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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

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A N A C T

RELATING TO FOOD AND DRUGS

Introduced By: Senator Leo R. Blais

Date Introduced: February 12, 2009

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 28.7

4 THE SENSIBLE STATE MARIJUANA POLICY ACT

5 **21-28.7-1. Short title.** – This chapter shall be known and may be cited as "The Sensible  
6 State Marijuana Policy Act."

7 **21-28.7-2. Definition.** – As used herein, "possession of one ounce or less of marijuana"  
8 includes possession of one ounce or less of marijuana or tetrahydrocannabinol and having  
9 cannabinoids or cannabinoid metabolites in the urine, blood, saliva, sweat, hair, fingernails, toe  
10 nails or other tissue or fluid of the human body.

11 **21-28.7-3. Possession of one ounce or less.** – Notwithstanding any general or special law  
12 to the contrary, possession of one ounce or less of marijuana shall only be a civil offense,  
13 subjecting an offender who is eighteen (18) years of age or older to a civil penalty of one hundred  
14 dollars (\$100) and forfeiture of the marijuana, but not to any other form of criminal or civil  
15 punishment or disqualification. An offender under the age of eighteen (18) shall be subject to the  
16 same forfeiture and civil penalty provisions, provided he or she completes a drug awareness  
17 program which meets the criteria set forth in section 21-28.7-4. The parents or legal guardian of  
18 any offender under the age of eighteen (18) shall be notified of the offense and the availability of  
19 a drug awareness program and community service option. If an offender under the age of

1 eighteen (18) fails, within one year of the offense, to complete both a drug awareness program  
2 and the required community service, as evidenced by a certificate filed with the court or juvenile  
3 hearing board having jurisdiction of the offense, such court or board may cite the offender, parent  
4 or guardian and the enforcing person who issued the original notice to the offender of a hearing to  
5 show cause why the civil penalty should not be increased to one thousand dollars (\$1,000).  
6 Factors to be considered in weighing cause shall be limited to financial capacity to pay any  
7 increase, the offender's ability to participate in a compliant drug awareness program and the  
8 availability of a suitable drug awareness program. Any civil penalties imposed under the  
9 provisions of this chapter shall inure to the city or town where the offense occurred.

10 **21-28.7-4. Drug awareness program for juvenile offenders.** – An offender under the  
11 age of eighteen (18) shall be required to complete a drug awareness program within one year of  
12 the offense for possession of one ounce or less of marijuana. In addition to the civil penalties  
13 authorized by this chapter, the failure of such an offender to complete such a program may be a  
14 basis for delinquency proceedings for persons under the age of eighteen (18) at the time of  
15 offense. The drug awareness program must be approved by the court or juvenile hearing board  
16 having jurisdiction of the offense, but shall at a minimum provide at least four (4) hours of  
17 classroom instruction or group discussion and ten (10) hours of community service.

18 **21-28.7-5. Savings clause.** – Nothing contained herein shall be construed to repeal or  
19 modify existing laws, ordinances or bylaws, regulations, personnel practices or policies  
20 concerning the operation of motor vehicles or other action taken while under the influence of  
21 marijuana or tetrahydrocannabinol, laws concerning the unlawful possession of prescription  
22 forms of marijuana or tetrahydrocannabinol, possession of more than one ounce of marijuana or  
23 tetrahydrocannabinol, or selling, manufacturing or trafficking in marijuana or  
24 tetrahydrocannabinol. Nothing contained herein shall prohibit a political subdivision of the state  
25 from enacting ordinances or bylaws regulating or prohibiting the consumption of marijuana or  
26 tetrahydrocannabinol in public places and providing for additional penalties for the public use of  
27 marijuana or tetrahydrocannabinol.

28 **21-28.7-6. Immunities.** – Except as specifically provided herein, neither the state nor any  
29 of its political subdivisions or their respective agencies, authorities or instrumentalities may  
30 impose any form of penalty, sanction or disqualification on an offender for possessing an ounce  
31 or less of marijuana. By way of illustration rather than limitation, possession of one ounce or less  
32 of marijuana shall not provide a basis to deny an offender student financial aid, public housing or  
33 any form of public financial assistance including unemployment benefits, to deny the right to  
34 operate a motor vehicle or to disqualify an offender from serving as a custodial parent, foster

1 parent or adoptive parent. Information concerning the offense of possession of one ounce or less  
2 of marijuana shall not be deemed relevant to, or admissible in connection with, any proceeding,  
3 civil or criminal, other than those prescribed by this chapter, and shall not be recorded in the  
4 bureau of criminal information or any other criminal information system or database.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS

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1           This act would decriminalize the possession of one ounce or less of marijuana, and  
2 provide for civil penalties, and for offenders under 18, community service programs and  
3 mandatory counseling.

4           This act would take effect upon passage.

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