

# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

##### **R.I. Gen. Laws § 21-28.11-1**

###### **§ 21-28.11-1. Short title.**

This chapter shall be known and may be cited as “The Rhode Island Cannabis Act”.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-2

###### § 21-28.11-2. Organizational structure.

- (a)** The regulation, licensing, and enforcement requirements pertaining to regulated cannabis establishments shall be conducted pursuant to the provisions of this chapter by virtue of an independent three (3) member commission which shall exercise all powers necessary for the implementation, administration and enforcement of cannabis regulation and policy for both medical and adult use cannabis.
- (b)** The commission shall work in conjunction with the cannabis advisory board which shall provide advice, recommendations and proposals to the commission relative to the equitable administration and regulation of cannabis, including the distribution of funds from the social equity assistance fund pursuant to the provisions of this chapter.
- (c)** Additionally, pursuant to the provisions of this chapter following the final issuance of the commission's rules and regulations, there shall be established the "cannabis office" which shall provide administrative and other support to the commission subject to this chapter and the rules and regulations promulgated by the commission pursuant hereto.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21 Food and Drugs

## Chapter 28.11 The Rhode Island Cannabis Act

### R.I. Gen. Laws § 21-28.11-3

#### § 21-28.11-3. Definitions.

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

- (1) "Administrator" means the administrator of the cannabis office appointed by the governor pursuant to the provisions of § 21-28.11-18.1.
- (2) "Adult use cannabis" or "recreational cannabis" means cannabis which may be legally possessed and consumed for non-medical purposes by a person who is at least twenty-one (21) years of age.
- (3) "Applicant" means a Rhode Island resident or a business entity with a principal place of business located in Rhode Island to include, but not limited to, a corporation, limited liability company, limited liability partnership or partnership, and in which fifty-one percent (51%) of the equity in the business entity is owned by residents of Rhode Island, and the Rhode Island resident or business entity has made application for issuance of a license or certificate to own or engage in a cannabis business subject to the provisions of this chapter.
- (4) "Cannabinoid" means any of several compounds produced by cannabis plants that have medical and psychotropic effects.
- (5) "Cannabinoid profile" means amounts, expressed as the dry-weight percentages, of delta-9-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid and cannabidiolic acid in a cannabis product. Amounts of other cannabinoids may be regulated by the commission.
- (6) "Cannabis" or "marijuana" or "marihuana" means all parts of any plant of the genus cannabis not excepted herein, and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol; provided, however, that "cannabis" shall not include:
  - (i) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
  - (ii) Hemp; or
  - (iii) The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.
- (7) "Cannabis accessories" or "marijuana accessories" means equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing cannabis into the human body.

**(8)** “Cannabis advisory board” or “advisory board” means the cannabis advisory board established pursuant to the provisions of § 21-28.11-6.

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

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

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

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

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

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

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

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

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

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

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

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

**(19)** “Close associate” means a person who holds a legally recognized financial interest in, or is entitled to exercise power in, the business of an applicant or licensee and, by virtue of that interest or power, is able to exercise a significant influence over the management or operation of a cannabis establishment licensed under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

**(25)** “Finished cannabis” means a usable cannabis, cannabis resin or cannabis concentrate.

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

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

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

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

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

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

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

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

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

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

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

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

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

**(39)** “Social equity applicant” means an applicant that has been disproportionately impacted by criminal enforcement of marijuana laws, including individuals convicted of nonviolent marijuana offenses,

immediate family members of individuals convicted of nonviolent marijuana offenses and individuals who have resided in disproportionately impacted areas for at least five (5) of the last ten (10) years, as determined by the commission after consultation with the cannabis advisory board, and further specified in the rules and regulations that shall identify factors and other considerations to be evaluated in certifying applicants as social equity applicants, provided that such applicants shall at a minimum meet one of the following criteria:

- (i)** An applicant with at least fifty-one percent (51%) ownership and control by one or more individuals who have resided for at least five (5) of the preceding ten (10) years in a disproportionately impacted area.
- (ii)** An applicant with at least fifty-one percent (51%) ownership and control by one or more individuals who:
  - (A)** Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this chapter; or
  - (B)** Is a member of an impacted family.
- (iii)** For applicants with a minimum of ten (10) full-time employees, an applicant with at least fifty-one percent (51%) of current employees who:
  - (A)** Currently reside in a disproportionately impacted area; or
  - (B)** Have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this chapter or is a member of an impacted family.
- (iv)** Can demonstrate significant past experience in or business practices that promote economic empowerment in disproportionately impacted areas.
- (v)** Had income which does not exceed four hundred percent (400%) of the median income, as defined by the commission, in a disproportionately impacted area for at least five (5) of the past ten (10) years.

**(40)** “Terpenoid” means an isoprene that are the aromatic compounds found in cannabis, including, but not limited to: limonene, myrcene, pinene, linalool, eucalyptol,  $\Delta$ -terpinene,  $\beta$ -caryophyllene, caryophyllene oxide, nerolidol and phytol.

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

**(42)** “Workers’ cooperative” means an applicant organized and operated pursuant to the provisions of chapter 6.2 of title 7.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

#### R.I. Gen. Laws § 21-28.11-4

##### § 21-28.11-4. Cannabis control commission.

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

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

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

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

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

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

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

- (1) Each initial commissioner is eligible for reappointment for one six (6) year term or until a successor is appointed. Each subsequent commissioner shall serve for a term of six (6) years or until a successor is

appointed. Every person appointed or reappointed to fill a vacancy on the cannabis control commission shall be appointed in the manner established pursuant to this section.

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

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

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

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

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

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

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

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

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-5

###### § 21-28.11-5. Powers and duties of the commission.

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

- (1) Adopt, amend or repeal rules and regulations for the implementation, administration and enforcement of this chapter;
- (2) Determine which applicants shall be awarded licenses;
- (3) Deny an application or limit, condition, restrict, revoke or suspend any license;
- (4) Determine and establish the process and methodology by which licenses shall be awarded by the commission;
- (5) Require an applicant for licensure under this chapter to apply for such licensure and approve or disapprove any such application or other transactions, events and processes as provided in this chapter;
- (6) Establish a registration process;
- (7) Execute all instruments necessary and appropriate, in the commission's discretion, to fulfill the purposes of this chapter;
- (8) Enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;
- (9) Appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (10) Apply for and accept subventions, grants, loans, advances and contributions of money, property, labor or other things of value from any source, to be held, used and applied for its purposes subject to appropriation by the general assembly;
- (11) Subject to appropriation by the general assembly, provide and pay for advisory services and technical and other assistance including the hiring of appropriate support staff personnel as may be necessary in its judgment to carry out the purpose and intent of this chapter, and subject to applicable law, fix the compensation of persons providing such services or assistance;
- (12) Prepare, publish and distribute, with or without charge as the commission may determine, such studies, reports, bulletins and other materials as required by the provisions of this chapter or other applicable law or as the commission considers appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(30) Monitor any federal activity regarding cannabis;

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

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

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

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

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

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

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

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

**(4) Qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a cannabis establishment and similar to qualifications for licensure and employment standards in connection with the manufacture, distribution or sale of alcoholic beverages as regulated under title 3 of the general laws; provided, that a criminal conviction relating solely to the possession of marijuana or cannabis shall not automatically disqualify an individual from eligibility for employment or licensure in connection with a cannabis establishment pursuant to § 21-28.11-12.1;**

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

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

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

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

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

**(10) Minimum uniform standards of accounting procedures;**

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

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

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

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

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

**(16) Minimum standards for liability insurance coverage;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(iii)** Require any cannabis processor that manufactures edibles of cannabis infused food products to comply with all applicable requirements and regulations and obtain a food business license as defined by § 21-27-1 issued by the department of health's office of food safety; and

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

**(29)** Standards for manufacturing or extracting cannabinoid oils or butane hash oil;

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

**(31)** Rules and regulations based on federal law, provided such rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the cannabis establishments and adult use establishments authorized, licensed and operated pursuant to this chapter;

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

**(33)** Requirements that, after March 1, 2023, according to a timeline determined by the commission, patients with out-of-state medical marijuana cards must also possess and produce a valid government issued identification demonstrating residency in the same state jurisdiction that issued the medical marijuana card.

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

**(1)** Except to protect public health and safety, prohibit the operation of a cannabis establishment either expressly or through regulations that make operation of a cannabis establishment unreasonable and

impracticable;

- (2) Require an adult retail purchaser to provide a cannabis retailer with identifying information other than proper identification to determine the customer's age, and shall not require the cannabis retailer to acquire or record personal information about customers other than information typically required in a retail transaction;
- (3) Except as provided pursuant to chapter 28.6 of this title, authorize a cannabis retailer, medical marijuana treatment center or a hybrid cannabis retailer to operate at a shared location with a cultivator;
- (4) Authorize a cannabis establishment to transfer or acquire cannabis seeds, clones, cuttings, plants or plant tissue to or from another cannabis establishment unless notice of the transfer or acquisition is provided to the commission; or
- (5) Prohibit cannabis establishments from using inorganic cultivation methods.

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

- (1) The commission shall annually submit a complete and detailed report of the commission's activities, including a review of the implementation and enforcement of this chapter and the governance structure established in this chapter, not more than ninety (90) days after the end of the fiscal year to the governor, the attorney general, the treasurer, the speaker of the house, and the president of the senate.
- (2) The commission shall annually review the tax rates established by this chapter and may make recommendations to the general assembly, as appropriate, regarding any changes to the tax rates that further the intent of this chapter.
- (3) Each fiscal year the commission shall submit an annual finance plan to the governor, the speaker of the house and the president of the senate, and updates to such plan.
- (4) The commission may study cannabis commerce and make recommendations to the general assembly regarding changes to existing law that further the intent of this chapter by reporting those recommendations to the governor, the speaker of the house, and the president of the senate.
- (5) The commission may conduct an analysis and report to the general assembly if it finds that conditions are appropriate for the issuance of additional types or classes of licenses to operate cannabis-related businesses, including, but not limited to:
  - (i) Licenses that authorize limited or restricted cultivation, processing, manufacture, possession or storage of cannabis or cannabis products, limited delivery of cannabis or cannabis products to consumers;
  - (ii) Licenses that authorize the consumption of cannabis or cannabis products on the premises where sold;
  - (iii) Licenses that authorize the consumption of cannabis at special events in limited areas and for a limited time; and
  - (iv) Licenses intended to facilitate scientific research or education.

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

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

potency of tetrahydrocannabinol in cannabis and cannabis products that are necessary for protection of public health or safety in accordance with the provisions of subsection (b)(26) of this section.

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

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-6

###### § 21-28.11-6. Cannabis advisory board.

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

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

**(1)** The board shall consist of the following non-voting members: the secretary of commerce or designee, the director of the department of labor and training or designee, the director of the department of health or designee, the commissioner of education or designee, the superintendent of public safety or designee, the director of the department of business regulation or designee, the secretary of the Executive Office of Health and Human Services (EOHHS) or designee, and a representative from the University of Rhode Island College of Pharmacy selected by the commission.

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

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

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

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

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

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

- (1)** Consider all matters submitted to the board by the cannabis control commission;
- (2)** Advise and make recommendations to the commission on the preparation and promulgation of guidelines, rules and regulations and any changes to guidelines, rules and regulations that the advisory board deems fundamental or necessary for the commission's review and consideration;
- (3)** Provide analysis and recommendations to the commission relating to the administration and distribution of the social equity assistance fund established pursuant to § 21-28.11-31;
- (4)** Conduct all meetings in compliance with chapter 46 of title 42 (the "open meetings act"); and
- (5)** Report the findings, analysis, recommendations and conclusions adopted and approved by the board to the commission within thirty (30) days of adoption and approval.

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

- (1)** A subcommittee on public health to develop recommendations on: products, labeling, marketing, advertising, related public health issues; potency, which may include a recommended maximum limit for individual servings of cannabis products; and packaging, which may include the development and implementation of a public health warning to appear on cannabis products;
- (2)** A subcommittee on public safety and community mitigation to develop recommendations on law enforcement, property, business, consumer, and any other issues that may have an affect on the locality of the cannabis establishment and the surrounding environment;
- (3)** A subcommittee on the cannabis industry to develop recommendations on cultivation, processing, manufacturing, transportation, distribution, seed-to-sale tracking systems and market stability;
- (4)** A subcommittee on market participation to develop recommendations on minority and veteran-owned businesses, local agriculture and growing cooperatives; and
- (5)** A subcommittee on social equity to develop recommendations on remedying the harm to individuals directly and adversely impacted by the past enforcement of cannabis-related laws.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-7

###### § 21-28.11-7. Licensed cannabis cultivators.

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

**(b)** On August 1, 2022 and thereafter, any medical marijuana cultivator licensed or approved pursuant to the provisions of § 21-28.6-16, upon payment of an additional license fee, shall be permitted to cultivate, manufacture and process cannabis as a hybrid cannabis cultivator for both adult use and medical use. The amount of the additional license fee shall be determined by the office of cannabis regulation during the transitional period established by § 21-28.11-10 and shall be subject to review by the commission pursuant to the final rules and regulations. The fee shall be deposited in the social equity fund established in § 21-28.11-31. Sale of the cultivated cannabis shall be made directly to a licensee pursuant to the provisions of this chapter and chapter 28.6 of this title, subject to the following conditions:

**(1)** The cultivator must be in good standing and maintain the cultivator license pursuant to the provisions of chapter 28.6 of this title; and

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

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

**(1)** Cultivation and production history;

**(2)** Tax payment history;

**(3)** Existing inventory and inventory history;

**(4)** Sales contracts;

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

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

**(d)** Upon expiration of the moratorium pursuant to this section, the commission may adopt rules and regulations authorizing issuance of additional cultivator licenses; provided, however, a new cultivator licensee's canopy shall not exceed ten thousand square feet (10,000 ft<sup>2</sup>). In determining whether to issue additional cultivator

licenses, the cannabis control commission shall consider the findings of the report submitted pursuant to subsection (c) of this section.

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

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

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

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

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

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

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

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

**(7)** Prior to the issuance of any license and for any period of renewal, the applicant shall submit an annual license fee pursuant to subsection (b) of this section to be deposited in the social equity fund established in § 21-28.11-31.

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

**(h)** Every individual cannabis plant possessed by a licensed cannabis cultivator shall be catalogued in a seed-to-sale inventory tracking system. The commission shall review the current seed-to-sale tracking system utilized pursuant to chapter 28.6 of this title and promulgate new or additional regulations, as it deems appropriate. As of December 1, 2022, any cannabis tags issued to provide seed-to-sale inventory and tracking shall be issued without charge to patient cardholders and/or primary caregivers authorized to grow medical cannabis.

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

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

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

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

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

(1) A licensed cannabis cultivator shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis cultivator who fails to notify the commission of any of these changes commits shall be subject to an administrative fine of no more than one hundred fifty dollars (\$150), or other penalty as determined by the commission.

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

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

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

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

(n) **Immunity.**

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

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

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

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

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

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

**(r) License required.** No person or entity shall engage in activities described in this section without a cultivator license issued pursuant to this chapter.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-8

###### § 21-28.11-8. Moratorium report.

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21 Food and Drugs

## Chapter 28.11 The Rhode Island Cannabis Act

### R.I. Gen. Laws § 21-28.11-9

#### § 21-28.11-9. Cannabis product manufacturer or wholesaler.

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

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

- (1) Apply for a license in a manner prescribed by the commission;
- (2) Provide proof that the applicant is twenty-one (21) years of age or older and is a resident of the state;
- (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any terms established by the commission;
- (4) Provide proof that the applicant is current and in compliance with all obligations for filings and payments for taxes with the division of taxation;
- (5) Has provided a nonrefundable application fee as determined by the commission and promulgated by rules and regulations; and
- (6) Prior to issuance of any license and for any period of renewal, the applicant shall submit an annual license fee as determined by the commission and promulgated by rules and regulations to be deposited in the social equity fund established in § 21-28.1-31.

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

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

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

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

**(g)** No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this chapter that has not first been tested by a cannabis testing laboratory and determined to meet the commission's testing protocols issued pursuant to § 21-28.11-11.

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

**(1)** A licensed cannabis product manufacturer shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis product manufacturer who fails to notify the commission of any of these changes shall be subject to an administrative fine of no more than one hundred fifty dollars (\$150) or other penalty as determined by the commission.

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

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

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

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

**(i) Immunity.**

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

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-10

###### § 21-28.11-10. Hybrid cannabis retailers.

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

- (1)** The compassion center must be in good standing and maintain its compassion center license with the office of cannabis regulation pursuant to the provisions of chapter 28.6 of this title;
- (2)** The compassion center shall make good faith efforts to ensure that the sale of cannabis for adult use as a hybrid cannabis retailer has no significant adverse effect on the medical marijuana program and patient needs; and
- (3)** The compassion center shall post in a conspicuous place a copy of a certificate of authorization evidencing a license in good standing and payment of the hybrid cannabis retailer fee.

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

**(c)** Following the final issuance of the commission's rules and regulations, hybrid cannabis retailers shall be subject to the commission's rules and regulations for all sales authorization and renewals to include, but not limited to, any licensing requirements.

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

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

provisions of the rules and regulations to maintain licensing and authorization to sell adult use cannabis in accordance with § 21-28.11-10.2.

**(f)** Notwithstanding any other general law, rule or regulation, after March 1, 2023, and in accordance with a timeline established by the commission, no hybrid cannabis retailer shall be authorized to sell medical marijuana to any patient with an out-of-state medical marijuana card who fails to possess and produce a valid government issued identification demonstrating residency in the same state that issued the medical marijuana card.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-10.1

###### § 21-28.11-10.1. Transitional period and transfer of authority.

**(a)** To protect public health and public safety, upon the effective date of this chapter [May 25, 2022] until final issuance of the commission's rules and regulations promulgated pursuant to the provisions of this chapter, there shall exist a transitional period of regulatory and enforcement authority regarding the production, possession, regulation, distribution, sale and use of cannabis relating to the sale by hybrid cannabis retailers of adult use cannabis pursuant to § 21-28.11-10.

**(b)** During the transitional period, the office of cannabis regulation shall prescribe such forms, procedures, and requirements as necessary to facilitate the acquisition of hybrid retail and cultivation licenses by compassion centers and cultivators licensed pursuant to chapter 28.6 of this title.

**(c)** Such forms, procedures, and requirements shall be posted on the website of the office of cannabis regulation no later than October 15, 2022, at which time an application period will commence. Applications shall be received, reviewed, and approved on a rolling basis provided that in no case shall an approved hybrid retailer begin adult use sales before December 1, 2022.

**(d)** The forms, procedures, and requirements prescribed by the office of cannabis regulation shall incorporate, but shall not be limited to, the following:

**(1)** Requirements pertaining to the physical premises of hybrid retail licensees. Where physically possible these shall include prospective licensee plans to physically separate marijuana and marijuana products designated for adult use and medical sales, respectively, in inventory, storage, and customer-facing floor and display areas; plans to physically separate sales areas for adult use and medical sales, which may be provided by a temporary or semi-permanent physical barrier; plans to provide and maintain a patient consultation area that will allow privacy for confidential consultation with qualifying patients; and plans to prioritize patient and caregiver identification verification and physical entry into retail areas in the event of capacity or other constraints; however, if the premises of a hybrid retail licensee does not allow the licensee to meet the requirements of this subsection or would cause undue hardship on the licensee, the office of cannabis regulation may authorize the hybrid retail licensee to conduct adult use sales at an adjunct location. In authorizing any such adjunct location, the office shall require, at a minimum, the following:

- (i)** The adjunct location must be physically located within the same municipality and geographic zone;
- (ii)** The adjunct location must comply with all municipal zoning requirements and obtain municipal approval;
- (iii)** The approval of any adjunct location will not cause undue hardship upon another licensed cannabis retailer; and
- (iv)** In the instance that an adjunct location is approved by the office, the hybrid cannabis retailer shall not be permitted to engage in the sale of cannabis for adult use at more than one premises.

**(2)** Requirements pertaining to inventory, product, and sales tracking. These shall include prospective licensee submission of plans to electronically separate finished marijuana products designated for medical or adult use sales in hybrid licensees' inventory and sales tracking systems. If prospective hybrid licensees are conducting cultivation activities, they shall submit plans to distinguish between sales of marijuana or finished marijuana products at wholesale based on designation for medical or adult use sales.

**(3)** Requirements relating to the maintenance of medical marijuana program service levels. These shall include prospective licensee submission of comprehensive policies and procedures detailing plans to maintain a sufficient quantity and variety of medical marijuana products, and if substitutions of medical marijuana products with adult use marijuana products are to be made, a justification for such substitutions. Prospective hybrid licensees shall also be required to designate an individual who will be primarily responsible for maintenance of medical marijuana program service levels and ongoing compliance with existing program requirements, rules, and regulations.

**(4)** Requirements relating to operating plans, policies, and procedures. These shall include prospective licensee submission, maintenance of, and adherence to a set of written standard operating procedures that encompass both adult use and medical marijuana service lines. These operating plans and procedures shall take the form of an updated operations manual as currently required under medical marijuana program regulations and shall include, but not be limited to, policies and procedures relating to the maintenance of medical marijuana program service levels as defined in this section.

**(e)** Notwithstanding the foregoing provisions of this section, all prospective and approved applicants for hybrid cannabis retailer and cannabis cultivator licenses under this chapter shall maintain compliance with the existing provisions of chapter 28.6 of this title of the general laws and the regulations promulgated thereunder until final issuance of the commission's rules and regulations, including, but not limited to, existing restrictions and requirements related to financial disclosures; registration of owners, managers, key persons, agents, and employees; product testing; packaging and labeling; transportation; home delivery; and advertising.

**(f)** Forms, procedures, and requirements relating to this transitional period may be amended by the office of cannabis regulation or the commission up until the final issuance of the commission's regulations pursuant to the provisions of this chapter at which time the forms, procedures, and requirements will be superseded by the commission's final rules and regulations.

**(g)** Upon final issuance of the commission's rules and regulations, the following shall occur:

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

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

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

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

**(ii)** Powers delegated to the department pursuant to this chapter or by rules and regulations of the commission.

**(4)** There shall be established a "cannabis office" with the powers, duties and responsibilities authorized pursuant to § 21-28.11-18.1.

**(5)** All powers exercised by state agencies, departments and offices pursuant to the provisions of subsections (a) and (b) of this section relating to transitional period authority shall cease.

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-10.2

###### § 21-28.11-10.2. Cannabis retail sales.

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

- (1)** The retail licenses shall be issued pursuant to geographic zones as specified in § 21-28.11-10.3.
- (2)** No more than four (4) retail licenses exclusive of any hybrid cannabis retail certificate shall be permitted in each geographic zone; and
- (3)** Of the four (4) retail licenses in each geographic zone:
  - (i)** One shall be reserved for a workers' cooperative applicant; and
  - (ii)** One shall be reserved for a social equity applicant.

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

- (1)** Apply for a license in a manner prescribed by the commission;
- (2)** Provide proof that the applicant is twenty-one (21) years of age or older and is a resident of the state;
- (3)** Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any terms established by the commission;
- (4)** Provide proof that the applicant is current and in compliance with all obligations for filings and payments for taxes with the division of taxation;
- (5)** Demonstrate that the proposed location for the retail sale of cannabis complies with provisions of municipal zoning and regulations or has been approved by the municipality;
- (6)** Paid a nonrefundable application fee as determined by the commission and promulgated by rules and regulations; and
- (7)** Prior to issuance of any license and for any period of renewal, the applicant shall pay an annual fee of thirty thousand dollars (\$30,000) to be deposited in the social equity fund established in § 21-28.11-31.

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

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

**(e) Testing.** No cannabis or cannabis product shall be sold or otherwise marketed pursuant to this chapter that has not first been collected and tested by a cannabis testing laboratory and found to meet the testing protocols issued pursuant to regulations promulgated by the department of health and determined to meet the commission’s testing protocols issued pursuant to § 21-28.11-11.

**(f) Minimum requirements.** Persons issued cannabis retail licenses shall be subject to the following:

(1) A licensed cannabis retailer shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis retailer who fails to notify the commission of any of these changes shall be subject to an administrative fine of no more than one hundred fifty dollars (\$150) or other penalty as determined by the commission;

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

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

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

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

**(g) Immunity.**

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

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

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

this chapter and rules and regulations promulgated by the commission, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-10.3

###### § 21-28.11-10.3. Geographic zones.

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

- (1)** Zone 1 shall consist of the towns of Burrillville, Cumberland, Glocester, North Smithfield, Smithfield and the city of Woonsocket.
- (2)** Zone 2 shall consist of the towns of Johnston, Lincoln and North Providence and the cities of Central Falls and Providence.
- (3)** Zone 3 shall consist of the towns of Coventry, Foster, Scituate, West Greenwich and West Warwick.
- (4)** Zone 4 shall consist of the towns of East Greenwich and North Kingstown and the cities of Cranston and Warwick.
- (5)** Zone 5 shall consist of the towns of Charlestown, Exeter, Hopkinton, Narragansett, Richmond, South Kingstown and Westerly.
- (6)** Zone 6 shall consist of the towns of Barrington, Bristol, Jamestown, Little Compton, Middletown, New Shoreham, Portsmouth, Tiverton and Warren and the cities of East Providence, Newport and Pawtucket.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-10.4

###### **§ 21-28.11-10.4. Medical marijuana program parity.**

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

- (1)** The extent to which the introduction of adult use cannabis has diminished or eliminated the availability of certain medical marijuana products or product types;
- (2)** The extent to which patient cardholders in Rhode Island have experienced new or greater obstacles to obtaining medical marijuana, including on the basis of price, quantity, product type, or geographic location;
- (3)** The extent to which the number of caregiver registrations and/or the number of plant tag certificates issued by the commission increases or decreases; and
- (4)** The extent to which the introduction of the new adult use cannabis tax and license fee structure requires a realignment of the existing medical marijuana tax and license fee structure.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-11

###### § 21-28.11-11. Cannabis testing laboratories — Licensure and oversight.

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

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

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

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

**(4)** A cannabis testing laboratory shall report any results indicating contamination to the commission, the department of health and the department of environmental management within forty-eight (48) hours of identification.

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

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

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

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

- (2) Provide proof that the applicant is twenty-one (21) years of age or older and is a resident of the state;
- (3) Undergo a criminal record background check pursuant to § 21-28.11-12.1 and on any terms established by the commission;
- (4) Provide proof that the applicant is current and in compliance with all obligations for filings and payments for taxes with the division of taxation;
- (5) Provide a nonrefundable application fee as determined by the commission and promulgated by rules and regulations and apply for a testing license from the commission prior to testing, processing or transporting cannabis; and
- (6) Prior to the issuance of any license and for any period of renewal, the applicant shall submit an annual license fee as determined by the commission and promulgated by rules and regulations.

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

- (1) A laboratory agent shall be registered with the commission prior to volunteering or working at a cannabis testing laboratory;
- (2) A cannabis testing laboratory shall apply to the commission for a registration document for each affiliated laboratory agent by submitting, at a minimum, the name, address, and date of birth of the laboratory agent;
- (3) A laboratory agent shall undergo a criminal background check pursuant to § 21-28.11-12.1 and on terms established by the commission, prior to volunteering or working at a cannabis testing laboratory. Laboratory agents shall also have a continuing duty to notify the commission of any criminal conviction(s) that occur after the issuance of a registration document. A criminal conviction shall not automatically result in suspension or revocation of registration, but shall be subject to § 21-28.11-12.1; and
- (4) A cannabis testing laboratory shall notify the commission within one business day if a laboratory agent ceases to be associated with the laboratory, and the laboratory agent's registration document shall be immediately revoked.

(e) A cannabis testing laboratory and all agents and employees shall comply with all rules adopted by the commission and all applicable laws.

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

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

- (1) A licensed cannabis testing laboratory shall notify and request approval from the commission of any change in his or her name or address within ten (10) days of the change. A licensed cannabis testing laboratory who fails to notify the commission of any of these changes shall be subject to an administrative fine of no more than one hundred fifty dollars (\$150) or other penalty as determined by the commission.
- (2) When a licensed cannabis testing laboratory notifies the commission of any changes listed in this subsection, the commission shall issue the licensed cannabis testing laboratory a new registry identification document after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

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

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

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

**(h) Immunity.**

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

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-12

###### **§ 21-28.11-12. Licenses for handlers and employees.**

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

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

###### History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-12.1

###### § 21-28.11-12.1. Criminal record information — Permitted use.

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

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

**(c)** “Conviction” as used throughout this chapter shall have the same meaning as set forth in § 21-28.6-6(g).

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

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

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

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

**(f)** A person who has been convicted of a crime may be disqualified to practice, pursue or engage in any business activity licensed by the commission pursuant to this chapter or chapter 28.6 of this title if the commission determines that the circumstances of the conviction are substantially related to the occupation for which the

license or registration is sought. In determining if a conviction substantially relates to the occupation for which the license or registration is sought, the commission shall consider:

- (1) The state's legitimate interest in protecting the property and the safety and welfare of specific individuals or the general public;
- (2) The relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation; and
- (3) The state's legitimate interest in equal access to employment for individuals who have had past contact with the criminal justice system.

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

- (1) Completion of a period of at least two (2) years after release from imprisonment, or at least two (2) years after the sentencing date for a probation sentence or suspended sentence not accompanied by incarceration, without subsequent conviction or pending criminal charge;
- (2) The nature, seriousness, and relevance of the crime or crimes for which convicted;
- (3) All circumstances relative to the crime or crimes, including mitigating circumstances surrounding the commission of the crime or crimes;
- (4) The age of the person at the time the crime or crimes were committed;
- (5) Claims that the criminal record information is in error or inadmissible; and
- (6) All other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any state or federal correctional institution.

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

- (1) Juvenile adjudications;
- (2) Records of arrest not followed by a conviction;
- (3) Convictions that have been, pursuant to law, annulled or expunged;
- (4) Misdemeanor convictions for which no jail sentence can be imposed; or
- (5) A conviction that does not substantially relate to the occupation for which the license or registration is sought, as determined by subsection (f) of this section.

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

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

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

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

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

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

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

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

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

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

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

**(l)** Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, any prior conviction for a crime that has been decriminalized, or is eligible for expungement pursuant to the provisions of this chapter cannot serve as grounds, either solely or in part, for denial, suspension or revocation of a license or registration pursuant to this chapter.

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21 Food and Drugs

## Chapter 28.11 The Rhode Island Cannabis Act

### R.I. Gen. Laws § 21-28.11-12.2

#### § 21-28.11-12.2. Labor peace agreement — Requirements.

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

**(1)** “Bona fide labor organization” is a labor union that represents or is actively seeking to represent cannabis workers.

**(2)** “Labor peace agreement” means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the entity.

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

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

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

**(e)** Nothing in this chapter shall be construed to limit the National Labor Relations Act, Labor Management Relations Act, the Railway Labor Act, or other conflicting federal law.

#### History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-13

###### § 21-28.11-13. Taxes.

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

- (1) Sales tax pursuant to the provisions of § 44-18-18;
- (2) A state cannabis excise tax equal to ten percent (10%) of each retail sale as defined in § 44-18-8; and
- (3) A local cannabis excise tax equal to three percent (3%) of each retail sale as defined in § 44-18-8.

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

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

(d) There is created within the general fund a restricted receipt account known as the “marijuana trust fund.” Revenue collected from the state cannabis excise tax or associated amounts as penalties, forfeitures, interest, costs of suit, and fines for failure to timely report or pay the state cannabis excise tax shall be deposited into this account and used to fund programs and activities related to program administration; revenue collection and enforcement; substance use disorder prevention for adults and youth; education and public awareness campaigns, including awareness campaigns relating to driving under the influence of cannabis; treatment and recovery support services; public health monitoring, research, data collection, and surveillance; law enforcement training and technology improvements, including grants to local law enforcement; and such other related uses that may be deemed necessary.

(e) Revenue collected from the sales tax shall be deposited into the general fund.

(f) The budget officer is hereby authorized to create restricted receipt accounts entitled “marijuana trust fund allocation” in any department or agency of state government wherein monies from the marijuana trust fund are appropriated by the general assembly for the programmatic purposes set forth in subsection (d) of this section.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022; P.L. 2022, ch. 231, art. 2, § 2, effective July 1, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

R.I. Gen. Laws § 21-28.11-14

##### **§ 21-28.11-14. Municipal fees.**

No fee, tax, charge or expense shall be assessed or collected by or on behalf of a municipality from an individual licensed pursuant to the provisions of this chapter, except for any fee, tax, charge or expense generally assessed or collected from residents or businesses located in the municipality or as required by applicable law.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

R.I. Gen. Laws § 21-28.11-15

##### § 21-28.11-15. Municipal authority.

- (a) Other than a city or town that is a host community for an existing licensed medical cannabis treatment center, any city or town may, by resolution of the city or town council, cause to be printed on the ballot in an election held on or before November 8, 2022, the following question: “Shall new cannabis related licenses for businesses involved in the cultivation, manufacture, laboratory testing and for the retail sale of adult recreational use cannabis be issued in the city (or town)?”
- (b) Upon the adoption of a resolution by the city or town council pursuant to the provisions of subsection (a) of this section, the commission shall not issue any new cannabis related license pursuant to the provisions of this chapter unless and until the electors of the city or town vote to approve the issuance of new cannabis related licenses within the city or town. This provision shall not apply to the issuance of hybrid cannabis retailer licenses.
- (c) If a majority of ballots cast on which the electors indicated their choice is against granting the licenses, then no new license pursuant to this chapter shall be issued by the commission relating to the sale of recreational cannabis within the city or town. Provided, however, any existing marijuana cultivator or cannabis testing laboratory licensed pursuant to chapter 28.6 of this title shall be permitted to continue operating within the municipality pursuant to the conditions of licensure (including license renewals) without regard to a referendum conducted pursuant to this section.
- (d) Any city or town that by referendum declines to allow the issuance of new licenses relating to the sale of recreational marijuana will not be eligible to receive revenue pursuant to § 21-28.11-13.
- (e) A city or town that by referendum declines to allow the issuance of new cannabis related licenses pursuant to the provisions of this chapter may subsequently resubmit the question required by this section to the electors of the city or town, but only upon the passage of a joint resolution of approval by the general assembly.
- (f) For the purpose of this section, “cannabis related licenses” includes licenses for cultivation, manufacture, laboratory testing and/or retail sale.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-16

###### § 21-28.11-16. Local control.

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

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

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

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

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

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

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

**(b)** A city or town may adopt ordinances that ban or impose restrictions on the smoking or vaporizing of cannabis in public places, including outdoor common areas, parks, beaches, athletic and recreational facilities and other public spaces.

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

###### History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

R.I. Gen. Laws § 21-28.11-17

##### **§ 21-28.11-17. No right to license.**

- (a)** Nothing contained in this chapter shall be construed as establishing a right in any person or entity to be issued a license or certificate pursuant to this chapter.
- (b)** The commission shall exercise discretion to issue licenses and certificates to further the purposes of this chapter and may deny any application, suspend an application period, impose moratoriums on applications and/or issuance of licenses to further the purpose of public safety, the orderly administration of cannabis production, distribution and sale and to promote the purposes of this chapter.
- (c)** No appeal for a denial of a license shall be sustained solely on the grounds that the person or entity satisfied the qualifications for issuance of a license.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-17.1

###### § 21-28.11-17.1. General conditions for licenses.

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

- (1)** Acknowledge that the application is satisfactory and complete; or
- (2)** Send to the applicant a notice of rejection setting forth specific reasons why the license application is incomplete, rejected, unsatisfactory or fails to comply with the application requirements.

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

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

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

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

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

**(5)** As a condition of licensing, cannabis establishments shall consent and be subject to inspection by the commission for the purposes of ensuring and enforcing compliance with this chapter and all rules and regulations promulgated pursuant to this chapter, to include, but not be limited to, the provisions of chapter 5 of title 28 (the "fair employment practices act"), chapter 28 of this title (the "the uniform controlled substances act") and title 44 ("taxation"); and

**(6)** Every individual who will be a controlling person of the proposed cannabis establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in this state and which would substantially relate to the occupation for which the applicant has applied for licensure, or the

prior conviction is solely for a marijuana possession offense subject to expungement, or the individual is determined to be not disqualified pursuant to § 21-28.11-12.1.

**(c)** In addition to requirements established in regulation, by the commission, or by ordinance of a city or town pursuant to this chapter, a cannabis establishment shall:

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

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

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

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

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

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

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

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

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

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-18

###### § 21-28.11-18. Enforcement.

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

- (i)** With the exception of patients and authorized purchasers, revoke or suspend a license or registration;
- (ii)** Levy an administrative penalty in an amount established pursuant to law or regulations promulgated by the cannabis control commission;
- (iii)** Order the violator to cease and desist such actions;
- (iv)** Require a licensee or registrant or person or entity conducting any activities requiring licensure or registration under chapters 21-28.6 or 21-28.11 to take such actions as are necessary to comply with such chapter and the regulations promulgated thereunder; or
- (v)** Any combination of the penalties authorized by this section.

**(2)** If the commission finds that emergency action imperative to public health, safety, or welfare is required, and incorporates a finding to that effect in its order, summary suspension of license or registration and/or cease and desist may be ordered pending proceedings for revocation or other action. Any such proceedings shall be promptly instituted and determined pursuant to the provisions of § 21-28.11-5(a)(32).

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

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

**(d)** All cannabis products that are held within the borders of this state in violation of the provisions of chapters 28.6 or 28.11 of this title or the regulations promulgated thereunder are declared to be contraband goods and may be seized by the commission, the tax administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any police or other law enforcement officer in accordance with applicable law when

requested by the tax administrator or cannabis control commission to do so, without a warrant. All contraband goods seized by the state under this chapter may be destroyed or saved as evidence for the purposes of criminal prosecution.

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-18.1

###### § 21-28.11-18.1. Cannabis office.

(a) There is hereby established the “cannabis office”. The director of the department of business regulation shall grant to the cannabis office reasonable access to appropriate physical accommodations and expert and other appropriate staff.

(b) Upon final issuance of the commission’s rules and regulations, whenever in the general laws, rules or regulations the term “office of cannabis regulation” appears, the term shall mean the “cannabis office” established pursuant to the provisions of this section.

(c) The administrator of the cannabis office shall be appointed by the governor with the advice and consent of the senate and shall be in the unclassified service.

(d) The administrator of the cannabis office shall report to the commission, and consistent with the provisions of this chapter and in furtherance of coordinating the oversight and administration of cannabis use shall have the following powers, duties and responsibilities:

- (1) Exercise the powers and perform duties as directed and delegated by the commission in relation to the administration of the cannabis office, including, but not limited to, budgetary and fiscal matters;
- (2) Advise and assist the commission in carrying out any of the commission’s functions, powers, and duties;
- (3) As authorized by the commission, enter into contracts, memoranda of understanding, and agreements to effectuate the policy and purpose of this chapter;
- (4) Prescribe forms of applications for licenses under this chapter;
- (5) Prepare reports and information as deemed necessary by the commission;
- (6) Inspect or provide for inspections of any licensed premises where cannabis is cultivated, processed, stored, distributed or sold as directed or authorized by the commission;
- (7) Provide office accommodations, hearing rooms, and direct administrative and personnel support and staff to the commission in order to carry out the commission’s duties and responsibilities;
- (8) Maintain records of regulations, licenses, and permits issued and revoked by the commission in a manner that information is readily available regarding identity of licensees, including the names of officers and directors of corporate licensees and the location of all licensed premises;
- (9) Delegate the powers provided in this section to employees as may be deemed appropriate;
- (10) Coordinate across state agencies and departments to conduct research and to study cannabis use and the regulated cannabis industry and the impact access to cannabis products may have on public health and

public safety;

(11) Issue guidance and industry advisories;

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

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

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

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

(e) Subject to appropriation by the general assembly, the administrator of the cannabis office is authorized to retain and employ employees of the office of cannabis regulation as employees in the cannabis office who shall remain in the classified service. Any proposed new hires or additional staff or employees to be employed by the cannabis office shall be approved by the commission and shall be in the classified service. Any employees hired by the office of cannabis regulation after the enactment of this chapter and prior to the appointment of the commission shall be in the classified service.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-19

###### **§ 21-28.11-19. Multiple licenses restricted.**

- (a)** No person or entity licensed pursuant to the provisions of this chapter or chapter 28.6 of this title, except as provided in subsection (c) of this section, shall be granted more than one license.
- (b)** No licensee shall own, control, manage or operate any other entity licensed pursuant to the provisions of this chapter.
- (c)** Nothing in this chapter or chapter 28.6 of this title shall be construed to prohibit a compassion center licensed pursuant to the provisions of chapter 28.6 of this title from acquiring additional licensing issued to conduct retail sales as a hybrid cannabis retailer pursuant to the provisions of this chapter.
- (d)** Nothing in this chapter shall be construed to prohibit one person from investing in multiple licensed entities under this chapter; provided no one person or entity shall be a majority owner in more than one licensed entity.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-20

###### **§ 21-28.11-20. Inspections, audits and investigations.**

- (a)** As a condition of licensure, cannabis establishments are subject to inspection by the commission or personnel designated by the commission. Inspections shall occur periodically, at reasonable times and shall be limited in scope to determine compliance with the provisions of this chapter and chapter 28.6 of this title and the rules and regulations promulgated by the commission. During inspections the commission or designated personnel may examine and inspect any premises, books, records, papers, stocks of cannabis or cannabis products.
- (b)** The commission may request and authorize administrative inspections to be conducted by the department of health or the state police. For purposes of this section, “administrative inspection” shall mean any inspection, independent of a criminal investigation, that is conducted for the purpose of determining compliance with applicable state law and rules and regulations of the commission.
- (c)** The tax administrator shall have authority to conduct inspections of all matters necessary to determine compliance with the provisions of this chapter and the provisions of title 44 (“taxation”).
- (d)** Any licensee who wrongfully fails to cooperate with an inspection authorized pursuant to the provisions of this section shall be guilty of a misdemeanor punishable by imprisonment of up to one year, or a fine of not more than five thousand dollars (\$5,000) per violation per day, or both, and revocation of a license.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

##### **R.I. Gen. Laws § 21-28.11-21**

###### **§ 21-28.11-21. Expiration and renewal.**

**(a)** Except pursuant to § 21-28.11-10(e), all licenses under this chapter shall be effective for one year from the date of issuance.

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-22

###### § 21-28.11-22. Personal use of cannabis.

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

- (1)** Possessing, using, purchasing from a licensed cannabis retailer, or processing one ounce (1 oz.) or less of cannabis, or the equivalent amount in the form of cannabis concentrate;
- (2)** Within any residence, possessing, cultivating or processing not more than a total of three (3) mature cannabis plants and up to a total of three (3) immature cannabis plants per dwelling unit for personal use and as long as all security requirements as promulgated by the commission are complied with. These limits shall apply no matter how many persons reside at the premises;
- (3)** Within the person's primary residence, possessing up to ten ounces (10 oz.) total of cannabis per resident, in addition to any live cannabis plants lawfully kept on the premises in compliance with subsection (a)(2) of this section, as long as all security requirements as promulgated by the commission are complied with;
- (4)** Assisting another person who is twenty-one (21) years of age or older in any of the acts described in this section; or
- (5)** Giving away or otherwise transferring without remuneration up to one ounce (1 oz.) of cannabis, or the equivalent amount in the form of cannabis concentrate, to a person twenty-one (21) years of age or older, as long as the transfer is not advertised or promoted to the public.

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

**(c)** Absent clear and convincing evidence that the person's actions related to cannabis have created an unreasonable danger to the safety of a minor child, neither the presence of cannabinoid components or metabolites in a person's bodily fluids nor conduct permitted under this chapter related to the possession, consumption, transfer, cultivation, manufacture or sale of cannabis, cannabis products or cannabis accessories by a person charged with the well-being of a child shall form the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation or any other parental right or responsibility.

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

**(e)** Nothing contained within this chapter or chapter 28.6 of this title shall be construed as authorizing the smoking or vaporizing of cannabis in any public place. The smoking or vaporizing of cannabis is prohibited in any public place that prohibits the smoking or vaporizing of tobacco products as well as any place that prohibits the smoking or vaporizing of cannabis including by rule, regulation, or by local ordinance.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

**R.I. Gen. Laws § 21-28.11-23**

##### **§ 21-28.11-23. Cannabis accessories authorized.**

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-24

###### § 21-28.11-24. Lawful operation of cannabis establishments.

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

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

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

**(3)** A cannabis product manufacturer or an owner, operator, employee or other agent acting on behalf of a cannabis product manufacturer packaging, processing, manufacturing, storing or possessing cannabis or cannabis products, or delivering, selling or otherwise transferring and purchasing cannabis or cannabis products to or from a cannabis establishment; or

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-25

###### **§ 21-28.11-25. Contracts pertaining to cannabis enforceable.**

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

##### **R.I. Gen. Laws § 21-28.11-26**

###### **§ 21-28.11-26. Provision of professional services.**

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-27

###### § 21-28.11-27. Penalties.

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

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

**(c)** Except as otherwise provided in this chapter, any person licensed pursuant to this chapter or acting as an agent for an entity licensed pursuant to this chapter shall be guilty of a felony and may be imprisoned not more than five (5) years and fined not more than ten thousand dollars (\$10,000), or both and shall forfeit any licenses pursuant to this chapter if that person knowingly and willfully:

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

**(2)** Knowingly and willfully transfers cannabis to a minor in violation of the provisions of this chapter and chapter 28.6 of this title.

###### History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-27.1

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

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

- (1) A government employee performing their official duties; or
- (2) If the cannabis establishment is a hybrid cannabis retailer that also holds a compassion center license pursuant § 21-28.6-12 for the same licensed premises and the individual under twenty-one (21) years of age is a qualifying patient registered under chapter 28.6 of this title and the retail establishment complies with applicable regulations promulgated by the commission.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

**R.I. Gen. Laws § 21-28.11-27.2**

##### **§ 21-28.11-27.2. Drug awareness program.**

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

##### **R.I. Gen. Laws § 21-28.11-28**

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-29

###### § 21-28.11-29. Prohibited activities.

(a) This chapter shall not permit:

- (1) Any person to undertake any task under the influence of cannabis when doing so would constitute negligence or professional malpractice;
- (2) The smoking or vaporizing of cannabis:
  - (i) In a school bus or other form of public transportation;
  - (ii) On any school grounds;
  - (iii) In any correctional facility;
  - (iv) In any public place or other place where smoking or vaporizing of tobacco is prohibited by federal or state law or by local ordinance;
  - (v) In any licensed drug treatment facility in this state; or
  - (vi) Where exposure to the cannabis smoke significantly adversely affects the health, safety, or welfare of children; or
- (3) Any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of cannabis. However, a person shall not be considered to be under the influence solely for having cannabis metabolites in his or her system.

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

- (1) A government medical assistance program or private health insurer or workers' compensation insurer, workers' compensation group self-insurer, or employer self-insured for workers' compensation under § 28-36-1 to reimburse a person for costs associated with the medical use of cannabis; or
- (2) An employer to accommodate the medical use of marijuana in any workplace.

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

(d) Nothing contained in this chapter shall be construed to require employers to accommodate the use or possession of cannabis, or being under the influence of cannabis, in any workplace or the use of cannabis in any other location while an employee is performing work, including remote work. Employers may implement drug

use policies which prohibit the use or possession of cannabis in the workplace or while performing work from being under the influence of cannabis, provided that unless such use is prohibited pursuant to the terms of a collective bargaining agreement, an employer shall not fire or take disciplinary action against an employee solely for an employee's private, lawful use of cannabis outside the workplace and as long as the employee has not and is not working under the influence of cannabis except to the extent that:

- (1)** The employer is a federal contractor or otherwise subject to federal law or regulations such that failure to take such action would cause the employer to lose a monetary or licensing related benefit thereunder; or
- (2)** The employee is employed in a job, occupation or profession that is hazardous, dangerous or essential to public welfare and safety. If the employee's job, occupation or profession involves work that is hazardous, dangerous or essential to public welfare and safety then the employer may adopt and implement policies which prohibit the use or consumption of cannabis within the twenty-four (24) hour period prior to a scheduled work shift or assignment. For purposes of this section, hazardous, dangerous or essential to public welfare and safety shall include, but not be limited to: operation of an aircraft, watercraft, heavy equipment, heavy machinery, commercial vehicles, school buses or public transportation; use of explosives; public safety first responder jobs; and emergency and surgical medical personnel.

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

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

- (1)** Driving, operating, or being in actual physical control of a vehicle or a vessel under power or sail while impaired by cannabis or cannabis products;
- (2)** Possessing or using cannabis or cannabis products if the person is in state custody;
- (3)** Possessing or using cannabis or cannabis products in any local detention facility, jail, state prison, reformatory, or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders;
- (4)** Manufacturing or processing of cannabis products with the use of prohibited solvents, in violation of this chapter and chapter 28.6 of this title; or
- (5)** Possessing, using, distributing, cultivating, processing or manufacturing cannabis or cannabis products which do not satisfy the requirements of this chapter and chapter 28.6 of this title.

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

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-30

###### **§ 21-28.11-30. Employer's duties.**

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# Title 21

## Food and Drugs

### Chapter 28.11

#### The Rhode Island Cannabis Act

##### R.I. Gen. Laws § 21-28.11-31

###### § 21-28.11-31. Social equity assistance program and fund.

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

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

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

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

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

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

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

**(8)** Therefore, in the interest of mitigating the harms resulting from the enforcement of cannabis-related laws, the general assembly finds and declares that a social equity program should offer, among other things, business assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in establishing or participating in a cannabis business entity.

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

**(1)** To provide grants to approved social equity applicants to pay for ordinary and necessary expenses to establish and/or operate a cannabis establishment, and to also further promote the goals of this chapter,

including without limitation, job training and workforce development, mentoring services and technical assistance;

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

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

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

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

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

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

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

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

**(f) Fee waivers.**

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

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

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

**(h) Reporting.**

(1) By September 1, 2023, and on the first day of September of every year thereafter, or upon request by the commission, each cannabis establishment licensed under this chapter and § 21-28.6-12 ("The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act") shall report to the commission, on a form to be

provided by the commission, information that will allow it to assess the extent of diversity in the medical and adult use cannabis industry and methods for further reducing or eliminating any identified barriers to entry, including without limitation, access to capital.

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

- (i)** The number and percentage of licenses provided to social equity applicants;
- (ii)** The total number and percentage of employees in the cannabis industry who meet the criteria in the definition of social equity applicant; and
- (iii)** Recommendations on reducing or eliminating any identified barriers to entry, including access to capital, in the cannabis industry.

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.



# **Title 21**

## **Food and Drugs**

### **Chapter 28.11**

#### **The Rhode Island Cannabis Act**

##### **R.I. Gen. Laws § 21-28.11-32**

###### **§ 21-28.11-32. Severability.**

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

History of Section.

P.L. 2022, ch. 31, § 1, effective May 25, 2022; P.L. 2022, ch. 32, § 1, effective May 25, 2022.

