STATE OF RHODE ISLAND
RHODE ISLAND DEPARTMENT OF HEALTH
CONCISE STATEMENT OF PROPOSED NON-TEHCNICAL AMENDMENTS
(AMENDMENTS TO EXISTING REGULATIONS)

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1.7(b)(8), the following is a concise statement of proposed non-technical amendments to *Licensing Analytical Laboratories for Sampling and Testing Medical Cannabis including Marijuana and Industrial Hemp (216-RICR-60-05-6)*

Amendment Coordinates	Rationale/Summary of Change

- Title: The title of this regulation is being revised to "Licensing Analytical Laboratories for Sampling and Testing Cannabis"
- Throughout:
  - The term "medical marijuana" was altered to "cannabis."
- § 6.1 – Cannabis is described as including adult use cannabis and industrial hemp.
- § 6.2(A)
  - "non-medical" was replaced with "other."
  - The "Rhode Island Medical Marijuana Program" was changed to "Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act."
- § 6.2(B) - Removed
- § 6.3 – Incorporated Materials:
  - Revised § 6.3(C) as incorporation by reference.
  - Removed § 6.3(D) as incorporation by reference.
  - Added § 6.3(E) to incorporation by reference.
- § 6.4(A)
  - Added the following definitions:
    - 1. "Acceptable Hemp THC level" or ".n%"
    - 11. "Cannabis"
    - 33. "Growing area"
    - 34. "Grower"
    - 35. "Handler"
    - 36. "Hemp"
    - 37. "Hemp derivative"
    - 38. "Hemp-derived consumable CBD product"
    - 47. "Measurement of Uncertainty"
    - 52. "Non-contiguous growing area"
    - 68. "THC"
    - 69. "The Hemp Growth Act"
  - Amended the following definitions:
    - 5. Changed "medical marijuana for medicinal purposes" to "cannabis."
    - 9. Removed "including marijuana."
    - 10. Added "delta 8 tetrahydrocannabinol (Δ8-THC)" to the definition of "Cannabinoid profile."
    - 12. Added "from cannabis"
    - 13. Added "rosin" to list of common terms for "Cannabis resin."
    - 20. Added "DBR oversees the Office of Cannabis Regulation (OCR)" to the definition of "Department of Business Regulation."
    - 24. Changed to "Dried useable cannabis."
    - 26. Changed to "Edible cannabis-infused products."
    - 30. Changed to "Finished cannabis" and removed "medical"

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- 31. Added "Flower that has fallen off of the cannabis plant due to shaking, bumping, moving, or manufacturing is referred to as "shake"" to the definition of "Finished plant material." "Or shaken loose" was also added to this definition.
- 39. Added "from a certified source different from the source of standard target analyte standards used to establish the calibration curve"
- 44. Expanded the definition of "Marijuana"
- 45. Changed to "Cannabis-infused product."
- 61. The word "lot" was changed to "batch."

- § 6.5(D) – Removed.
- § 6.6.5(A)(8) – Removed §§ (a) and (b).
- § 6.7.1(D) – Added section indicating provisions for licensing industrial hemp testing laboratories.
- § 6.7.1(F) – Added "plant material, resins" and "infused products" and changed "a list" to "an appendix listing."
- § 6.7.1(G) – Expanded the parameters for test categories.
- § 6.7.1(G) – Added "Delta 8 tetrahydrocannabinol (Δ8-THC)" to sections regarding cannabinoid potency.
- § 6.7.1(G)(3) – Added new section about testing industrial hemp and hemp products
- § 6.7.1(G)(4) – Added section regarding cannabis-infused products.
- § 6.7.2 – Added requirement that any laboratory that experiences any unexpected change listed in this section must notify RIDOH immediately.
- § 6.7.2(A)(1) and (C)(1) – added "whether partial or full" to both sections.
- § 6.7.2(A)(10) – Added "The analytical laboratory experiencing any of the above changes unexpectedly must notify RIDOH within seventy-two (72) hours and request a waiver that includes an explanation of how it intends to carry on operations."
- § 6.7.3(A) – Expanded annual license renewal provisions
- § 6.7.3(C) – added "no license will be renewed if, at the time of renewal, the laboratory does not meet the requirements for licensing."
- § 6.7.4(A)(8) – Added "of laboratory testing."
- § 6.9.2(A)(1) – Section was removed.
- § 6.9.2(C) – revised to read: "The laboratory shall notify RIDOH within seven (7) days of any change in the laboratory director position. In the event the director of the laboratory is absent for a continuous period of thirty (30) days total (including the seven (7) days), the laboratory shall cease and desist operations on the thirtieth (30th) day unless a person who meets the qualifications of § 6.9.2(A) of this Part is in attendance."
- § 6.12 Title changed to "Cannabis Proficiency Testing (PT) and Demonstration of Capability."
- § 6.12(F)(1) – Added "resins, kief, hashish, shake"
- § 6.12(F)(2) – Added "and metals"
- § 6.12(F)(3) – Added "Cannabis infused edible – potency."
- § 6.12(I) – Reworded this section for clarity regarding failure to complete PT studies.
- § 6.14.2(G) – Section added requiring laboratories to have balances and scales used in the sample collection process certified and sealed.
- § 6.14.2(L) – removed "or a conductivity value of less than 2 microhms/cm."
- § 6.15(E) – Added requirement that visitors, repairmen, and maintenance workers sign in upon entry and be supervised while in restricted areas.
- § 6.16(A) – Added "excluding hemp"
- § 6.16(B) – The name of regulation cited was revised to match the current name.

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• § 6.17(D) – Expanded this section regarding record keeping • §§ 6.17(E) and (J) – Added a requirement for the percentage of a batch required for testing. • § 6.18(B) – Added "Samples of Industrial Hemp flower must be collected according to procedures of the Sampling Guidelines for Hemp U.S. Domestic Hemp Production Program Issued January 15, 2021." • §§ 6.18(F) and (S) – Added additional requirements on sample labels. • Updated information in Table 1 and key. • § 6.21(B)(3) – Added "Δ8- tetrahydrocannnabinol (Δ8-THC)" and removed other notes for Table 1. • § 6.21(C)(1) – Added "Δ8-tetrahydrocannnabinol (Δ8-THC)." • § 6.21(D) – Added testing information to Metals Analysis section • § 6.21(D) – Revised table 2 • § 6.21(E)(1)(a) – Title of Table 3 revised, "Minimum Analysis Required" changed to "Maximum Allowable Limits" • Removed §§ 6.21(E)(1)(b) and (E)(2) through 4. • Revised Table 3. • § 6.22(B) – added "and solvent."	