

## The Rhode Island Cannabis Act

House Bill 7593 – SUB A

Senate Bill 2430 SUB A

<b>Topic</b>	<b>Changes</b>
<b>Expungement</b>	<p>After reviewing committee testimony and investigating the court’s capabilities, the SUB A implements an AUTOMATIC EXPUNGEMENT process which does not require a petition, fee or hearing.</p> <p>Offenses eligible for automatic expungement are expanded in the Sub A to include civil violations, which were specifically clarified as eligible for automatic expungement. The SUB A also defined “conviction” for the purposes of the act.</p> <p>The SUB A provides that any prior civil violation, misdemeanor or felony convictions for possession only of a decriminalized marijuana offense are eligible for automatic expungement by July 1, 2024.</p> <p>This creates a two-year period for the court system to implement automatic expungement.</p> <p>The Chief Justice of the Supreme Court is charged with meeting that two-year deadline.</p> <p>The SUB A also provides an expedited process for individuals who do not wish to wait up to two years. Similar to the original bill, the expedited process does not require a fee or a hearing. It is simply a request to the court, according to a procedure determined by the Chief Justice.</p> <p>The SUB A also clarifies immunity language relating to the Judiciary and its employees.</p>

<b>Separation of Powers and Regulatory Structure</b>	<p>The structure of cannabis regulatory system is consistent with the original introduction.</p> <p>We worked with the Governor’s office to modify two specific areas of concern and allay any perception of an encroachment on executive appointment authority.</p> <p><u>Cannabis Control Commission</u></p> <p>The SUB A modifies the appointment process to eliminate one of the two lists provided to the Governor for appointment consideration.</p> <p>The SUB A also eliminates the requirement that the Senate grant advice and consent to any removal and makes slight adjustments to the commissioners’ terms.</p> <p>Beyond those two changes, the structure of an independent three-member commission, all appointed with advice and consent of the Senate, remains intact.</p> <p><u>Cannabis Advisory Board</u></p> <p>The composition of the Advisory Board is unchanged, however, the appointment powers were revised. Pursuant to the language in the revised bill, the Speaker of the House will appoint the member associated with the cultivation industry and the President of the Senate will appoint the member representative associated with the cannabis retail industry. These appointments were previously assigned to the Governor.</p> <p><u>Cannabis Office</u></p> <p>The language of the Sub A clarifies that the Cannabis Office will function as the administrative arm of the Commission. Rather than being led by a deputy director within DBR, the Office will be led by an administrator who heads the Office and will be appointed by the Governor with the advice and consent of the Senate. The administrator will report directly to the Commission.</p>
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<b>Preservation of Medical Program</b>	<p>We reviewed testimony from patients, caregivers, and regulators. We understand that it is important to preserve and accommodate the medical program.</p> <p>The SUB A will <u>eliminate the current fees</u> imposed upon qualifying patients, authorized purchasers, and primary caregivers for <u>Registry Identification Cards and Plant Tags</u>.</p> <p>Those fees will phase out once adult use retail sales begin.</p> <p>The SUB A also extends the date that an individual with an out-of-state medical marijuana card must provide government-issued identification from a matching jurisdiction. The original date was upon enactment; the revised language allows the Commission to determine an appropriate timeline <u>after March 1, 2023</u>.</p>
<b>Transition Period</b>	<p>The bill contemplates a regulatory and adult use transitional period. This transitional period is critical to maintaining the medical program, creating a social equity fund, and carefully commencing adult use sales.</p> <p>The original bill provided a period of time for the implementation of transitional regulations.</p> <p>The SUB A reflects a period of working with the existing regulators and creates an initial regulatory framework.</p> <p>The SUB A now provides that the Office of Cannabis Regulation will prescribe forms, procedures, and requirements necessary to allow compassion centers and existing cultivators to serve the adult use market by acquiring hybrid licenses.</p> <p>This change will assure public safety and minimize concerns of delay as the state begins regulating sales of cannabis for adult use.</p> <p>The SUB A also removes the six-month delay for the transfer of authority over the medical marijuana program from DBR to the Commission. This transfer will now occur upon adoption of final rules and regulations by the Commission.</p>

<p><b>Date Changes</b></p>	<p>After speaking with governmental stakeholders regarding their respective capabilities and the need for additional time and resources, several dates have changed within the SUB A.</p> <p>The notable date changes include the sales for ADULT USE start date from October 1, 2022 to December 1, 2022.</p> <p>December 1<sup>st</sup> also marks the date for eliminating fees paid by medical cardholders.</p> <p>March 1, 2023 marks the date when the Commission will address out-of-state cardholders.</p> <p>July 1, 2024 marks the date when the courts will complete the automatic expungement for those eligible.</p>
<p><b>Local Authority</b></p>	<p>The procedure contemplated in the original bill lacked clarity in accounting for certain existing licenses. Additionally, the original bill did not specifically accommodate the needs of the existing compassion centers to remain in their municipalities and transition to adult use sales.</p> <p>As a result, the SUB A makes it clear that those municipalities currently hosting compassion centers will not be permitted to OPT-OUT of the cannabis industry.</p> <p>In an effort to retain OPT-OUT capabilities for as many cities and towns as possible, those towns which currently host existing cultivators and testing laboratories will retain their OPT-OUT options. The SUB-A preserves only the existing licenses by grandfathering them in.</p> <p>Beyond clarifying the pool of towns with OPT-OUT controls, the SUB A retains the process whereby a municipality places the matter on the ballot for referendum. The SUB A also sets forth a process for the city or town to revisit the issue in later years.</p> <p>Finally, the substitute bill includes language that specifically <u>allows cities and towns to adopt ordinances which restrict or ban the smoking or vaporizing of cannabis in public places</u> such as parks, beaches, recreational and athletic facilities and other public spaces.</p>