processor who is in compliance with this chapter,  
8 chapter 28.11 and accompanying regulations or an agent of a processor acting in that  
9 capacity, may extract compounds from marijuana using solvents other than water, glycerin,  
10 propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol). No person may extract  
11 compounds from marijuana using ethanol in the presence or vicinity of open flame.

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

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

17 CHAPTER 28.11

18 MARIJUANA REGULATION, CONTROL, AND TAXATION ACT

19 **21-28.11-1. Short title.**

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

22 **21-28.11-2. Definitions.**

23 For purposes of this chapter:

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

30 (2) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not;  
31 the seeds of the plant; the resin extracted from any part of the plant; and every compound,  
32 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not  
33 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the  
34 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of



1 mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the  
2 plant which is incapable of germination. Marijuana shall not include “industrial hemp or” industrial  
3 hemp products” which satisfy the requirements of chapter 2-26 of the general laws and the  
4 regulations promulgated thereunder.

5 (3) "Marijuana cultivation facility" means an entity that is licensed pursuant to chapter  
6 28.11 of title 21, to be exempt from state penalties for cultivating, preparing, packaging,  
7 and selling marijuana to a marijuana retailer, a marijuana processor, another marijuana  
8 cultivation facility, cannabis testing laboratory, or another marijuana establishment licensed by the  
9 office of cannabis regulation, in accordance with regulations promulgated by the office of cannabis  
10 regulation; but not for manufacturing, processing or selling marijuana products or selling  
11 marijuana at retail or otherwise to the general public.

12 (4) "Marijuana establishment" and “marijuana establishment licensee” means any person  
13 or entity licensed by the office of cannabis regulation under this chapter or chapter 21-28.6 whose  
14 license permits it to engage in or conduct activities in connection with the adult use marijuana  
15 industry or medical marijuana program and includes but is not limited to a licensed marijuana  
16 cultivation facility, marijuana processor, marijuana retailer, cannabis testing facility, compassion  
17 center, medical marijuana cultivator, medical marijuana processor or any other license issued by  
18 the office of cannabis regulation under this chapter or chapter 21-28.6 and/or as specified and  
19 defined in regulations promulgated by the office of cannabis regulation.

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

25 (6) "Marijuana processor" means an entity licensed pursuant to chapter 28.11 of title 21  
26 to be exempt from state penalties for purchasing marijuana from marijuana cultivation  
27 facilities, other marijuana processors, or other marijuana establishments, in accordance with  
28 regulations promulgated by the office of cannabis regulation and manufacturing or processing  
29 marijuana products, selling, giving, or transferring marijuana products to a marijuana  
30 retailer, marijuana testing facility, or other marijuana establishments, in accordance with  
31 regulations promulgated by the office of cannabis regulation but not for selling marijuana or  
32 marijuana products at retail or otherwise to the general public.

33 (7) "Marijuana products" means any form of marijuana, including concentrated marijuana  
34 and products that are comprised of marijuana and other ingredients that are intended for use

1 or consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and  
2 tinctures, as further defined in regulations promulgated by the office of cannabis regulation.

3 (8) "Marijuana testing facility" or "cannabis testing laboratory" means a third party  
4 analytical testing laboratory licensed by the departments of health and office of cannabis regulation  
5 to collect and test samples of cannabis pursuant to regulations promulgated by the departments.

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

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

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

21 (12) "Vaporize" or "vape" means heating below the point of combustion and resulting  
22 in a vapor or mist.

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

26 **21-28.11-3. Office of Cannabis Regulation.**

27 (a) Within the department of business regulation there shall be an office of cannabis  
28 regulation that oversees the regulation, licensing and control of cannabis, including marijuana,  
29 medical marijuana and industrial hemp, and such other matters within the jurisdiction of the  
30 department as determined by the director. An associate director or other designee of the director  
31 who reports to the director shall be in charge of all matters relating to cannabis regulation and  
32 control.

33 (b) Whenever in chapters 2-26, 21-28.6, 21-28.10, 21-28.11 and 44-49.1 of the general  
34 laws the words "department of business regulation" shall appear, the words shall be deemed to

1 mean the office of cannabis regulation within the department of business regulation. Whenever in  
2 chapters 2-26, 21-28.6, 21-28.10, 21-28.11 and 44-49.1 of the general laws the words “office of  
3 cannabis regulation” shall appear, the words shall be deemed to mean the office of cannabis  
4 regulation within the department of business regulation.

5 (c) The office of cannabis regulation shall coordinate the executive branch response to  
6 the regulation and control of cannabis including, but not limited to, strategic planning,  
7 coordination and approval of regulations, educational content, planning and  
8 implementation, community engagement, budget coordination, data collection and analysis  
9 functions, and any other duties deemed necessary and appropriate by the office of cannabis  
10 regulation to carry out the provisions of this chapter.

11 (d) In furtherance of coordinating the oversight of cannabis, including marijuana,  
12 medical marijuana and industrial hemp, across state agencies, the office of cannabis regulation  
13 shall:

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

18 (2) Offer guidance to and communicate with municipal officials regarding  
19 the implementation and enforcement of this chapter and chapters 28.6 and 28.10;

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

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

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

28 (6) Coordinate the collection of data on adult use of marijuana and medical marijuana  
29 use from state agencies and report to the governor and legislature no later than January 1, 2021,  
30 and every year thereafter. The report shall include, but is not limited to:

31 (i) The number and geographic distribution of all licensed marijuana establishments;

32 (ii) Data on the total amount of sales of marijuana and the total amount of revenue  
33 raised from taxes and fees levied on marijuana;

34 (iii) Projected estimate of the total marijuana revenue that will be raised in the

1 proceeding year:

2 (iv) The distribution of funds to programs and agencies from revenue raised from  
3 fees and taxes levied on marijuana; and

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

6 **21-28.11-4. Marijuana Advisory Board.**

7 (a) The leaders of the general assembly shall establish a marijuana advisory board to  
8 study and make recommendations on the regulation of marijuana and marijuana products.

9 (b) The marijuana advisory board shall consist of fourteen (14) members, seven  
10 (7) appointed by the speaker of the house, and seven (7) appointed the senate president.  
11 Both the speaker of the house and the senate president shall appoint one member of the  
12 general assembly, one expert in law enforcement, one expert in public health, one expert in the  
13 legal marijuana business community, one attorney with experience in marijuana law and  
14 policy, one expert in social welfare or social justice, and one individual who represents  
15 marijuana consumers.

16 (c) Members of the marijuana advisory board shall serve terms of two (2) years.

17 (d) Members of the board shall serve without compensation but shall be reimbursed  
18 for their expenses actually and necessarily incurred in the discharge of their official duties. Eight  
19 (8) or more members of the board present and voting shall constitute a quorum.

20 (e) The marijuana advisory board's duties shall include:

21 (1) Advising the legislature on matters related to marijuana cultivation,  
22 processing, manufacture, transport, distribution, testing and sale;

23 (2) On its own initiative, recommending to the office of cannabis regulation  
24 guidelines, rules and regulations and any changes to guidelines, rules and regulations  
25 that the board considers important or necessary; and

26 (3) Holding public hearings to take testimony from experts and members of the  
27 general public on issues related to the regulation and taxation of marijuana.

28 (f) All records of the marijuana advisory board shall be public records.

29 (g) The chairs of the marijuana advisory board shall issue public notice at least  
30 fourteen (14) days prior to each meeting of the marijuana advisory board.

31 **21-28.11-5. Licensing of marijuana establishments.**

32 (a) Except as otherwise provided in this chapter:

33 (1) A person or an entity may apply, in accordance with the provisions of this chapter  
34 and regulations adopted by the office of cannabis regulation, for the issuance of a license

1 authorizing the applicant to engage in licensed marijuana activities as a marijuana retailer,  
2 marijuana cultivator, marijuana processor, cannabis testing facility, or any other marijuana  
3 establishment licensee, pursuant to the provisions of this chapter and regulations promulgated  
4 by the office of cannabis regulation provided that a majority of equity in and/or ownership of any  
5 license is held by a Rhode Island resident, or Rhode Island residents, as defined in regulations  
6 promulgated by the office of cannabis regulation.

7 (2) The office of cannabis regulation shall have authority to issue a license or licenses  
8 to marijuana cultivators, marijuana retailers, marijuana processors, and any other category of  
9 marijuana establishment licensee established through this chapter or the regulations promulgated  
10 hereunder.

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

18 (b) The office of cannabis regulation shall have the authority to promulgate regulations to  
19 create and implement additional types and classes of commercial marijuana establishment licenses,  
20 including but not limited to, licenses for businesses to engage in marijuana destruction, delivery,  
21 disposal, research and development, transportation, social use licenses, or any other commercial  
22 activity needed to support licensed marijuana cultivators, licensed marijuana processors,  
23 compassion centers, licensed cannabis testing facilities, provided no license created by the  
24 department shall allow for the retail sale of marijuana.

25 (c) The office of cannabis regulation shall promulgate regulations governing the manner  
26 in which it shall consider applications for issuing additional classes of marijuana establishment  
27 licenses, in accordance with this section.

28 (d) The office of cannabis regulation shall promulgate regulations governing the manner  
29 in which it shall consider applications for the licensing and renewal of each type of marijuana  
30 establishment license necessary and proper to enforce the provisions of and carry out the duties  
31 assigned to it under this chapter and chapter 28.10, including but not limited to regulations  
32 governing:

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

34 (2) Application and licensing fees for marijuana establishment licensees;

1 (3) Procedures for the approval or denial of a license, and procedures for suspension or  
2 revocation of the license of any marijuana establishment licensee that violates the provisions of this  
3 chapter, chapter 28.10 or the regulations promulgated thereunder in accordance with the provisions  
4 of chapter 42-35 of the general laws; and

5 (4) Compliance with municipal zoning restrictions, if any, which comply with 21-28.11-  
6 10 of this chapter.

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

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

21 (ii) The legal name of the marijuana establishment licensee to which the applicant is  
22 affiliated;

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

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

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

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

29 (f) Except as provided in subsection (e), neither the department of health nor the office of  
30 cannabis regulation shall issue a registry identification card to any card applicant who holds an  
31 ownership, equity, controlling, or managing stake in the marijuana establishment license as defined  
32 in regulations promulgated by the office of cannabis regulation, who has been convicted of a felony  
33 drug offense or has entered a plea of nolo contendere for a felony drug offense and received a  
34 sentence of probation or who the department has otherwise deemed unsuitable. If a registry

1 identification card is denied, the applicant will be notified in writing of the purpose for denying the  
2 registry identification card. A registry identification card may be granted if the offense was for  
3 conduct that occurred prior to the enactment of this chapter or that was prosecuted by an authority  
4 other than the state of Rhode Island and for which the enactment of this chapter would otherwise  
5 have prevented a conviction.

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

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

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

25 (h) A registry identification card of a principal officer, board member, agent, volunteer, or  
26 employee, or any other designation required by the office of cannabis regulation shall expire one  
27 year after its issuance, or upon the termination of the principal officer, board member, agent,  
28 volunteer or employee's relationship with the marijuana establishment licensee, or upon the  
29 termination or revocation of the affiliated marijuana establishment's license, whichever occurs first.

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

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

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

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

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

14           (n) The department of business regulation shall have the authority to adopt  
15 regulations governing the allowable size of marijuana establishment licensees. The  
16 department of business regulation shall have the authority to adopt regulations governing the  
17 allowable size of marijuana cultivations, and whether indoor or outdoor cultivation is  
18 permitted.

19           (o) The department of business regulation may establish pursuant to regulations  
20 different classifications or schedules for marijuana establishment licensee facilities based on  
21 their physical size, scope, or authorized activities permitted under the class or schedule of  
22 marijuana establishment license.

23           (p) In order to create an open, accessible, and stable industry, the office of cannabis  
24 regulation shall have the authority to promulgate regulations which limit the number of marijuana  
25 establishment licenses or classes of marijuana establishment licenses that an applicant may be  
26 issued.

27           (q) In order to create an open, accessible, and stable industry, the office of cannabis  
28 regulation shall have the authority to promulgate regulations which sets market-based criteria for  
29 the issuance or renewal of cultivation licenses.

30           (r) The department of business regulation may not issue a marijuana cultivation  
31 facility, marijuana processor, or marijuana retailer to any entity that operates or exercises  
32 ownership, management, or other control over a marijuana testing facility.

33           (s) The department of health and department of office of cannabis regulation may not  
34 issue a marijuana testing facility license to any applicant that operates or exercises ownership,



1 management, or other control over another marijuana establishment license or license issued  
2 under chapter 2-26 of the general laws.

3 (t) The office of cannabis regulation shall determine an annual license and renewal fee  
4 for each type and/or class of marijuana establishment licensee. The license fee must be paid  
5 upon the initial issuance of the license and every twelve (12) months thereafter. If the license  
6 fee is not remitted to the state in a timely manner, the license shall be revoked. The department  
7 of health shall determine the annual license fee for cannabis testing laboratories and employee  
8 registration cards.

9 (u) The office of cannabis regulation shall set forth procedures to require all owners,  
10 officers, investors, employees or agents with operational or managing control of a marijuana  
11 establishment license applicant to undergo a national background check conducted by the  
12 office of the attorney general, the state police, a local police department, or some other agency  
13 approved by the office of cannabis regulation. An application for a marijuana establishment  
14 license may be rejected if a background check of an owner, officer, investor or employee or  
15 agent with operational or managing control reveals past offenses or actions that the office of  
16 cannabis regulation deems to be disqualifying.

17 (v) Whenever an entity seeks to renew a license as a marijuana establishment, the  
18 office of cannabis regulation shall require the renewal application to include a question  
19 regarding any Occupational Safety and Health Administration actions. The office of cannabis  
20 regulation may issue regulations as are necessary to ensure licensee compliance to address any  
21 such Occupational Safety and Health Administration actions in light of worker safety concerns.

22 (w) Medical marijuana cultivators and compassion centers in good standing with the office  
23 of cannabis regulation may also apply for and be issued adult use marijuana establishment licenses,  
24 in accordance with regulations promulgated by the office of cannabis regulation, provided the  
25 medical marijuana establishment licensee continues to hold any valid medical marijuana license  
26 approved or issued prior to July 1, 2019.

27 (x) The office of cannabis regulation may limit or prohibit a medical marijuana  
28 establishment's operation under an adult use marijuana establishment license if the office of  
29 cannabis regulation determines that failure to do so would threaten medical marijuana patients'  
30 access to marijuana products needed to treat qualifying conditions.

31 (y) Licensees may hold a medical marijuana establishment license and an adult use  
32 marijuana establishment license in accordance with regulations promulgated by the office of  
33 cannabis regulation.

34 (z) The office of cannabis regulation shall prioritize the review of applications for adult use

1 marijuana establishment licenses submitted by medical marijuana establishments that hold a  
2 license, in good standing, that was issued by the department prior to the effective date of this  
3 chapter.

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

7 **21-28.11-6. Ineligibility for license.**

8 A marijuana establishment may not operate, and a prospective marijuana establishment  
9 may not apply for a license, if any of the following are true:

10 (1) The person or entity is applying for a license to operate as a marijuana retailer in a  
11 location that is within five hundred (500) feet of the property line of a preexisting public or private  
12 school, or the person or entity is applying for a license to operate as a marijuana establishment other  
13 than a marijuana retailer and the establishment would operate in a location that is within one  
14 thousand (1,000) feet of the property line of a preexisting public or private school; or

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

18 (3) The establishment would be located in a municipality in which residents  
19 have approved, by a simple majority referendum, a ban on the kind of marijuana  
20 establishment being proposed. For purpose of illustration but not limitation, a marijuana  
21 retailer may not operate in a municipality in which residents have approved by a simple  
22 majority referendum a ban on marijuana retailers.

23 (4) If any marijuana business establishment license applicant is deemed unsuitable or  
24 denied a registry identification card by the office of cannabis regulation.

25 **21-28.11-7. License Required.**

26 No person or entity shall engage in any activities in which a licensed marijuana  
27 establishment licensee may engage pursuant to chapters 28.6, 28.10 or 28.11 of title 21 and the  
28 regulations promulgated thereunder, without the license that is required in order to engage in such  
29 activities issued by the office of cannabis regulation and compliance with all provisions of such  
30 chapters 28.6, 28.10 and 28.11 or title 21 and the regulations promulgated thereunder.

31 **21-28.11-8. Enforcement.**

32 (a) (1) Notwithstanding any other provision of this chapter, if the director of the department  
33 of business regulation or his or her designee has cause to believe that a violation of any provision  
34 of chapters 21-28.6, 21-28.10 or 28.11 or any regulations promulgated thereunder has occurred by

1 a licensee that is under the department's jurisdiction pursuant to chapters 21-28.6, 21-28.10 or  
2 28.11, or that any person or entity is conducting any activities requiring licensure or registration by  
3 the office of cannabis regulation under chapters 21-28.6, 21-28.10 or 28.11 or the regulations  
4 promulgated thereunder without such licensure or registration, the director or his or her designee  
5 may, in accordance with the requirements of the administrative procedures act, chapter 35 of title  
6 42:

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

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

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

12 (iv) Require a licensee or registrant or person or entity conducting any activities requiring  
13 licensure or registration under chapters 21-28.6, 21-28.10 or 28.11 to take such actions as are  
14 necessary to comply with such chapter and the regulations promulgated thereunder; or

15 (v) Any combination of the above penalties.

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

21 (b) If a person exceeds the possession limits set forth in chapters 21-28.6, 21-28.10 or 21-  
22 28.11, or is in violation of any other section of chapters 21-28.6, 21-28.10 or 28.11 or the  
23 regulations promulgated thereunder, he or she may also be subject to arrest and prosecution under  
24 chapter 28 of title 21 of the general laws.

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

31 (d) All marijuana products that are held within the borders of this state in violation of the  
32 provisions of chapters 21-28.6, 21-28.10 or 21-28.11 or the regulations promulgated thereunder are  
33 declared to be contraband goods and may be seized by the office of cannabis regulation, the tax  
34 administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any

1 police or other law enforcement officer when requested by the tax administrator or office of  
2 cannabis regulation to do so, without a warrant. All contraband goods seized by the state under this  
3 chapter may be destroyed.

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

11 **21-28.11-9. Regulation and control of marijuana establishments.**

12 (a) The department of business regulation shall adopt all rules and regulations  
13 necessary and convenient to carry out and administer the provisions in this chapter and chapter  
14 28.10 including operational requirements applicable to licensees and regulations as are necessary  
15 and proper to enforce the provisions of and carry out the duties assigned to it under this chapter and  
16 chapter 28.10, including but not limited to regulations governing:

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

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

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

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

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

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

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

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

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

33 (i) A marijuana establishment licensee may not advertise through any means

34 unless at least 85% of the audience is reasonably expected to be 21 years of age or older,

1 as determined by reliable, current audience composition data:

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

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

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

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

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

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

19 (viii) a marijuana establishment license shall not use, except, or offer any coupons,  
20 discounts, samples, giveaways, or any other mechanism to sell marijuana at prices below market  
21 value which may or may not circumvent the payment and collection of marijuana taxes; and

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

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

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

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

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

30 (6) Limits for marijuana product serving sizes, doses, and potency including but not limited  
31 to regulations which:

32 (i) limit all servings of edible forms of marijuana to no more than five milligrams (5 mg)  
33 of THC per serving;

34 (ii) limits the total maximum amount of THC per edible product package to one hundred

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

1 applicable which:

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

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

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

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

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

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

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

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

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

27 (10) Online sales;

28 (11) Transport and delivery;

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

31 (i) opaque;

32 (ii) constructed to be significantly difficult for children under five (5) years of age to open  
33 and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995) or another  
34 approval 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  
8 of chapter 42-35 of the general laws;  
9 (16) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.11-  
10 10 of this chapter;  
11 (17) Standards and restrictions for marijuana manufacturing and processing which shall  
12 include 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  
15 use a 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  
18 health's office of food safety; and  
19 (iv) comply with any other requirements deemed suitable by the office of cannabis  
20 regulation.  
21 (18) Standards for employee and workplace safety and sanitation;  
22 (19) Standards for employee training including but not limited to:  
23 (i) requirements that all employees of cannabis establishments must participate in a  
24 comprehensive training on standard operating procedures, security protocols, health and sanitation  
25 standards, workplace safety, and the provisions of this chapter prior to working at the establishment.  
26 Employees must be retrained on an annual basis or if state officials discover a cannabis  
27 establishment in violation of any rule, regulation, or guideline in the course of regular inspections  
28 or audits; and  
29 (ii) any other requirements deemed appropriate by the office of cannabis regulation; and  
30 (20) Mandatory labeling that must be affixed to all packages containing cannabis or  
31 cannabis products including but not limited to requirements that the label display:  
32 (i) the name of the establishment that cultivated the cannabis or produced the cannabis  
33 product;  
34 (ii) the tetrahydrocannabinol (THC) content of the product;



1 (iii) a "produced on" date;  
2 (iv) warnings that state: "Consumption of cannabis impairs your ability to drive a car or  
3 operate machinery" and "Keep away from children" and, unless federal law has changed to  
4 accommodate cannabis possession, "Possession of cannabis is illegal under federal law and in many  
5 states outside of Rhode Island";

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

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

9 (21) Standards for the use of pesticides; and

10 (22) General operating requirements, minimum oversight, and any other activities,  
11 functions, or aspects of a marijuana establishment licensee in furtherance of creating a stable,  
12 regulated cannabis industry and mitigating its impact on public health and safety.

13 **21-28.11-10. Municipal authority.**

14 (a) Municipalities shall:

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

21 (ii) Adopt all zoning and other applicable ordinances in accordance with subsection (a)(i)  
22 before January 1, 2020.

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

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

32 (i) Municipalities may prohibit specific classes of marijuana establishment licenses,  
33 or all classes of marijuana establishment licenses from being issued within their jurisdiction if  
34 the residents of the municipality have approved, by a simple majority of the electors

1 voting, a referendum to ban marijuana cultivation facilities, retailers, processors or marijuana  
2 testing facilities, provided such referendum must be conducted on or before November 5, 2019,  
3 and any ordinances related thereto must be adopted before January 1, 2020;

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

7 (iii) Municipalities which ban the licensure of marijuana establishments located within  
8 their jurisdiction pursuant to c(i), and/or adopt local zoning and other ordinances pursuant to a(ii),  
9 before January 1, 2020, in accordance with this section, may hold future referenda to prohibit  
10 previously allowed licenses, or allow previously prohibited licenses, provided those subsequent  
11 referenda are held on the first Tuesday after the first Monday in the month of November.

12 (d) Notwithstanding subsections (a), (b) or (c) of this section, a municipality may not  
13 prohibit a medical marijuana establishment licensee from continuing to operate under a marijuana  
14 establishment license issued by the office of cannabis regulation if that marijuana establishment  
15 licensee was approved or licensed prior to the passage of this chapter.

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

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

21 **21-28.11-11. Transportation of marijuana.**

22 The office of cannabis regulation shall promulgate regulations regarding secure  
23 transportation of marijuana for eligible retailers delivering products to purchasers in accordance  
24 with this chapter and shipments of marijuana or marijuana products between marijuana  
25 establishment licensees.

26 **21-28.11-12. No minors on the premises of marijuana establishments.**

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

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

32 (2) If the marijuana establishment is a retailer, a medical marijuana patient  
33 registered pursuant to chapter 28.6 of title 21, if the retailer premises are also licensed as a  
34 compassion center pursuant to §21-28.6-12 and the individual under twenty-one (21) years

1 of age is a qualifying patient registered under chapter 28.6 of title 21.

2 **21-28.11-13. Contracts enforceable.**

3 It is the public policy of the state that contracts related to the operation of a  
4 marijuana establishment, compassion center, or a licensee under chapter 2-26 in accordance  
5 with Rhode Island law shall be enforceable. It is the public policy of the state that no contract  
6 entered into by a licensed marijuana establishment, compassion center, hemp cultivator or other  
7 licensee under chapter 2-26 of the general laws or its employees or agents as permitted pursuant  
8 to a valid license issued by the office of cannabis regulation, or by those who allow property to  
9 be used by an establishment, its employees, or its agents as permitted pursuant to a valid  
10 license, shall be unenforceable solely on the basis that cultivating, obtaining, manufacturing,  
11 distributing, dispensing, transporting, selling, possessing, testing or using marijuana or hemp  
12 is prohibited by federal law.

13 **21-28.11-14. Compassion centers and medical marijuana cultivators.**

14 (a) Any compassion center or medical marijuana cultivator that holds a license in good  
15 standing with the office of cannabis regulation prior to July 1, 2019 shall be issued a marijuana  
16 retailer license, marijuana cultivation license, marijuana processor license, and any other  
17 applicable marijuana establishment license(s) for which it applies including but not limited to a  
18 marijuana delivery license, in accordance with this chapter, provided the compassion center or  
19 medical marijuana cultivator has been licensed or approved to engage in those corresponding  
20 activities under their current compassion center or medical marijuana license.

21 (b) Any compassion center that holds a license in good standing with the office of cannabis  
22 regulation prior to July 1, 2019 shall be issued corresponding marijuana establishment(s) license in  
23 accordance with this chapter as provided in subsection (a) for each location where they have been  
24 licensed or approved to engage in medical marijuana cultivation, manufacturing, and/or dispensing  
25 of medical marijuana by the office of cannabis regulation prior to January 1, 2019.

26 (c) Notwithstanding any other provision of this chapter, only a holder of a compassion  
27 center license in good standing with the office of cannabis regulation prior to July 1, 2019, may be  
28 issued or hold a marijuana cultivation license, and a marijuana processor license, and marijuana  
29 retail license, inclusive, at the same time before to January 1, 2023.

30 (d) Notwithstanding any other provision of the general laws, a licensed compassion center  
31 that also holds a license as a marijuana retailer, marijuana cultivator, or marijuana processor shall  
32 be exempt from the requirements of § 21-28.6-3(5), and shall not be required to register as a not  
33 for profit corporation under chapter 6 of title 7 of the general laws, provided they maintain operation  
34 and licensure as a licensed marijuana retailer, marijuana cultivator, or marijuana processor. The

1 office of cannabis regulation may promulgate regulations or issue guidance to facilitate the  
2 transition from a not for profit corporation to a for profit corporation or other entity including but  
3 not limited to the requirement that the compassion center must update and/or resubmit licensing  
4 and application documents which reflect this transfer.

5 **21-28.11-15. Establishment of marijuana trust fund.**

6 (a) There is created with the general fund a restricted receipt accounts collectively known  
7 as the “marijuana trust fund”, otherwise known as the “adult use marijuana licensing” or “adult use  
8 marijuana licensing program” accounts. Taxes collected pursuant to § 44-49.1 and fees collected  
9 pursuant to 21-28.11 shall be deposited into this account. The state share of trust fund revenue will  
10 be used to fund programs and activities related to program administration; revenue collection and  
11 enforcement; substance use disorder prevention for adults and youth; education and public  
12 awareness campaigns; treatment and recovery support services; public health monitoring, research,  
13 data collection, and surveillance; law enforcement training and technology improvements including  
14 grants to local law enforcement; and such other related uses that may be deemed necessary by the  
15 office of management and budget. The restricted receipt account will be housed within the budgets  
16 of the departments of business regulation, health, revenue and public safety, and the executive  
17 office of health and human services. All amounts deposited into the marijuana trust fund shall be  
18 exempt from the indirect cost recovery provisions of § 35-4-27. The allocation of the marijuana  
19 trust fund shall be:

20 (1) Twenty-five percent (25%) of trust fund revenue to the departments of business  
21 regulation, health, revenue and public safety, and the executive office of health and human services,  
22 except that in fiscal year 2020 the office of management and budget may allocate up to an additional  
23 three million eight hundred thousand dollars (\$3,800,000) from trust fund revenues to these  
24 agencies;

25 (2) Fifteen percent (15%) of trust fund revenue to cities and towns; and

26 (3) Sixty percent (60%) of trust fund revenue to the general fund.

27 (b) All revenue allocated to cities and towns under subsection (a)(2) shall be distributed at  
28 least quarterly by the division of taxation and department of business regulation, credited and paid  
29 by the state treasurer to the city or town based on the following allocation:

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

31 (2) One-quarter based on the share of total licensed marijuana cultivators, licensed  
32 marijuana processors, and licensed marijuana retailers found in each city or town at the end of the  
33 quarter that corresponds to the distribution, with licensed marijuana retailers assigned a weight  
34 twice that of the other license types; and

1 (3) One-half based on the volume of sales of adult use marijuana products that occurred in  
2 each city or town in the quarter of the distribution.

3 (c) The division of taxation and the department of business regulation shall jointly  
4 promulgate regulations to effectuate the distribution under subsection (a)(2).

5 **21-28.11-16. Transfer of revenue to the marijuana trust fund.**

6 The department of business regulation shall transfer all revenue collected pursuant to this  
7 chapter, including penalties or forfeitures, interest, costs of suit and fines, to the marijuana trust  
8 fund established by § 21-28.11-15.

9 **21-28.11-17. Severability.**

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

14 SECTION 8. Sections 31-27-2, 31-27-2.1 and 31-27-2.9 of the General Laws in Chapter  
15 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

16 **31-27-2. Driving under influence of liquor or drugs.**

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

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

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

1 subsection (d).

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

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

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

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

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

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

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

30 (d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as  
31 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one  
32 percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence  
33 of any scheduled controlled substance as defined in subsection (b)(2), shall be subject to a fine of  
34 not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300); shall be

1 required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be  
2 imprisoned for up to one year. The sentence may be served in any unit of the adult correctional  
3 institutions in the discretion of the sentencing judge and/or shall be required to attend a special  
4 course on driving while intoxicated or under the influence of a controlled substance; provided,  
5 however, that the court may permit a servicemember or veteran to complete any court-approved  
6 counseling program administered or approved by the Veterans' Administration, and his or her  
7 driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The  
8 sentencing judge or magistrate may prohibit that person from operating a motor vehicle that is not  
9 equipped with an ignition interlock system as provided in § 31-27-2.8.

10 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-  
11 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent  
12 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than  
13 one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required to  
14 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for  
15 up to one year. The sentence may be served in any unit of the adult correctional institutions in the  
16 discretion of the sentencing judge. The person's driving license shall be suspended for a period of  
17 three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special  
18 course on driving while intoxicated or under the influence of a controlled substance and/or  
19 alcoholic or drug treatment for the individual; provided, however, that the court may permit a  
20 servicemember or veteran to complete any court-approved counseling program administered or  
21 approved by the Veterans' Administration. The sentencing judge or magistrate may prohibit that  
22 person from operating a motor vehicle that is not equipped with an ignition interlock system as  
23 provided in § 31-27-2.8.

24 (iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen  
25 hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any  
26 controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars  
27 (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community  
28 restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit  
29 of the adult correctional institutions in the discretion of the sentencing judge. The person's driving  
30 license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing  
31 judge shall require attendance at a special course on driving while intoxicated or under the influence  
32 of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,  
33 that the court may permit a servicemember or veteran to complete any court-approved counseling  
34 program administered or approved by the Veterans' Administration. The sentencing judge or

1 magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an  
2 ignition interlock system as provided in § 31-27-2.8.

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

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

31 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)  
32 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,  
33 but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is  
34 unknown or who has a blood presence of any scheduled controlled substance as defined in



1 subsection (b)(2), regardless of whether any prior violation and subsequent conviction was a  
2 violation and subsequent conviction under this statute or under the driving under the influence of  
3 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory  
4 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period of  
5 two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and  
6 not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional  
7 institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours  
8 of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug  
9 treatment for the individual; provided, however, that the court may permit a servicemember or  
10 veteran to complete any court-approved counseling program administered or approved by the  
11 Veterans' Administration, and shall prohibit that person from operating a motor vehicle that is not  
12 equipped with an ignition interlock system as provided in § 31-27-2.8.

13 (ii) Every person convicted of a third or subsequent violation within a five-year (5) period  
14 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as  
15 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of  
16 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to  
17 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory  
18 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);  
19 and a mandatory license suspension for a period of three (3) years from the date of completion of  
20 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug  
21 treatment for the individual. The sentencing judge or magistrate shall prohibit that person from  
22 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §  
23 31-27-2.8.

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

30 (4) Whoever drives or otherwise operates any vehicle in the state while under the influence  
31 of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of  
32 title 21, or any combination of these, when his or her license to operate is suspended, revoked, or  
33 cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty  
34 of a felony punishable by imprisonment for not more than three (3) years and by a fine of not more

1 than three thousand dollars (\$3,000). The court shall require alcohol and/or drug treatment for the  
2 individual; provided, the penalties provided for in this subsection (d)(4) shall not apply to an  
3 individual who has surrendered his or her license and served the court-ordered period of suspension,  
4 but who, for any reason, has not had his or her license reinstated after the period of suspension,  
5 revocation, or suspension has expired; provided, further, the individual shall be subject to the  
6 provisions of subdivision (d)(2)(i), (d)(2)(ii), (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent  
7 offenses, and any other applicable provision of this section.

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

10 (ii) Any person over the age of eighteen (18) who is convicted under this section for  
11 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of  
12 these, while a child under the age of thirteen (13) years was present as a passenger in the motor  
13 vehicle when the offense was committed shall be subject to immediate license suspension pending  
14 prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a  
15 first offense and may be sentenced to a term of imprisonment of not more than one year and a fine  
16 not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent  
17 offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not  
18 more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing  
19 judge shall also order a license suspension of up to two (2) years, require attendance at a special  
20 course on driving while intoxicated or under the influence of a controlled substance, and alcohol  
21 or drug education and/or treatment. The individual may also be required to pay a highway  
22 assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited  
23 in the general fund.

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

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

30 (7)(i) If the person convicted of violating this section is under the age of eighteen (18)  
31 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of  
32 public community restitution and the juvenile's driving license shall be suspended for a period of  
33 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing  
34 judge shall also require attendance at a special course on driving while intoxicated or under the

1 influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile.  
2 The juvenile may also be required to pay a highway assessment fine of no more than five hundred  
3 dollars (\$500) and the assessment imposed shall be deposited into the general fund.

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

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

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

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

29 (2) Persons convicted under the provisions of this chapter shall be required to attend a  
30 special course on driving while intoxicated or under the influence of a controlled substance, and/or  
31 participate in an alcohol or drug treatment program, which course and programs must meet the  
32 standards established by the Rhode Island department of behavioral healthcare, developmental  
33 disabilities and hospitals; provided, however, that the court may permit a servicemember or  
34 veteran to complete any court-approved counseling program administered or approved by the

1 Veterans' Administration. The course shall take into consideration any language barrier that may  
2 exist as to any person ordered to attend, and shall provide for instruction reasonably calculated to  
3 communicate the purposes of the course in accordance with the requirements of the subsection.  
4 Any costs reasonably incurred in connection with the provision of this accommodation shall be  
5 borne by the person being retrained. A copy of any violation under this section shall be forwarded  
6 by the court to the alcohol and drug safety unit. In the event that persons convicted under the  
7 provisions of this chapter fail to attend and complete the above course or treatment program, as  
8 ordered by the judge, then the person may be brought before the court, and after a hearing as to  
9 why the order of the court was not followed, may be sentenced to jail for a period not exceeding  
10 one year.

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

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

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

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

28 (j) An order to attend a special course on driving while intoxicated that shall be  
29 administered in cooperation with a college or university accredited by the state, shall include a  
30 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars  
31 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into  
32 the general fund.

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

1 considered a chemical test.

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

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

11 **31-27-2.1. Refusal to submit to chemical test.**

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

24 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the  
25 person may file an affidavit with the division of motor vehicles stating the reasons why he or she  
26 cannot be required to take blood tests and a notation to this effect shall be made on his or her  
27 license. If that person is asked to submit to chemical tests as provided under this chapter, the person  
28 shall only be required to submit to chemical tests of his or her breath, [saliva](#) or urine. When a person  
29 is requested to submit to blood tests, only a physician or registered nurse, or a medical technician  
30 certified under regulations promulgated by the director of the department of health, may withdraw  
31 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to  
32 the taking of breath, [saliva](#) or urine specimens. The person tested shall be permitted to have a  
33 physician of his or her own choosing, and at his or her own expense, administer chemical tests of  
34 his or her breath, [saliva](#) blood, and/or urine in addition to the tests administered at the direction of

1 a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of  
2 a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given, but  
3 a judge or magistrate of the traffic tribunal or district court judge or magistrate, upon receipt of a  
4 report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested  
5 person had been driving a motor vehicle within this state under the influence of intoxicating liquor,  
6 toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of  
7 these; that the person had been informed of his or her rights in accordance with § 31-27-3; that the  
8 person had been informed of the penalties incurred as a result of noncompliance with this section;  
9 and that the person had refused to submit to the tests upon the request of a law enforcement officer;  
10 shall promptly order that the person's operator's license or privilege to operate a motor vehicle in  
11 this state be immediately suspended, however, said suspension shall be subject to the hardship  
12 provisions enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge  
13 or magistrate, pursuant to the terms of subsection (c), shall order as follows:

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

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

30 (3) Every person convicted for a third or subsequent violation within a five-year (5) period,  
31 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;  
32 and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one  
33 thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community  
34 restitution; and the person's operator's license in this state shall be suspended for a period of two

1 (2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from  
2 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §  
3 31-27-2.8. The judge or magistrate shall require alcohol or drug treatment for the individual.  
4 Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent  
5 violation within a three-year (3) period, a hearing shall be held before a judge or magistrate. At the  
6 hearing, the judge or magistrate shall review the person's driving record, his or her employment  
7 history, family background, and any other pertinent factors that would indicate that the person has  
8 demonstrated behavior that warrants the reinstatement of his or her license.

9 (4) For a second violation within a five-year (5) period with respect to a case of a refusal  
10 to submit to a blood test, a fine in the amount of six hundred dollars (\$600) to one thousand dollars  
11 (\$1,000); the person shall perform sixty (60) to one hundred (100) hours of public community  
12 restitution; and the person's driving license in this state shall be suspended for a period of two (2)  
13 years. The judicial officer shall require alcohol and/or drug treatment for the individual. The  
14 sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not  
15 equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect  
16 to refusal to submit to a chemical blood test shall be a civil offense.

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

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

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

1 violator before any other fines authorized by this section.

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

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

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

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

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

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

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

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

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

33 **31-27-2.9. Administration of chemical test.**

34 (a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a



1 chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable  
2 cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-  
3 27-1.1, 31-27-2.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the  
4 influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-  
5 28, or any combination thereof, a chemical test may be administered without the consent of that  
6 individual provided that the peace officer first obtains a search warrant authorizing administration  
7 of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of  
8 a controlled substance in that person's blood, [saliva](#) or breath.

9 (b) The chemical test shall be administered in accordance with the methods approved by  
10 the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual  
11 shall be afforded the opportunity to have an additional chemical test as established in subdivision  
12 31-27-2(c)(6).

13 (c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-  
14 37.3, any health care provider who, as authorized by the search warrant in subsection (a):

- 15 (i) Takes a blood, [saliva](#) or breath sample from an individual; or
- 16 (ii) Performs the chemical test; or
- 17 (iii) Provides information to a peace officer pursuant to subsection (a) above and who uses  
18 reasonable care and accepted medical practices shall not be liable in any civil or criminal  
19 proceeding arising from the taking of the sample, from the performance of the chemical test or from  
20 the disclosure or release of the test results.

21 (d) The results of a chemical test performed pursuant to this section shall be admissible as  
22 competent evidence in any civil or criminal prosecution provided that evidence is presented in  
23 compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-  
24 2(c)(6).

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

28 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-  
29 49-9.1, 44-49-10, 44-49-11 and 44-49-12 of the General Laws in Chapter 44-49 entitled "Taxation  
30 of Marijuana and Controlled Substances" are hereby amended to read as follows:

31 **44-49-1. Short title.**

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

33 **44-49-2. Definitions.**

34 (a) "Controlled substance" means any drug or substance, whether real or counterfeit, as

1 defined in § 21-28-1.02(8), that is held, possessed, transported, transferred, sold, or offered to be  
2 sold in violation of Rhode Island laws. "Controlled substance" does not include marijuana.

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

11 ~~(c) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-~~  
12 ~~1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of~~  
13 ~~Rhode Island laws.~~

#### 14 **44-49-4. Rules.**

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

#### 19 **44-49-5. Tax payment required for possession.**

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

#### 23 **44-49-7. Pharmaceuticals.**

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

#### 26 **44-49-8. Measurement.**

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

#### 32 **44-49-9. Tax rate.**

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

1 ~~(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents~~  
2 ~~(\$3.50); and~~

3 ~~(2)~~(1) On each gram of controlled substance, or portion of a gram, two hundred dollars  
4 (\$200); or

5 ~~(3)~~(2) On each ten (10) dosage units of a controlled substance that is not sold by weight,  
6 or portion of the dosage units, four hundred dollars (\$400).

7 **44-49-9.1. Imposition of tax, interest and liens.**

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

13 (b) The tax administrator shall assess the dealer for any tax due at the rate provided by §  
14 44-49-9. The tax shall be payable within fifteen (15) days after its assessment and, if not paid when  
15 due, shall bear interest from the date of its assessment at the rate provided in § 44-1-7 until paid.

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

21 **44-49-10. Penalties -- Criminal provisions.**

22 (a) Penalties. Any dealer violating this chapter is subject to a penalty of one hundred  
23 percent (100%) of the tax in addition to the tax imposed by § 44-49-9. The penalty will be collected  
24 as part of the tax.

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

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

33 **44-49-11. Stamp price.**

34 Official stamps, labels, or other indicia to be affixed to all ~~marijuana or~~ controlled

1 substances shall be purchased from the tax administrator. The purchaser shall pay one hundred  
2 percent (100%) of face value for each stamp, label, or other indicia at the time of the purchase.

3 **44-49-12. Payment due.**

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

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

11 SECTION 10. Title 44 of the General Laws entitled "TAXATION" is hereby amended by  
12 adding thereto the following chapter:

13 **44-49.1-1. Short title.**

14 This chapter shall be known as the "Cannabis Taxation Act."

15 **44-49.1-2. Definitions.**

16 As used in this chapter, unless the context clearly indicates otherwise, the following words  
17 and phrases shall have the following meanings:

18 (1) "Administrator" means the tax administrator.

19 (2) "Department of business regulation" means the office of cannabis regulation with the  
20 department of business regulation or its successor agency.

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

27 (4) "Cannabidiol" or "CBD" means cannabidiol (CBD) derived from a hemp plant as  
28 defined in § 2-26-3(7), not including products derived from exempt cannabis plant material as  
29 defined in C.F.R. § 1308.35.

30 (5) "Licensee" means any licensed cultivator, licensed processor, and licensed retailer, as  
31 defined below.

32 (6) "Licensed cultivator" means a person who has been licensed by the department of  
33 business regulation to cultivate marijuana pursuant to chapters 28.6 or 28.11 of title 21.

34 (7) "Licensed processor" means a person who has been licensed by the department of

1 business regulation to process marijuana pursuant to chapters 28.6 or 28.11 of title 21.

2 (8) “Licensed retailer” means a compassion center who has been licensed by the  
3 department of business regulation pursuant to chapter 28.6 of title 21, or a a marijuana retailer who  
4 has been licensed by the department of business regulation pursuant to chapter 28.11 of title 21.

5 (9) “Licensed marijuana cultivator” means a person who has been licensed to cultivate  
6 marijuana by the department of business regulation pursuant to chapter 28.11 of title 21.

7 (10) “Licensed marijuana processor” means a person who has been licensed to process  
8 marijuana by the by the department of business regulation pursuant to chapter 28.11 of title 21.

9 (11) “Licensed marijuana retailer” means a person who has been licensed to sell marijuana  
10 by the department of business regulation pursuant to chapter 28.11 of title 21.

11 (12) “Marijuana” has the meaning given that term in § 21-28-1.02(30).

12 (13) “Marijuana flower” means the flower or bud from a marijuana plant.

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

17 (15) “Marijuana trim” means any part of the marijuana plant other than marijuana flower.

18 (16) “Hemp products” or “industrial hemp products” means all products made from the  
19 plants, including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, hemp-derived  
20 consumable CBD products, paint, paper, construction materials, plastics, seed, seed meal, seed oil,  
21 and certified for cultivation., which satisfy the requirements of chapter 26 of title 2.

22 (17) “Hemp-derived consumable CBD product” means any product meant for ingestion,  
23 including but not limited to concentrates, extracts, and cannabis-infused products, which contains  
24 cannabidiol (CBD) derived from a hemp plant as defined in § 2-26-3(7), not including products  
25 derived from exempt cannabis plant material as defined in C.F.R. § 1308.35.

26 (18) “Licensed CBD distributor” means a person licensed to distribute hemp-derived  
27 consumable CBD products pursuant to chapter 26 of title 2.

28 (19) “Licensed CBD retailer” means a person licensed to sell hemp-derived consumable  
29 CBD products pursuant to chapter 26 of title 2.

30 (20) “Person” means any individual, including an employee or agent, firm, fiduciary,  
31 partnership, corporation, trust, or association, however formed.

32 (21) “Transfer” means the change of possession of marijuana between the operations of a  
33 licensed cultivator and either a licensed processor or licensed retailer, even if any of those licenses  
34 are held by the same person. Transfers do not have to include compensation and do not have to

1 involve the physical relocation of marijuana to be taxable under this chapter.

2 **44-49.1-3. Cultivator, retailer licenses required.**

3 Each person engaging in the business of cultivating marijuana, selling marijuana products,  
4 or selling hemp-derived consumable CBD products in this state, shall secure a license from the  
5 department of business regulation before engaging in that business, or continuing to engage in it.  
6 A separate application and license is required for each place of business operated by the retailer. A  
7 licensee shall notify the department of business regulation and tax administrator simultaneously  
8 within thirty (30) days in the event that it changes its principal place of business. A separate license  
9 is required for each type of business if the applicant is engaged in more than one of the activities  
10 required to be licensed by this section.

11 **44-49.1-4. Marijuana cultivator excise tax.**

12 (a) An excise tax is imposed on all marijuana cultivated by licensed cultivators pursuant to  
13 chapter 28.6 of title 21 and chapter 28.11 of title 21. The rate of taxation is as follows:

14 (1) Three dollars (\$3.00) for every dried ounce of marijuana trim and a proportionate tax  
15 at the like rate on all fractional parts of an ounce thereof, and

16 (2) Ten dollars (\$10.00) for every dried ounce of marijuana flower and a proportionate tax  
17 at the like rate on all fractional parts of an ounce thereof.

18 (b) Marijuana trim and marijuana flower that has not reach a dried state will be taxed using  
19 equivalent amounts as established by regulations promulgated by the department of taxation and  
20 the department of business regulation.

21 (c) The excise tax is assessed and levied upon the sale or transfer of marijuana by a licensed  
22 cultivator to any other licensee.

23 (d) This section is effective as of October 1, 2019.

24 **44-49.1-5. Adult use marijuana retail excise tax.**

25 (a) An excise tax is imposed on all marijuana sold by licensed marijuana retailers pursuant  
26 to chapter 28.11 of title 21 at a rate of ten percent (10%) of the gross sales of marijuana products.  
27 This excise tax is in addition to taxes imposed by chapter 18 of title 44.

28 (b) Any marijuana retailer shall collect the taxes imposed by this section from any  
29 purchaser to whom the sale of marijuana products is made and shall remit to the state the tax levied  
30 by this section.

31 (c) The marijuana retailer shall add the tax imposed by this chapter to the sale price or  
32 charge, and when added the tax constitutes a part of the price or charge, is a debt from the consumer  
33 or user to the retailer, and is recoverable at law in the same manner as other debts; provided, that  
34 the amount of tax that the retailer collects from the consumer or user is as follows:

1	<u>Amount of Fair Market Value, as Tax</u>	
2	<u>\$0.01 to \$ .09 inclusive</u>	<u>No Tax</u>
3	<u>.10 to .19 inclusive</u>	<u>.01</u>
4	<u>.20 to .29 inclusive</u>	<u>.02</u>
5	<u>.30 to .39 inclusive</u>	<u>.03</u>
6	<u>.40 to .49 inclusive</u>	<u>.04</u>
7	<u>.50 to .59 inclusive</u>	<u>.05</u>
8	<u>.60 to .69 inclusive</u>	<u>.06</u>
9	<u>.70 to .79 inclusive</u>	<u>.07</u>
10	<u>.80 to .89 inclusive</u>	<u>.08</u>
11	<u>.90 to .99 inclusive</u>	<u>.09</u>
12	<u>.100 to .109 inclusive</u>	<u>.10</u>

13 and where the amount of the sale is more than one dollar and nine cents (\$1.09) the amount  
14 of the tax is computed at the rate of ten percent (10%)

15 (d) It shall be deemed a violation of this section for a marijuana retailer to fail to separately  
16 state the tax imposed in this section and instead include it in the sale price of marijuana products.  
17 The tax levied in this article shall be imposed is in addition to all other taxes imposed by the state,  
18 or any municipal corporation or political subdivision of any of the foregoing.

19 **44-49.1-6. Hemp-derived consumable CBD products tax.**

20 (a) A tax is imposed on all hemp-derived consumable CBD products sold, or held for sale  
21 in the state by any person, the payment of the tax to be accomplished according to a mechanism  
22 established by the tax administrator. The tax imposed by this section shall be as follows at the rate  
23 of eighty percent (80%) of the wholesale cost of hemp-derived consumable CBD products.

24 (b) Any licensed CBD retailer who purchases hemp-derived consumable CBD products  
25 from a distributor who does not possess a valid Rhode Island distributor's license shall, with respect  
26 to the storage or use of which a tax is imposed by this section shall, within five (5) days after  
27 coming into possession of the hemp-derived consumable CBD products in this state, file a return  
28 with the tax administrator in a form prescribed by the tax administrator. The return shall be  
29 accompanied by a payment of the amount of the tax shown on the form to be due. Records required  
30 under this section shall be preserved on the premises described in the relevant license in such a  
31 manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized  
32 personnel of the administrator.

33 (c) The proceeds collected are paid into the general fund.

34 (d) This section shall be effective commencing on the first month following thirty (30) days

1 after promulgation of the final regulations issued by the department of business regulation that  
2 establish the CBD distributor and CBD retailer licenses.

3 **44-49.1-7. Returns.**

4 (a) Every licensed cultivator shall, on or before the twentieth (20th) day of the month  
5 following the sale or transfer of marijuana, make a return to the tax administrator for taxes due  
6 under § 44-49.1-4. Licensed cultivators shall file their returns on a form as prescribed by the tax  
7 administrator.

8 (b) Every licensed marijuana retailer shall, on or before the twentieth (20th) day of the  
9 month following the sale of marijuana products, make a return to the tax administrator for taxes  
10 due under § 44-49.1-5. Licensed retailers shall file their returns on a form as prescribed by the tax  
11 administrator.

12 (c) If for any reason an marijuana retailer fails to collect the tax imposed § 44-49.1-5 from  
13 the purchaser, the purchaser shall file a return and pay the tax directly to the state, on or before the  
14 date required by subsection (b) of this section.

15 (d) Every licensed CBD distributor shall, on or before the tenth (10th) day of the month  
16 following the sale of hemp-derived consumable CBD products, make a return to the tax  
17 administrator for taxes due under § 44-49.1-6. Licensed CBD retailers shall file their returns on a  
18 form as prescribed by the tax administrator.

19 (e) There is created with the general fund a restricted receipt account to be known as the  
20 “marijuana cash use surcharge” account. Surcharge collected pursuant to subsection (f) shall be  
21 deposited into this account and be used to finance costs associated with processing and handling  
22 cash payments for taxes paid under this chapter. The restricted receipt account will be housed within  
23 the budget of the department of revenue. All amounts deposited into the marijuana cash use  
24 surcharge account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

25 (f) Any licensee who makes a payment in cash for taxes due under this chapter, or taxes  
26 due under chapters 18 or 67 of this title, shall pay a ten percent (10%) penalty on the amount of  
27 that payment to the division of taxation. Payment of a tax return with less than one thousand dollars  
28 (\$1,000) in taxes due per month, on average, shall not be subject to the penalty.

29 (g) Notwithstanding any other provision of law, the name of the licensee and the amount  
30 of tax paid under this chapter shall be available to the public for inspection by any person.

31 **44-49.1-8. Sale of contraband products prohibited.**

32 (a) No person shall sell, offer for sale, display for sale, or possess with intent to sell any  
33 contraband marijuana, marijuana products, or hemp-derived consumable CBD products.

34 (b) Any marijuana, marijuana products, or hemp-derived consumable CBD products



1 exchanged in which one of the two entities does not have a license or exchanged between a non-  
2 licensed entity and a consumer shall be considered contraband.

3 (c) Any marijuana, marijuana products, or hemp-derived consumable CBD products for  
4 which applicable taxes have not been paid as specified in title 44 shall be considered contraband.

5 (d) Failure to comply with the provisions of this chapter may result in the imposition of the  
6 applicable civil penalties in title 44; however, the possession of marijuana, marijuana products, or  
7 hemp-derived consumable CBD products as described in this chapter do not constitute contraband  
8 for purposes of imposing a criminal penalty under chapter 28 of title 21.

9 **44-49.1-9. Recordkeeping.**

10 (a) Each licensee shall maintain copies of invoices or equivalent documentation for, or  
11 itemized for, each of its facilities for each involving the sale or transfer of marijuana, marijuana  
12 products, or hemp-derived consumable CBD products. All records and invoices required under this  
13 section must be safely preserved for three (3) years in a manner to insure permanency and  
14 accessibility for inspection by the administrator or his or her authorized agents.

15 (b) Records required under this section shall be preserved on the premises described in the  
16 relevant license in such a manner as to ensure permanency and accessibility for inspection at  
17 reasonable hours by authorized personnel of the administrator. With the tax administrator's  
18 permission, persons with multiple places of business may retain centralized records but shall  
19 transmit duplicates of the invoices or the equivalent documentation to each place of business within  
20 twenty-four (24) hours upon the request of the administrator or his or her designee.

21 (c) Any person who fails to submit the reports required in this chapter or by the tax  
22 administrator under this chapter, or who makes any incomplete, false, or fraudulent report, or who  
23 refuses to permit the tax administrator or his or her authorized agent to examine any books, records,  
24 papers, or stocks of marijuana, marijuana products, or hemp-derived consumable CBD products as  
25 provided in this chapter, or who refuses to supply the tax administrator with any other information  
26 which the tax administrator requests for the reasonable and proper enforcement of the provisions  
27 of this chapter, shall be guilty of a misdemeanor punishable by imprisonment up to one (1) year, or  
28 a fine of not more than five thousand dollars (\$5,000), or both, for the first offense, and for each  
29 subsequent offense, shall be fined not more than ten thousand dollars (\$10,000), or be imprisoned  
30 not more than five (5) years, or both.

31 **44-49.1-10. Inspections and investigations.**

32 (a) The tax administrator or his or her duly authorized agent shall have authority to enter  
33 and inspect, without a warrant during normal business hours, and with a warrant during nonbusiness  
34 hours, the facilities and records of any licensee.

1 (b) In any case where the administrator or his or her duly authorized agent, or any police  
2 officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting  
3 marijuana, marijuana products, or hemp-derived consumable CBD products in violation of this  
4 chapter, the administrator, such agent, or such police officer, is authorized to stop such vehicle and  
5 to inspect the same for contraband marijuana, marijuana products, or hemp-derived consumable  
6 CBD products.

7 (c) For the purpose of determining the correctness of any return, determining the amount  
8 of tax that should have been paid, determining whether or not the licensee should have made a  
9 return or paid taxes, or collecting any taxes under this chapter, the tax administrator may examine,  
10 or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making  
11 those determinations, whether the books, papers, records, or memoranda, are the property of or in  
12 the possession of the dealer of another person. The tax administrator may require the attendance of  
13 any person having knowledge or information that may be relevant, compel the production of books,  
14 papers, records, or memoranda by persons required to attend, take testimony on matters material to  
15 the determination, and administer oaths or affirmations. Upon demand of the tax administrator or  
16 any examiner or investigator, the court administrator of any court shall issue a subpoena for the  
17 attendance of a witness or the production of books, papers, records, and memoranda. The tax  
18 administrator may also issue subpoenas. Disobedience of subpoenas issued under this chapter is  
19 punishable by the superior court of the district in which the subpoena is issued, or, if the subpoena  
20 is issued by the tax administrator, by the superior court or the county in which the party served with  
21 the subpoena is located, in the same manner as contempt of superior court.

22 **44-49.1-11. Suspension or revocation of license.**

23 The tax administrator may request the department of business regulation to, and upon such  
24 request the department shall be authorized to, suspend or revoke any license under this chapter for  
25 failure of the licensee to comply with any provision of this chapter or with any provision of any  
26 other law or ordinance relative to the sale or transfer of marijuana, marijuana products, or hemp-  
27 derived consumable CBD products.

28 **44-49.1-12. Seizure and destruction.**

29 Any marijuana, marijuana products, or hemp-derived consumable CBD products found in  
30 violation of this chapter shall be declared to be contraband goods and may be seized by the tax  
31 administrator, his or her agents, or employees, or by any deputy sheriff, or police officer when  
32 directed by the tax administrator to do so, without a warrant. For the purposes of seizing and  
33 destroying contraband marijuana, employees of the department of business regulation may act as  
34 agents of the tax administrator. The seizure and/or destruction of any marijuana, marijuana

1 products, or hemp-derived consumable CBD products under the provisions of this section does not  
2 relieve any person from a fine or other penalty for violation of this chapter. The tax administrator  
3 may promulgate rules and regulations for the destruction of contraband goods pursuant to this  
4 section. These rules and regulations may be promulgated jointly with the department of business  
5 regulation.

6 **44-49.1-13. Penalties.**

7 (a) Failure to file tax returns or to pay tax. In the case of failure:

8 (1) To file. The tax return on or before the prescribed date, unless it is shown that the failure  
9 is due to reasonable cause and not due to willful neglect, an addition to tax shall be made equal to  
10 ten percent (10%) of the tax required to be reported. For this purpose, the amount of tax required  
11 to be reported shall be reduced by an amount of the tax paid on or before the date prescribed for  
12 payment and by the amount of any credit against the tax which may properly be claimed upon the  
13 return;

14 (2) To pay. The amount shown as tax on the return on or before the prescribed date for  
15 payment of the tax unless it is shown that the failure is due to reasonable cause and not due to  
16 willful neglect, there shall be added to the amount shown as tax on the return ten percent (10%) of  
17 the amount of the tax.

18 (b) Negligence. If any part of a deficiency is due to negligence or intentional disregard of  
19 the Rhode Island General Laws or rules or regulations under this chapter (but without intent to  
20 defraud), five percent (5%) of that part of the deficiency shall be added to the tax.

21 (c) Fraud. If any part of a deficiency is due to fraud, fifty percent (50%) of that part of the  
22 deficiency shall be added to the tax. This amount shall be in lieu of any other additional amounts  
23 imposed by subsections (a) and (b) of this section.

24 (d) Failure to collect and pay over tax. Any person required to collect, truthfully account  
25 for, and pay over any tax under this title who willfully fails to collect the tax or truthfully account  
26 for and pay over the tax or willfully attempts in any manner to evade or defeat the tax or the payment  
27 thereof, shall, in addition to other penalties provided by law, be liable to a civil penalty equal to the  
28 total amount of the tax evaded, or not collected, or not accounted for and paid over.

29 (e) Additions and penalties treated as tax. The additions to the tax and civil penalties  
30 provided by this section shall be paid upon notice and demand and shall be assessed, collected, and  
31 paid in the same manner as taxes.

32 (f) Bad checks. If any check or money order in payment of any amount receivable under  
33 this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as  
34 a penalty by the person who tendered the check, upon notice and demand by the tax administrator

1 or his or her delegate, in the same manner as tax, an amount equal to one percent (1%) of the amount  
2 of the check, except that if the amount of the check is less than five hundred dollars (\$500), the  
3 penalty under this section shall be five dollars (\$5.00). This subsection shall not apply if the person  
4 tendered the check in good faith and with reasonable cause to believe that it would be duly paid.

5 (g) Misuse of Trust Funds. Any retailer and any officer, agent, servant, or employee of  
6 any corporate retailer responsible for either the collection or payment of the tax, who appropriates  
7 or converts the tax collected to his or her own use or to any use other than the payment of the tax  
8 to the extent that the money required to be collected is not available for payment on the due date as  
9 prescribed in this chapter, shall upon conviction for each offense be fined not more than ten  
10 thousand dollars (\$10,000), or be imprisoned for one year, or by both fine and imprisonment, both  
11 fine and imprisonment to be in addition to any other penalty provided by this chapter.

12 (h) Whoever fails to pay any tax imposed by § 44-49.1-4 or § 44-49.1-6 at the time  
13 prescribed by law or regulations, shall, in addition to any other penalty provided in this chapter, be  
14 liable for a penalty of one thousand dollars (\$1,000) or not more than five (5) times the tax due but  
15 unpaid, whichever is greater.

16 (i) When determining the amount of a penalty sought or imposed under this section,  
17 evidence of mitigating or aggravating factors, including history, severity, and intent, shall be  
18 considered.

19 **44-49.1-14. Claim for refund.**

20 Whenever the tax administrator determines that any person is entitled to a refund of any  
21 moneys paid by a person under the provisions of this chapter, or whenever a court of competent  
22 jurisdiction orders a refund of any moneys paid, the general treasurer shall, upon certification by  
23 the tax administrator and with the approval of the director of administration, pay the refund from  
24 any moneys in the treasury not appropriated without any further act or resolution making  
25 appropriation for the refund. No refund is allowed unless a claim is filed with the tax administrator  
26 within three (3) years from the fifteenth (15th) day after the close of the month for which the  
27 overpayment was made.

28 **44-49.1-15. Hearings and appeals.**

29 (a) Any person aggrieved by any action under this chapter of the tax administrator or his  
30 or her authorized agent for which a hearing is not elsewhere provided may apply to the tax  
31 administrator, in writing, within thirty (30) days of the action for a hearing, stating the reasons why  
32 the hearing should be granted and the manner of relief sought. The tax administrator shall notify  
33 the applicant of the time and place fixed for the hearing. After the hearing, the tax administrator  
34 may make the order in the premises as may appear to the tax administrator just and lawful and shall

1 furnish a copy of the order to the applicant. The tax administrator may, by notice in writing, at any  
2 time, order a hearing on his or her own initiative and require the taxpayer or any other individual  
3 whom the tax administrator believes to be in possession of information concerning any  
4 manufacture, importation, or sale of cigarettes to appear before the tax administrator or his or her  
5 authorized agent with any specific books of account, papers, or other documents, for examination  
6 relative to the hearing.

7 (b) Appeals from administrative orders or decisions made pursuant to any provisions of  
8 this chapter shall be to the sixth division district court pursuant to chapter 8 of title 8. The taxpayer's  
9 right to appeal under this section shall be expressly made conditional upon prepayment of all taxes,  
10 interest, and penalties, unless the taxpayer moves for and is granted an exemption from the  
11 prepayment requirement pursuant to § 8-8-26.

12 **44-49.1-16. Disclosure of information to the office of cannabis regulation.**

13 Notwithstanding any other provision of law, the tax administrator may make available to  
14 an officer or employee of the office of cannabis regulation of the Rhode Island department of  
15 business regulation, any information that the administrator may consider proper contained in tax  
16 reports or returns or any audit or the report of any investigation made with respect to them, filed  
17 pursuant to the tax laws of this state, to whom disclosure is necessary for the purposes ensuring  
18 compliance with state law and regulations.

19 **44-49.1-17. Transfer of revenue to the marijuana trust fund.**

20 (a) The division of taxation shall transfer all collections from marijuana cultivator excise  
21 tax and the adult use marijuana retail excise tax, including penalties or forfeitures, interest, costs of  
22 suit and fines, to the marijuana trust fund established by § 21-28.11-18.

23 (b) The division of taxation shall transfer all collections remitted by licensed retailers  
24 pursuant to § 44-18-18 due to the net revenue of marijuana products. The tax administrator may  
25 base this transfer on an estimate of the net revenue of marijuana products derived from any other  
26 tax data collected under title 44 or data shared by the department of business regulation.

27 **44-49.1-18. Rules and regulations.**

28 The tax administrator is authorized to promulgate rules and regulations to carry out the  
29 provisions, policies, and purposes of this chapter.

30 **44-49.1-19. Severability.**

31 If any provision of this chapter or the application of this chapter to any person or  
32 circumstances is held invalid, that invalidity shall not affect other provisions or applications of the  
33 chapter that can be given effect without the invalid provision or application, and to this end the  
34 provisions of this chapter are declared to be severable.

SECTION 11. This article shall take effect upon passage.