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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO FOOD AND DRUGS -- TAXATION AND REGULATION OF MARIJUANA

Introduced By: Representatives Ajello, and Driver

Date Introduced: February 25, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
1-2 amended by adding thereto the following chapter:
1-3 CHAPTER 37
1-4 TAXATION AND REGULATION OF MARIJUANA ACT
1-5 21-37-1. Short title. – This chapter shall be known and may be cited as the “taxation and
1-6 regulation of marijuana act.”
1-7 21-37-2. Legislative findings. – It is hereby found and declared as follows:
1-8 (1) In Rhode Island, the nation, and internationally there is an increasing call to take a
1-9 careful look at marijuana policies, their effectiveness, their consequences, and the economic costs
1-10 associated with them;
1-11 (2) In June 2005, five hundred thirty (530) economists, including three (3) Nobel
1-12 Laureates, endorsed a study on the costs of marijuana prohibition by Harvard professor Dr.
1-13 Jeffrey Miron and called for “an open and honest debate about marijuana prohibition,” adding,
1-14 “We believe such a debate will favor a regime in which marijuana is legal but taxed and regulated
1-15 like other goods.”
1-16 (3) Heads of state in countries that have been scarred by drug cartel violence are
1-17 beginning to call for a reexamination of drug policies, with past presidents of three Latin
1-18 American countries – calling on the U.S. to consider decriminalization of marijuana;

1-19 (4) In 2003 the UNODC World Drug Report estimated that the worldwide illicit retail
2-1 market for marijuana is worth one hundred thirteen billion dollars (\$113,000,000,000);
2-2 (5) The complete lack of marijuana market regulation ensures that marijuana production
2-3 and distribution are in the hands of unlicensed growers, untaxed and unmonitored, and the
2-4 product is not controlled or regulated for safety concerns;
2-5 (6) Rhode Island has been a leader in the nation on medical marijuana policy reform, and
2-6 during the debate on the issue the legislature learned of violence that is created by marijuana
2-7 being sold on the criminal market;
2-8 (7) There were more than eight hundred forty seven thousand (847,000) arrests for
2-9 marijuana offenses in the United States in 2008, which is more than the entire adult population in
2-10 Rhode Island;
2-11 (8) Of more than eight hundred forty seven thousand (847,000) marijuana-related arrests
2-12 in 2008 just over six thousand three hundred (6,300) suspects were booked by federal law
2-13 enforcement – less than one percent (1%) – demonstrating that nearly all marijuana arrests occur
2-14 on the state level, and thus state legislative action has the capacity to significantly change policy;
2-15 (9) There were more than two thousand (2,000) arrests for marijuana offenses in the State
2-16 of Rhode Island in 2007;
2-17 (10) There is an alarming racial disparity in marijuana arrest in Rhode Island, with
2-18 African-Americans arrested at nearly three (3) times the rate of caucasians in 2007, although their
2-19 marijuana usage rates were very similar;
2-20 (11) Decades of arresting millions of marijuana users has failed to prevent teenagers or
2-21 anyone else from using marijuana: a study published in the American Journal of Public Health
2-22 compared marijuana use and sales are de facto legal, found “no evidence to support claims that
2-23 criminalization reduces (marijuana) use”; and
2-24 (12) Allowing adults aged twenty-one (21) and older to use marijuana legally in the
2-25 privacy of their homes would allow police to spend more time preventing and investigating
2-26 serious crimes like murder, rape, assault, robbery, burglary, and driving under the influence of
2-27 alcohol and other drugs and would create substantial savings.
2-28 **21-37-3. Definitions.** – As used in this chapter and in chapter 21-36, the following words
2-29 and phrases have the following meanings, unless the context clearly requires otherwise. (1)
2-30 “Department” means the State of Rhode Island department of business regulation.
2-31 (2) “Marijuana” means all parts of the plant Cannabis sativa L., whether growing or not;
2-32 the seeds thereof; the resin extracted from any part of the plant; and every compound,
2-33 manufacture, salt, the plant, fiber produced from the stalks, oil or cake made from the seeds of the
2-34 plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature
3-1 stalks (except the resin extracted from it), fiber, oil, or cake, or the sterilized seed of the plant that
3-2 is incapable of germination.
3-3 (3) “Marijuana paraphernalia” means equipment, products, and materials which are used
3-4 or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing,
3-5 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,
3-6 repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing
3-7 marijuana into the human body.
3-8 (4) “Registered safety compliance facility” means an entity registered under section 21-
3-9 36-9 with the department to provide one or both of the following services: training, including that
3-10 related to cultivation of marijuana, safe handling of marijuana, marijuana research, and security
3-11 and inventory procedures; and testing for potency and contaminants.

3-12 (5) “Registry identification zip tie” means a zip tie issued by the department that
3-13 identifies a marijuana plant that is legally registered for personal cultivation and is not affiliated
3-14 with a retailer or wholesaler.

3-15 (6) “Retailer” means an entity registered pursuant to section 21-36-2 of the Rhode Island
3-16 general laws to purchase marijuana from a wholesaler and to sell marijuana and marijuana
3-17 paraphernalia to customers.

3-18 (7) “State prosecution” means prosecution initiated or maintained by the State of Rhode
3-19 Island or an agency or political subdivision of the State of Rhode Island.

3-20 (8) “Verification system” means a phone or web-based system that is in operation
3-21 twenty-four (24) hours a day that law enforcement personnel shall use to verify registry
3-22 identification zip ties and that shall be established and maintained by the department pursuant to
3-23 subdivision (13).

3-24 (9) “Wholesaler” means an entity registered pursuant to section 21-36-5 of the Rhode
3-25 Island general laws to cultivate, prepare, package, and sell marijuana to a retailer or another
3-26 wholesaler, but not to sell marijuana to the general public.

3-27 **21-37-4. Exemption.** – (a) A person who is twenty-one (21) years of age or older and
3-28 who acts in compliance with the provisions of this chapter is exempt from arrest, civil or criminal
3-29 penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state
3-30 prosecution for the following acts:

3-31 (1) Actually and constructively using, obtaining, purchasing, transporting, or possessing
3-32 one ounce or less of marijuana. As used herein, “one ounce or less of marijuana” includes one
3-33 ounce or less of marijuana, or any mixtures or preparation thereof (including, but not limited to,
3-34 five (5) grams or less of hashish). The weight of any non-marijuana ingredients combined with
4-1 marijuana, such as in a preparation for topical administration or for consumption as food or drink,
4-2 shall not count toward the one ounce limit.

4-3 (2) Controlling any premises or vehicle where up to one ounce of marijuana per person
4-4 who is twenty-one (21) years of age or older is possessed deposited.

4-5 (3) Using, obtaining, purchasing, transporting, or possessing, actually or constructively,
4-6 marijuana paraphernalia.

4-7 (4) Selling marijuana seeds to a wholesaler.

4-8 (5) Manufacturing, possessing, or producing marijuana paraphernalia.

4-9 (6) Selling marijuana paraphernalia to retailers, wholesalers, or persons who are twenty
4-10 one (21) years of age or older.

4-11 (7) Transferring one ounce or less of marijuana without remuneration to a person who is
4-12 twenty one (21) years of age or older.

4-13 (8) Aiding and abetting another person who is twenty one (21) years of age or older in the
4-14 possession or use of one ounce or less of marijuana.

4-15 (9) Aiding and abetting another person who is twenty-one (21) years of age or older in
4-16 the possession or use of marijuana paraphernalia.

4-17 (10) Cultivating three (3) marijuana plants or less in compliance with this chapter, where
4-18 the cultivator possesses valid registry identification zip ties, which are either affixed to or beside
4-19 each plant.

4-20 (11) Any combination of the acts described in subdivisions (a)(1) through (a)(10),
4-21 inclusive.

4-22 (b) A retailer or any person who is twenty-one (21) years of age or older and acting in his
4-23 or her capacity as an owner, employee, or agent of a retailer who acts in compliance with the

- 4-24 provisions of this chapter is exempt from arrest, civil or criminal penalty, seizure or forfeiture of
4-25 assets, discipline by any state or local licensing board, and state prosecution for the following
4-26 acts:
- 4-27 (1) Transporting or possessing, actually or constructively, marijuana that was purchased
4-28 from a wholesaler.
- 4-29 (2) Possession of marijuana paraphernalia.
- 4-30 (3) Obtaining or purchasing marijuana from a wholesaler.
- 4-31 (4) Manufacturing, possessing, producing, obtaining, or purchasing marijuana
4-32 paraphernalia.
- 4-33 (5) Selling marijuana or marijuana paraphernalia which originates from a wholesaler to
4-34 any person who is twenty one (21) years of age or older.
- 5-1 (6) Aiding and abetting any person who is twenty-one (21) years of age or older in the
5-2 possession or use of one ounce or less of marijuana.
- 5-3 (7) Aiding and abetting any person who is twenty-one (21) years of age or older in the
5-4 possession or use of marijuana paraphernalia.
- 5-5 (8) Controlling any premises or vehicle where marijuana and marijuana paraphernalia is
5-6 possessed, sold, or deposited in accordance with this chapter.
- 5-7 (9) Any combination of the acts described in subdivisions (b)(1) through (b)(8), inclusive.
- 5-8 (c) A wholesaler or any person who is twenty-one (21) years of age or older and acting in
5-9 his or her capacity as an owner, employee, or agent of a wholesaler who acts in compliance with
5-10 the provisions of this chapter is exempt from arrest, civil or criminal penalty, seizure or forfeiture
5-11 of assets, discipline by any state or local licensing board, and state prosecution for the following
5-12 acts:
- 5-13 (1) Cultivating, packing, processing, transporting, or manufacturing marijuana.
- 5-14 (2) Transporting or possessing marijuana that was produced by the wholesaler or another
5-15 wholesaler.
- 5-16 (3) Transporting or possessing marijuana seeds.
- 5-17 (4) Possession of marijuana paraphernalia.
- 5-18 (5) Selling marijuana or marijuana paraphernalia to a retailer or a wholesaler.
- 5-19 (6) Purchasing marijuana seeds from a person who is twenty-one (21) years of age or
5-20 older.
- 5-21 (8) Controlling any premises or vehicle where marijuana and marijuana paraphernalia is
5-22 possessed, manufactured, sold or deposited in accordance with this chapter.
- 5-23 (9) Any combination of the acts described in subdivisions (c)(1) through (c)(8), inclusive.
- 5-24 (d) By way of clarification, the actions identified and described in this section, when
5-25 undertaken in compliance with the provisions of this chapter, are lawful under Rhode Island state
5-26 law.
- 5-27 **21-37-5. Defenses.** – (a) In a prosecution for selling, giving, or otherwise furnishing
5-28 marijuana or marijuana paraphernalia to any person who is under twenty-one (21) years of age, it
5-29 is a complete defense if:
- 5-30 (1) The person who sold, gave, or otherwise furnished marijuana or marijuana
5-31 paraphernalia to a person who is under twenty-one (21) years of age, was a retailer or was acting
5-32 in his or her capacity as an owner, employee, or agent of a retailer at the time the marijuana or
5-33 marijuana paraphernalia was sold, given or otherwise furnished to the person; and
5-34 (2) Immediately before selling, giving, or otherwise furnishing marijuana or marijuana
6-1 paraphernalia to a person who is under twenty-one (21) years of age the person who sold, gave, or

6-2 otherwise furnished the marijuana or marijuana paraphernalia was shown a document which
6-3 appeared to be issued by an agency of a federal, state, tribal, or foreign sovereign government and
6-4 which indicated that the person to whom the marijuana or marijuana paraphernalia was sold,
6-5 given, or otherwise furnished was twenty-one (21) years of age or older at the time the marijuana
6-6 or marijuana paraphernalia was sold, given or otherwise furnished to the person.

6-7 (b) The complete defense set forth in this section does not apply if:

6-8 (1) The document which was shown to the person who sold, gave, or otherwise furnished
6-9 the marijuana or marijuana paraphernalia was counterfeit, forged, altered, or issued to a person
6-10 other than the person to whom the marijuana or marijuana paraphernalia was sold, given, or
6-11 otherwise furnished; and

6-12 (2) Under the circumstances, a reasonable person who would have known or suspected
6-13 that the document was counterfeit, forged, altered, or issued to a person other than the person to
6-14 whom the marijuana or marijuana paraphernalia was sold, given, or otherwise furnished.

6-15 **21-37-6. Personal use.** – A person who is twenty-one (21) years of age or older may
6-16 cultivate three (3) marijuana plants or less for personal use if the person is in compliance with this
6-17 section. The cultivation must only occur in a closet, room, greenhouse, or other area enclosed on
6-18 all sides and equipped with locks or other security devices that permit access only by the
6-19 cultivator, except that if more than one adult lives in the household and possess valid zip ties, the
6-20 plants may all be cultivated in the same location. Cultivation may not occur in public view and
6-21 must occur on property lawfully in possession of the cultivator. The cultivator must affix a valid
6-22 registry identification zip tie to each plant or beside each plant. The application of renewal fee for
6-23 each zip tie is one hundred dollars (\$100), and such zip tie is valid for one year from the date of
6-24 issuance.

6-25 **21-37-7. Identification zip ties -- Registry.** – (a) The department shall issue registry
6-26 identification zip ties to Rhode Island residents who submit the following, in accordance with the
6-27 department's regulations:

6-28 (1) Application or renewal fee;

6-29 (2) Name, address, and date of birth of applicant, showing the applicant to be twenty one
6-30 (21) years of age or older;

6-31 (3) Number of marijuana plant registration identification zip ties requested, up to three
6-32 (3); and

6-33 (4) A statement signed by the applicant, pledging not to sell or receive anything of value
6-34 for the marijuana the applicant would personally cultivate.

7-1 (b) The department shall verify the information contained in a zip tie application or
7-2 renewal submitted pursuant to this section, and shall approve or deny an application or renewal
7-3 within fifteen (15) days of receiving it. The department may deny an application or renewal only
7-4 if the applicant did not provide the information required pursuant to this section, the applicant did
7-5 not provide the application or renewal fee, if the applicant had previously had one or more zip ties
7-6 revoked, or if the department determines that the information provided was falsified. Rejection of
7-7 an application or renewal is considered a final department action, subject to judicial review.
7-8 Jurisdiction and venue for judicial review are vested in the Rhode Island superior court.

7-9 (c) The department shall issue registry identification zip ties to applicants within five (5)
7-10 days of approving an application or renewal. Each registry identification zip tie shall expire one
7-11 year after the date of issuance. Registry identification zip ties shall contain the following:

7-12 (1) The date of issuance and expiration date of the registry identification zip tie; and

7-13 (2) A random twenty (20) digit alphanumeric identification number, containing at least

7-14 four (4) numbers and at least four (4) letters, which is unique to the zip tie.

7-15 (d) The following confidentiality rules shall apply:

7-16 (1) Applications and supporting information submitted are confidential.

7-17 (2) The department shall maintain a confidential list of the persons to whom the

7-18 department has issued registry identification zip ties. Individual names and other identifying

7-19 information on the list shall be confidential, exempt from the Freedom of Information Act, and

7-20 not subject to disclosure, except to authorized employees of the department as necessary to

7-21 perform official duties of the department and as provided in subsection (d) of this section.

7-22 (3) Within one hundred twenty (120) days of the effective date of this act, the department

7-23 shall establish a phone or web-based verification system that is in operation twenty-four (24)

7-24 hours a day, which law enforcement personnel can use to verify registry identification zip ties.

7-25 The verification system must allow law enforcement personnel to enter in a registry identification

7-26 number to determine whether or not the number corresponds with a current, valid ID zip tie. The

7-27 system shall not disclose any additional information about the zip tie holder.

7-28 (4) During business hours, the department shall provide any additional information

7-29 needed by law enforcement personnel to verify the zip ties, including the name and address

7-30 corresponding with a zip tie the law enforcement personnel seeks to verify.

7-31 (5)(i) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a

7-32 one thousand dollar (\$1,000) fine, for any person, including an employee or official of the

7-33 department or another state agency or local government, to breach the confidentiality of

7-34 information obtained pursuant to this act.

8-1 (ii) Notwithstanding this provision, this section shall not prevent the following

8-2 notifications:

8-3 (A) Department employees may notify law enforcement about falsified or fraudulent

8-4 information submitted to the department, so long as the employee who suspects that falsified or

8-5 fraudulent information has been submitted confers with his or her supervisor (or at least one other

8-6 employee of the department) and both agree that circumstances exist which warrant reporting;

8-7 and

8-8 (B) The department may notify state or local law enforcement about apparent criminal

8-9 violations of this act, provided that the employee who suspects the offense confers with his or her

8-10 supervisor and both agree that circumstances exist which warrant reporting.

8-11 **21-37-8. Revocation of zip ties. –** The department shall revoke the zip ties of any zip tie

8-12 holder who sells marijuana after having received zip ties from the department, unless the person

8-13 sold marijuana as an employee of a retailer or wholesaler who was acting in accordance with this

8-14 chapter. The department may revoke the zip ties of any zip tie holder who knowingly violates this

8-15 chapter.

8-16 **21-37-9. Exclusions. –** No person is exempt from arrest, civil or criminal penalty, seizure

8-17 or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for,

8-18 nor may he or she establish an affirmative defense based on this chapter to charges arising from,

8-19 any of the following acts:

8-20 (1) Driving, operating, or being in actual physical control of a vehicle or a vessel under

8-21 power or sail while impaired by marijuana.

8-22 (2) Possessing marijuana if the person is a prisoner.

8-23 (3) Possessing marijuana or possessing marijuana paraphernalia if the possession of the

8-24 marijuana or marijuana paraphernalia is discovered because the person engaged or assisted in the

8-25 use of marijuana in:

10-4 drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any
10-5 combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3)
10-6 and shall be punished as provided in subsection (d) of this section.

10-7 (b) (1) Any person charged under subsection (a) of this section whose blood alcohol
10-8 concentration is eight one-hundredths of one percent (.08%) or more by weight as shown by a
10-9 chemical analysis of a blood, breath, or urine sample shall be guilty of violating subsection (a) of
10-10 this section. This provision shall not preclude a conviction based on other admissible evidence.
10-11 Proof of guilt under this section may also be based on evidence that the person charged was under
10-12 the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter
10-13 28 of title 21, or any combination of these, to a degree which rendered the person incapable of
10-14 safely operating a vehicle. The fact that any person charged with violating this section is or has
10-15 been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of
10-16 violating this section.

10-17 (2) Whoever drives or otherwise operates any vehicle in the state with a blood presence
10-18 of any scheduled controlled substance as defined within chapter 28 of title 21 except for
10-19 marijuana, as shown by analysis of a blood or urine sample, shall be guilty of a misdemeanor and
10-20 shall be punished as provided in subsection (d) of this section. Whoever drives or otherwise
10-21 operates any vehicle in the state with a blood presence of marijuana, as shown by analysis of a
10-22 blood or urine sample, shall be guilty of a misdemeanor and shall be punished as provided in
10-23 subsection (d) of this section only if it is proven, examining the totality of the circumstances, that
10-24 the driver is impaired. The driver shall not be considered to be impaired by marijuana solely
10-25 because of the presence of metabolites or components of marijuana unless those metabolites or
10-26 components are proven to be in sufficient concentration to cause impairment.

10-27 (c) In any criminal prosecution for a violation of subsection (a) of this section, evidence
10-28 as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter
10-29 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown
10-30 by a chemical analysis of the defendant's breath, blood, or urine or other bodily substance shall be
10-31 admissible and competent, provided that evidence is presented that the following conditions have
10-32 been complied with:

10-33 (1) The defendant has consented to the taking of the test upon which the analysis is
10-34 made. Evidence that the defendant had refused to submit to the test shall not be admissible unless
11-1 the defendant elects to testify.

11-2 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours
11-3 of the taking of the test to the person submitting to a breath test.

11-4 (3) Any person submitting to a chemical test of blood, urine, or other body fluids shall
11-5 have a true copy of the report of the test result mailed to him or her within thirty (30) days
11-6 following the taking of the test.

11-7 (4) The test was performed according to methods and with equipment approved by the
11-8 director of the department of health of the state of Rhode Island and by an authorized individual.

11-9 (5) Equipment used for the conduct of the tests by means of breath analysis had been
11-10 tested for accuracy within thirty (30) days preceding the test by personnel qualified as
11-11 hereinbefore provided, and breathalyzer operators shall be qualified and certified by the
11-12 department of health within three hundred sixty-five (365) days of the test.

11-13 (6) The person arrested and charged with operating a motor vehicle while under the
11-14 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
11-15 title 21, or, any combination of these in violation of subsection (a) of this section was afforded the

11-16 opportunity to have an additional chemical test. The officer arresting or so charging the person
11-17 shall have informed the person of this right and afforded him or her a reasonable opportunity to
11-18 exercise this right, and a notation to this effect is made in the official records of the case in the
11-19 police department. Refusal to permit an additional chemical test shall render incompetent and
11-20 inadmissible in evidence the original report.

11-21 (d) (1) (i) Every person found to have violated subdivision (b)(1) of this section shall be
11-22 sentenced as follows: for a first violation whose blood alcohol concentration is eight one-
11-23 hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who
11-24 has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2) shall
11-25 be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred
11-26 dollars (\$300), shall be required to perform ten (10) to sixty (60) hours of public community
11-27 restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit
11-28 of the adult correctional institutions in the discretion of the sentencing judge and/or shall be
11-29 required to attend a special course on driving while intoxicated or under the influence of a
11-30 controlled substance, and his or her driver's license shall be suspended for thirty (30) days up to
11-31 one hundred eighty (180) days.

11-32 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
11-33 tenth of one percent (.1%) by weight or above but less than fifteen hundredths of one percent
11-34 (.15%) or whose blood alcohol concentration is unknown shall be subject to a fine of not less than
12-1 one hundred (\$100) dollars nor more than four hundred dollars (\$400) and shall be required to
12-2 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned
12-3 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
12-4 the discretion of the sentencing judge. The person's driving license shall be suspended for a
12-5 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
12-6 at a special course on driving while intoxicated or under the influence of a controlled substance
12-7 and/or alcoholic or drug treatment for the individual.

12-8 (iii) Every person convicted of a first offense whose blood alcohol concentration is
12-9 fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug,
12-10 toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to a fine of
12-11 five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of
12-12 public community restitution and/or shall be imprisoned for up to one year. The sentence may be
12-13 served in any unit of the adult correctional institutions in the discretion of the sentencing judge.
12-14 The person's driving license shall be suspended for a period of three (3) months to eighteen (18)
12-15 months. The sentencing judge shall require attendance at a special course on driving while
12-16 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for
12-17 the individual.

12-18 (2) (i) Every person convicted of a second violation within a five (5) year period with a
12-19 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than
12-20 fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or
12-21 who has a blood presence of any controlled substance as defined in subdivision (b)(2), and every
12-22 person convicted of a second violation within a five (5) year period regardless of whether the
12-23 prior violation and subsequent conviction was a violation and subsequent conviction under this
12-24 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
12-25 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall
12-26 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
12-27 not less than ten (10) days nor more than one year in jail. The sentence may be served in any unit

12-28 of the adult correctional institutions in the discretion of the sentencing judge; however, not less
12-29 than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge
12-30 shall require alcohol or drug treatment for the individual, and may prohibit that person from
12-31 operating a motor vehicle that is not equipped with an ignition interlock system for a period of
12-32 one year to two (2) years following the completion of the sentence as provided in section 31-27-
12-33 2.8.

12-34 (ii) Every person convicted of a second violation within a five (5) year period whose
13-1 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above by weight as
13-2 shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of
13-3 a drug, toluene, or any controlled substance as defined in subdivision (b)(1) shall be subject to
13-4 mandatory imprisonment of not less than six (6) months nor more than one year, a mandatory fine
13-5 of not less than one thousand dollars (\$1,000) and a mandatory license suspension for a period of
13-6 two (2) years from the date of completion of the sentence imposed under this subsection.

13-7 (3) (i) Every person convicted of a third or subsequent violation within a five (5) year
13-8 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above
13-9 but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is
13-10 unknown or who has a blood presence of any scheduled controlled substance as defined in
13-11 subdivision (b)(2) regardless of whether any prior violation and subsequent conviction was a
13-12 violation and subsequent conviction under this statute or under the driving under the influence of
13-13 liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory
13-14 fine of four hundred (\$400) dollars. The person's driving license shall be suspended for a period
13-15 of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year
13-16 and not more than three (3) years in jail. The sentence may be served in any unit of the adult
13-17 correctional institutions in the discretion of the sentencing judge; however, not less than forty-
13-18 eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall
13-19 require alcohol or drug treatment for the individual, and may prohibit that person from operating
13-20 a motor vehicle that is not equipped with an ignition interlock system for a period of two (2) years
13-21 following the completion of the sentence as provided in section 31-27-2.8.

13-22 (ii) Every person convicted of a third or subsequent violation within a five (5) year
13-23 period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by
13-24 weight as shown by a chemical analysis of a blood, breath, or urine sample or who is under the
13-25 influence of a drug, toluene or any controlled substance as defined in subdivision (b)(1) shall be
13-26 subject to mandatory imprisonment of not less than three (3) years nor more than five (5) years, a
13-27 mandatory fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars
13-28 (\$5,000) and a mandatory license suspension for a period of three (3) years from the date of
13-29 completion of the sentence imposed under this subsection.

13-30 (iii) In addition to the foregoing penalties, every person convicted of a third or
13-31 subsequent violation within a five (5) year period regardless of whether any prior violation and
13-32 subsequent conviction was a violation and subsequent conviction under this statute or under the
13-33 driving under the influence of liquor or drugs statute of any other state shall be subject, in the
13-34 discretion of the sentencing judge, to having the vehicle owned and operated by the violator
14-1 seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred
14-2 to the general fund.

14-3 (4) (i) For purposes of determining the period of license suspension, a prior violation
14-4 shall constitute any charge brought and sustained under the provisions of this section or section
14-5 31-27-2.1.

15-18 special course on driving while intoxicated or under the influence of a controlled substance,
15-19 and/or participate in an alcohol or drug treatment program. The course shall take into
15-20 consideration any language barrier which may exist as to any person ordered to attend, and shall
15-21 provide for instruction reasonably calculated to communicate the purposes of the course in
15-22 accordance with the requirements of the subsection. Any costs reasonably incurred in connection
15-23 with the provision of this accommodation shall be borne by the person being retrained. A copy of
15-24 any violation under this section shall be forwarded by the court to the alcohol and drug safety
15-25 unit. In the event that persons convicted under the provisions of this chapter fail to attend and
15-26 complete the above course or treatment program, as ordered by the judge, then the person may be
15-27 brought before the court, and after a hearing as to why the order of the court was not followed,
15-28 may be sentenced to jail for a period not exceeding one year.

15-29 (3) The alcohol and drug safety action program within the division of motor vehicles
15-30 shall be funded by general revenue appropriations.

15-31 (g) The director of the health department of the state of Rhode Island is empowered to
15-32 make and file with the secretary of state regulations which prescribe the techniques and methods
15-33 of chemical analysis of the person's body fluids or breath, and the qualifications and certification
15-34 of individuals authorized to administer this testing and analysis.

16-1 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
16-2 for persons eighteen (18) years of age or older and to the family court for persons under the age
16-3 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and
16-4 to order the suspension of any license for violations of this section. All trials in the district court
16-5 and family court of violations of the section shall be scheduled within thirty (30) days of the
16-6 arraignment date. No continuance or postponement shall be granted except for good cause shown.
16-7 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in
16-8 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

16-9 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
16-10 driving while intoxicated or under the influence of a controlled substance, public community
16-11 restitution, or jail provided for under this section can be suspended.

16-12 (j) An order to attend a special course on driving while intoxicated that shall be
16-13 administered in cooperation with a college or university accredited by the state, shall include a
16-14 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
16-15 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
16-16 the general fund.

16-17 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the
16-18 presence of alcohol, which relies in whole or in part upon the principle of infrared light
16-19 absorption is considered a chemical test.

16-20 (l) If any provision of this section or the application of any provision shall for any reason
16-21 be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the
16-22 section, but shall be confined in this effect to the provision or application directly involved in the
16-23 controversy giving rise to the judgment.

16-24 SECTION 4. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
16-25 amended by adding thereto the following chapter:

16-26 CHAPTER 36
16-27 RETAILER AND WHOLESALER REGISTRATION AND APPLICATIONS IN
16-28 ACCORDANCE WITH THE REGULATION OF MARIJUANA BILL

16-29 **21-36-1. Short title. --** This chapter shall be known and may be cited as the "retailer

16-30 registration and the regulation of marijuana act.”

16-31 **21-36-2. Retailer registration.** – (a) An entity may apply, in accordance with the
16-32 provisions of this chapter and the regulations adopted pursuant thereto, for the issuance of a
16-33 registration authorizing the entity to act as a retailer pursuant to the provisions of this chapter.

16-34 (b) Each applicant for a retailer registration shall submit application materials required by
17-1 the department and a non-refundable fee in an amount determined by the department.

17-2 (c) By one year after the effective date of this chapter, the department shall have issued at
17-3 least one retailer registration per county. By two (2) years after the effective date of this act, the
17-4 department shall have issued a number of retailer registrations that are no fewer than one valid
17-5 and outstanding retailer license for every 75,000 residents of the county per county, provided a
17-6 sufficient number of qualified applicants exist. If more qualifying applicants apply than the
17-7 department is required to authorize, the department shall implement a competitive scoring process
17-8 to determine to which applicants to grant registrations. The scoring system shall take into account
17-9 the applicant and managing officers' applicable experience, training, and expertise; the applicant's
17-10 plan for security and to prevent diversion; and criminal, civil, or regulatory issues encountered by
17-11 other entities that applicant and managing officers have controlled or managed; the applicant's
17-12 staffing and training plan; and the suitability of the proposed location.

17-13 (d) The fee for the initial issuance of a registration as a retailer is five thousand dollars
17-14 (\$5,000). A registration as a retailer must be renewed annually. The fee for renewal of a
17-15 registration as a retailer is five thousand dollars (\$5,000).

17-16 (e) If eighteen (18) months after the effective date of this act the department has failed to
17-17 issue a retailer registration as required by this chapter a retail registration shall be granted to any
17-18 qualified applicant who holds a retail tobacco products dealer license and who has submitted a
17-19 notarized letter of intention to begin operating as a retailer and a five thousand (\$5,000) fee to the
17-20 department at least ninety (90) days before beginning operations.

17-21 **21-36-3. Definitions.** -- As used in this chapter, "qualified applicant" means any entity
17-22 that:

17-23 (1) Complies with any regulations adopted pursuant to Rhode Island general laws 21-36-
17-24 11 of this act concerning application for and issuance of a registration; and

17-25 (2) Satisfies the requirements set forth in this chapter and any regulations adopted
17-26 pursuant thereto.

17-27 **21-36-4. Requirements.** -- A retailer shall include a safety insert with all marijuana sold.
17-28 The safety insert may, at the department's discretion, be developed and approved by the
17-29 department and include, but not be limited to, information on:

17-30 (1) Methods for administering marijuana;

17-31 (2) Any potential dangers stemming from the use of marijuana;

17-32 (3) How to recognize what may be problematic usage of marijuana and obtain
17-33 appropriate services or treatment for problematic usage.

17-34 (4) A retailer must sell the marijuana in its original wholesaler packaging without making
18-1 any changes or repackaging.

18-2 **21-36-5. Wholesale registration.** -- (1) An entity may apply, in accordance with the
18-3 provisions of this chapter and the regulations adopted pursuant thereto, for the issuance of a
18-4 registration authorizing the entity to act as a retailer pursuant to the provisions of this chapter.

18-5 (2) Each applicant for a retailer registration shall submit application materials required by
18-6 the department and a non-refundable fee in an amount determined by the department.

18-7 (3) By three (300) hundred days after the effective date of this act, the department shall

18-8 have issued at least three (3) wholesaler registrations, provided that qualified applicants exist. By
18-9 two (2) years after the effective date of this act, the department shall have issued a number of
18-10 wholesaler registrations that are sufficient to meet demand. If more qualifying applicants apply
18-11 than the department is required to authorize, the department shall implement a competitive
18-12 scoring process to determine to which applicants to grant registrations. The scoring system shall
18-13 take into account the applicant and managing officers applicable experience, training, and
18-14 expertise; the applicant's plan for security and diversion prevention; any criminal, civil, or
18-15 regulatory issues encountered by other entities the applicant and managing officers have
18-16 controlled or managed; the applicant's staffing and training plan; and the suitability of the
18-17 proposed location.

18-18 (4) The fee for the initial issuance of a registration as a wholesaler is five thousand
18-19 dollars (\$5,000). A registration as a wholesaler must be renewed annually. The fee for renewal of
18-20 a registration as a wholesaler is five thousand dollars (\$5,000).

18-21 (5) If eighteen (18) months after the effective date of this act the department has failed to
18-22 issue any wholesaler registrations as required by this chapter a wholesaler registration shall be
18-23 granted to any qualified applicant who has submitted a notarized letter of intention to begin
18-24 operating as a wholesaler and a five thousand dollar (\$5,000) fee to the department at least ninety
18-25 (90) days before beginning operations.

18-26 **21-36-6. Requirements. --** A wholesaler shall cultivate only in one or more enclosed,
18-27 locked facilities, which include a building, room, greenhouse, or other area enclosed on all sides
18-28 and equipped with locks or other security devices that permit access only by:

18-29 (1) Employees, agents, or owners of the wholesaler, all of whom must be twenty-one (21)
18-30 years of age or older;

18-31 (2) Department staffers or public safety officers performing official duties; or

18-32 (3) Contractors performing labor that is unrelated to marijuana cultivation, packaging, or
18-33 processing, provided that they must be accompanied by an employee, agent, or owner of the
18-34 wholesaler.

19-1 (4) A wholesaler or any person who is acting in his or her capacity as an owner,
19-2 employee, or agent of a wholesaler must have documentation when transporting marijuana on
19-3 behalf of the wholesaler that specifies the amount of marijuana being transported, the address and
19-4 contact information of the wholesaler, the date the marijuana is being transported, and the address
19-5 and contact information for the intended retailer or other wholesaler. A wholesaler must create a
19-6 unique package and label for its marijuana identifying itself as the producer. The packaging shall
19-7 include:

19-8 (i) The name or registration number of the wholesaler.

19-9 (ii) The potency of the marijuana, represented by the percentage of tetrahydrocannabinol
19-10 by mass.

19-11 (iii) A "Produced On" date which reflects the date that the wholesaler finished drying and
19-12 processing the marijuana and placed it in its packaging.

19-13 (iv) A warning that states: "Consumption of marijuana impairs your ability to drive a car
19-14 or operate machinery."

19-15 (v) A warning that states: "Possession of marijuana is illegal outside of Rhode Island and
19-16 under federal law" unless federal or state laws have changed.

19-17 **21-36-7. Prohibitions and Penalties. --** (a) The department may not issue a registration
19-18 for a retailer, wholesaler, or registered safety compliance facility to an entity:

19-19 (1) That is located within five hundred feet (500') of the property line of a public school,

19-20 private school, or structure used primarily for religious services or worship;
19-21 (2) That would be engaged in business as a gas station, convenience store, grocery store,
19-22 night club, dance hall, or licensed gaming establishment at the same location; or
19-23 (3) That sells intoxicating liquor for consumption on or off the premises. Nothing shall
19-24 prohibit local governments from enacting ordinances or regulations not in conflict with this
19-25 section or with department rules regulating the time, place, and manner of wholesaler, retailer, or
19-26 registered safety compliance facility operations, provided that no local government may prohibit
19-27 wholesaler, retailer, or registered safety compliance facility operation altogether, either expressly
19-28 or through the enactment of ordinances or regulations which make wholesaler, retailer, or
19-29 registered safety compliance facility operation impracticable.
19-30 (b) A retailer shall not:
19-31 (1) Sell, give or otherwise furnish marijuana or marijuana paraphernalia to any person
19-32 who is under twenty-one (21) years of age.
19-33 (2) Allow any person who is under twenty-one (21) years of age to be present inside the
19-34 establishment unless the person is a department employee or public safety officer performing his
20-1 or her duties or a contractor performing labor unrelated to marijuana and who will not have
20-2 access to marijuana.
20-3 (3) Knowingly and willfully sell, give, or otherwise furnish an amount of marijuana to a
20-4 person that would cause that person to possess more than one ounce of marijuana.
20-5 (4) Purchase marijuana, other than marijuana seeds, from any person other than a
20-6 wholesaler.
20-7 (5) Purchase or sell, give, or otherwise furnish marijuana in any manner other than as
20-8 authorized pursuant to the provisions of this chapter and any regulations adopted pursuant thereto.
20-9 (6) Knowingly or negligently sell marijuana that has been adulterated or contaminated by
20-10 a controlled substance, illegal additive, or pesticide.
20-11 (c) In addition to any other penalty provided pursuant to specific statutes, a person who
20-12 violates this section is guilty of a misdemeanor and shall be punished by a fine of not more than
20-13 one thousand dollars (\$1,000). A person who violates this section may also incur civil liability.
20-14 Additionally, the department may suspend or terminate the registration of a retailer who commits
20-15 multiple or serious violations of this act or regulations issued pursuant to it.
20-16 (d) In a prosecution for a violation of subsection (a) or (b) subdivision (1) it is a complete
20-17 defense that immediately before allowing the person who is under twenty-one (21) years of age
20-18 onto the premises the person who allowed the person onto the premises was shown a document
20-19 which appeared to be issued by an agency of a federal, state, tribal, or foreign sovereign,
20-20 government and which indicated that the person who was allowed onto the premises of the
20-21 retailer was twenty-one (21) years of age or older at the time the person was allowed onto the
20-22 premises of the retailer. The complete defense set forth in this subsection does not apply if:
20-23 (1) The document which was shown to the person who allowed the person who is under
20-24 twenty-one (21) years of age onto the premises of the retailer was counterfeit, forged, altered, or
20-25 issued to a person other than the person who was allowed onto the premises of the retailer; and
20-26 (2) Under the circumstances, a reasonable person would have known or suspected that the
20-27 document was counterfeit, forged, altered, or issued to a person other than the person who was
20-28 allowed onto the premises.
20-29 (e) A wholesaler shall not:
20-30 (1) Allow any person who is under twenty-one (21) years of age to be present on the
20-31 premises of its establishment unless the person is a department employee or public safety officer

20-32 performing his or her duties or a contractor performing labor unrelated to marijuana cultivation,
20-33 packaging, and processing.

20-34 (2) Sell, give, or otherwise furnish marijuana to any person other than a retailer or
21-1 wholesaler.

21-2 (3) Purchase marijuana from any person other than a wholesaler.

21-3 (4) Purchase or sell, give, or otherwise furnish marijuana in any manner other than as
21-4 authorized pursuant to the provisions of this chapter and any regulations adopted pursuant thereto.

21-5 (5) Sell marijuana that has been adulterated or contaminated by any other substance,
21-6 including, without limitation, any controlled substance or illegal additive or pesticide.

21-7 (f) In addition to any other penalty provided pursuant to specific statues, a person who
21-8 violates this section is guilty of a misdemeanor and shall be punished by a fine or not more than
21-9 one thousand dollars (\$1,000). A person who violates this section may also incur civil liability.
21-10 Additionally, the department may suspend or terminate the registration of a wholesaler who
21-11 commits multiple or serious violations of this act or regulations issued pursuant to it.

21-12 **21-36-8. Defenses. --** In a prosecution for a violation of section 21-36-7 it is a complete
21-13 defense that immediately before allowing the person who is under twenty-one (21) years of age
21-14 onto the premises the person who allowed the person onto the premises was shown a document
21-15 which appeared to be issued by an agency of a federal, state, tribal, or foreign sovereign
21-16 government and which indicated that the person who was allowed onto the premises of the
21-17 wholesaler was twenty-one (21) years of age or older at the time the person was allowed onto the
21-18 premises of the wholesaler. The complete defense set forth in this subsection does not apply if:

21-19 (1) A document which was shown to the person who allowed the person who is under
21-20 twenty-one (21) years of age onto the premises of the wholesaler was counterfeit, forged, altered,
21-21 or issued to a person other than the person who was allowed onto the premises of the wholesaler;
21-22 and

21-23 (2) Under the circumstances, a reasonable person would have known or suspected that the
21-24 document was counterfeit, forged, altered, or issued to a person other than the person who was
21-25 allowed onto the premises.

21-26 (3) In order to ascertain that marijuana is produced or has not been adulterated or
21-27 contaminated, a wholesaler may use a registered safety compliance facility to test its marijuana
21-28 for contaminants and for tetrahydrocannabinol potency before providing it to a retailer.

21-29 **21-36-9. Safety compliance facility registration. --** (a) Each applicant for a safety
21-30 compliance facility registration shall submit application materials required by the department and
21-31 a non-refundable fee in an amount determined by the department.

21-32 (b) If a qualified applicant exists, the department shall grant a two (2) year registration to
21-33 at least one safety compliance facility within one year of the effective date of this act, provided
21-34 that the facility pays a five thousand dollar (\$5,000) fee. If more qualifying applicants apply than
22-1 the department is required to authorize, the department shall implement a competitive scoring
22-2 process to determine which applicant or applicants to grant registrations to. The scoring system
22-3 shall take into account the applicant and managing officers' applicable experience, training, and
22-4 expertise; the applicant's plan for security and to prevent diversion; any criminal, civil, or
22-5 regulatory issues encountered by other entities the applicant and managing officers controlled or
22-6 managed; the applicant's plan for services; the applicant's staffing and training plan; and the
22-7 suitability of the proposed location.

22-8 (c) A registered safety compliance facility or any person who is twenty-one (21) years of
22-9 age or older and acting in his or her capacity as an owner, employee, or agent of a registered

22-10 safety compliance facility who acts in compliance with the provisions of this chapter shall not be
22-11 subject to prosecution; search, except by the department pursuant to section 21-36-7 or penalty in
22-12 any manner or be denied any right or privilege, including, but not limited to, civil penalty or
22-13 disciplinary action by a court or business licensing board or entity, solely for acting in accordance
22-14 with this act and department regulations to provide the following services; acquiring or
22-15 possessing marijuana obtained from wholesalers; returning the marijuana to the same
22-16 wholesalers; producing and possessing marijuana for training and analytical testing; producing
22-17 and selling educational materials on marijuana; receiving compensation for testing for
22-18 contaminants or potency; researching marijuana; and providing training to Rhode Island residents
22-19 who are twenty-one (21) years of age or older. Any possession or cultivation of marijuana by a
22-20 registered safety compliance facility must occur on the location registered with the department.

22-21 (d) In addition to any other penalty provided pursuant to specific statutes, the department
22-22 may suspend or terminate the registration of a registered safety compliance facility who commits
22-23 multiple or serious violations of this act or regulations issued pursuant to it.

22-24 **21-36-10. Excise tax. --** (a) An excise tax is hereby levied upon wholesalers and must be
22-25 collected respecting all marijuana sold to retailers at the rate of fifty dollars (\$50) per ounce or
22-26 proportionate part thereof.

22-27 (b) Marijuana sold by retailers shall be subject to sales tax to be collected by retailers. For
22-28 the purpose of determining the tax for the retail sale of marijuana pursuant to this chapter, the tax
22-29 for the sale of marijuana must be the same as the taxes for the retail sale of other products
22-30 generally.

22-31 (c) This chapter shall not create any new taxes on medical marijuana, as defined by
22-32 section 21-37-3. Medical marijuana is excluded from the taxes of subsections (a) and (b) herein.

22-33 **21-36-11, Administration. --** The department shall apportion the money remitted to the
22-34 department from registration fees and taxes collected pursuant to this chapter in the following
23-1 manner:

23-2 (1) The department shall retain sufficient money to defray the entire cost of
23-3 administration of this chapter.

23-4 (2) After retaining sufficient money to defray the entire cost of administration of this
23-5 chapter pursuant to subdivision (1), the department shall remit the remaining money to the Rhode
23-6 Island general fund, fifty (50%) percent of which must be distributed to the department of mental
23-7 health, retardation and hospitals for use in voluntary programs for the prevention or treatment of
23-8 the abuse of alcohol, tobacco or controlled substances. A person shall not advertise the sale of
23-9 marijuana through television, radio, newspapers, magazines, billboards, the Internet or any other
23-10 written or oral commercial media. This shall not prevent a phone listing in a directory of
23-11 businesses, appropriate signs on the retailer locations that do not include marijuana imagery, or
23-12 listings in trade publications. The provisions of this chapter do not authorize any person to
23-13 transport marijuana into or outside the State of Rhode Island unless federal law permits such
23-14 transport. The department is responsible for administering and carrying out the provisions of this
23-15 chapter. The department may adopt regulations that are necessary and convenient to administer
23-16 and carry out the provisions of this chapter.

23-17 (3) The department shall adopt regulations that:

23-18 (i) Set forth the procedures for the application for and issuance of registrations to
23-19 retailers, wholesalers, and registered as a retailer, wholesaler, or safety compliance testing
23-20 facility.

23-21 (ii) Specify the procedures for the collection of taxes levied pursuant to this chapter.

23-22 (iii) Specify the content, form, and timing of reports which must be completed by each
23-23 retailer, wholesaler, and registered safety compliance testing facility and which must be available
23-24 for inspection by the department. The reports shall include information on sales, expenses,
23-25 inventory, and taxes and shall be retained for at least one year after the forms completion.
23-26 (iv) Specify the requirements for the packaging and labeling of marijuana.
23-27 (v) Specify the requirements for the safety insert to be included with marijuana by
23-28 retailers.
23-29 (vi) Establish reasonable security requirements for wholesalers and retailers.
23-30 (vii) Require the posting or display of the registration of a retailer, wholesaler, or
23-31 registered safety compliance testing facility.
23-32 (viii) Establish the procedures for inspecting and auditing the records or premises of a
23-33 retailer, wholesaler, or registered safety compliance testing facility.
23-34 (ix) Set forth the procedures for hearings to contest the denial of an application for a
24-1 registration as a retailer, wholesaler, or registered safety compliance testing facility.
24-2 (x) Set forth the procedures for hearings to contest the suspension or revocation of a
24-3 registration as a retailer, wholesaler, or registered safety compliance testing facility for a violation
24-4 of any provision of this chapter or the regulations adopted pursuant to this chapter.
24-5 (xi) Establish reasonable environmental controls to ensure that any registered premises
24-6 minimize any harm to the environment, adjoining and nearby landowners, and persons passing
24-7 by.
24-8 (4) The department shall make available free of charge all forms for applications and
24-9 reports.
24-10 (5) The department shall issue registrations as required by section 21-36-5.
24-11 (6) The department shall keep the name and address of each wholesaler, retailer, and
24-12 safety compliance facility and each owner, employee, or agent of a wholesaler, retailer, and safety
24-13 compliance facility confidential and refuse to disclose this information to any individual or public
24-14 or private entity, except as necessary for authorized employees of the department to perform
24-15 official duties of the department pursuant to this chapter. The department may confirm to a state
24-16 or local law enforcement officer that a retailer, wholesaler, or safety compliance facility holds a
24-17 valid registration if the law enforcement officer inquires about the specific location or entity.
24-18 (7) If any provisions of this act, or the application thereof to any person, thing, or
24-19 circumstance is held invalid, such invalidity shall not affect the provisions or application of this
24-20 act which can be given effect without the invalid provision or application, and to this end the
24-21 provisions of this act are declared to be severable.
24-22 (8) The department shall adopt regulations to implement this act and shall begin
24-23 accepting applications for retailers, wholesalers, zip ties, and safety compliance facilities within
24-24 one hundred eighty (180) days of the effective date of this act.
24-25 If the department fails to adopt regulations to implement this act and begin processing
24-26 applications for retailers and wholesalers within one hundred eighty (180) days of the effective
24-27 date of this act, any citizen may commence an action in a court of competent jurisdiction to
24-28 compel the department to perform the actions mandated pursuant to the provisions of this act.
24-29 SECTION 5. Chapter 44-49 of the General Laws entitled "Taxation of Marijuana and
24-30 Controlled Substances" is hereby amended by adding thereto the following section:
24-31 **44-49-17. No tax stamp required. --** Controlled substance tax payment with a stamp or
24-32 other official indicia, as referred to in section 44-49-5, is not required for registered retailers and
24-33 wholesalers and the penalties provided for in the this chapter do not apply to those acting in

24-34 accordance with sections 21-37-1 to 21-37-13 and 21-36-1 to 21-36-11, inclusive.

25-1 SECTION 6. This act shall take effect upon passage.

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LC01393

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- TAXATION AND REGULATION OF MARIJUANA

26-1 This act would allow some personal use of marijuana under certain circumstances, sets
26-2 restrictions both under and over the age of twenty-one (21) years of age, exclusions to this use,
26-3 registration, for prohibitions to. It would also exempt penalties in compliance with the statutes
26-4 including driving under the influence. This act would also oversee retailer and wholesaler
26-5 registration, administration for all marijuana sold.
26-6 This act would take effect upon passage.

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LC01393

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