

2020 -- H 7719

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO FOOD AND DRUGS -- SOCIAL HOST REGULATIONS

Introduced By: Representatives Casimiro, McNamara, Shanley, Shekarchi, and Vella-Wilkinson

Date Introduced: February 26, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 38

4 SOCIAL HOST REGULATIONS

5 **21-38-1. Definitions.**

6 Terms used in this chapter shall have the meaning given to them by state law except as
7 expressly provided herein.

8 (1) "Control" means any form of dominion including ownership, tenancy, or other
9 possessory right.

10 (2) "Controlled substance" means a drug or substance whose possession and use are
11 regulated under chapter 28 of title 21 ("uniform controlled substances act"). Such term does not
12 include any drug or substance for which the individual found to have consumed such substance
13 has a valid prescription issued by a licensed medical practitioner authorized to issue such a
14 prescription and medical marijuana.

15 (3) "Gathering" means a party, gathering, or event, where a group of three (3) or more
16 persons have assembled or are assembling for a social occasion or social activity at a residence or
17 premises.

18 (4) "Residence" or "premises" means a hotel or motel room, home, yard, apartment,
19 condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a

1 temporary or permanent basis, whether occupied as a dwelling or for a party or other social
2 function, and whether owned, leased, rented, or used with or without compensation.

3 (5) “Social host” means a person who permits or allows a gathering where one or more
4 individuals consume marijuana or other controlled substances on property owned or controlled by
5 the person.

6 (6) “Medical marijuana” as defined in § 21-28.6-3 and regulated by chapter 28.6 of title
7 21.

8 (7) “Other private property” refers to a hotel or motel room; an assembly hall or meeting
9 room; a common room of a dwelling unit used for a party like a recreation room of an apartment
10 building; a site in a privately owned campground; privately owned vacant lot; privately owned
11 agricultural land; or privately owned rural land whether occupied as a dwelling, and whether
12 owned, leased, rented or used without compensation.

13 **21-38-2. Property owner’s duties and prohibitions.**

14 (a) It shall be the duty of any person having control of any residence, real property, or
15 premises, who hosts, permits, or allows a gathering to take place at said residence or premises, to
16 take all reasonable steps to prevent the consumption of a controlled substance by anyone at the
17 gathering. Whenever the person having control of the residence or premises either knows or
18 should know a person has consumed a controlled substance at their residence or premises in
19 violation of this chapter, it is presumed that the person had the ability to take all reasonable steps
20 to prevent the consumption of a controlled substance at the gathering; it is further presumed that
21 the person has the ability to terminate the illegal conduct once it is, or should reasonably have
22 been, discovered.

23 (b) No person who owns or has control of any residence or premises shall allow a
24 gathering to take place or continue at their residence or premises if:

25 (1) At the gathering any person consumes any marijuana or other controlled substances;
26 and

27 (2) The person knows or reasonably should know by taking all reasonable steps to
28 prevent the consumption and possession of controlled substances at the gathering. Reasonable
29 steps include controlling access to and the use of marijuana and other controlled substances at the
30 gathering.

31 **21-38-3. Unlawful party, gathering or event where controlled substances and/or**
32 **marijuana are served to, consumed by or in the possession of any attendee.**

33 No person shall suffer, permit or host a party, gathering or event at their place of
34 residence or other private property, place or premises or host a gathering of two (2) or more

1 persons at a place under their control where controlled substances are served to, consumed by or
2 in the possession of any attendee.

3 **21-38-4. Violation(s) -- Civil fine(s) and district court jurisdiction.**

4 (a) It shall be a civil violation for a person to conduct or allow a party, gathering or event
5 where controlled substances are served to, consumed by or in the possession of any person on
6 premises owned by the person responsible for the event, on premises rented by or to the person
7 responsible for the event, on premises where the person responsible for the event resides or on
8 premises where the person responsible for the event is in control of such premises during the
9 party, gathering or event. Law enforcement personnel, at their discretion, may immediately issue
10 a citation for this civil violation upon evidence of the violation of this chapter. There is no
11 requirement of a first warning in order for law enforcement to issue this civil citation.

12 (1) Civil Fine. A first violation of this section shall result in a citation with a five hundred
13 dollar (\$500) fine. A second violation shall result in a citation with a seven hundred fifty dollar
14 (\$750) fine. A third or subsequent violation shall result in a citation with a one thousand dollar
15 (\$1,000) fine.

16 (2) In the event that the responsible person, who is in violation of this section, is a
17 juvenile, then the juvenile and the parents or guardians of that juvenile will be jointly and
18 severally liable for the civil violation.

19 (b) The district court shall have exclusive jurisdiction over all violations of this chapter,
20 as provided in § 12-3-1.

21 **21-38-5. Penalties cumulative -- Actions -- Relationship to other laws.**

22 The penalties provided under this chapter are cumulative, and shall not restrict any city or
23 town to any other remedy to which it is entitled under law or equity. Nothing in this chapter shall
24 be deemed to preclude the imposition of any criminal penalty under state law, nor shall anything
25 in this chapter be deemed to conflict with any penalty or provision under state law, or prohibit
26 any conduct authorized by the state or federal Constitution.

27 **21-38-5. Severability.**

28 If any provision of this chapter or the application thereof to any person or circumstances
29 is held invalid, such invalidity shall not affect other provisions or applications of the chapter,
30 which can be given effect without the invalid provision or application, and to this end the
31 provisions of this chapter are declared to be severable.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO FOOD AND DRUGS -- SOCIAL HOST REGULATIONS

1 This act would create a social host statutory framework to address the presence and
2 consumption of controlled substances, including marijuana, at social parties, gatherings and
3 events.

4 This act would take effect upon passage.

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