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TITLE 560 – CANNABIS CONTROL COMMISSION

CHAPTER 10 – CANNABIS

SUBCHAPTER 10 – Regulation of Cannabis Establishments

PART 2 – OPERATIONAL REQUIREMENTS FOR CANNABIS ESTABLISHMENTS

2.1 Authority and Purpose

A. R.I. Gen. Laws § 21-28.11-5 authorizes the Commission to promulgate regulations for the operation of Cannabis Establishments in accordance with the provisions of the Cannabis Act and the Medical Act, including but not limited to minimum oversight requirements, minimum record-keeping requirements and minimum security requirements.

B. The purpose of this Part is to set forth the operational requirements for cannabis establishment licensees as provided for in the Cannabis Act, the Medical Marijuana Act, and all regulations promulgated thereunder.

2.2 Definitions

A. In addition to the terms defined in R.I. Gen. Laws §§ 21-28.11-3, 21-28.6-3, and all other Parts of this Chapter, for this Part the following terms shall have the following meanings:

1. "Advertising" means the act or practice of calling public attention to one's product or service.

2. "Cannabinoid profile" for purposes of these regulations means amounts expressed as the dry-weight percentages, unless otherwise specified by the Commission, of delta-9-tetrahydrocannabinol, cannabidiol, tetrahydrocannabinolic acid, cannabidiolic acid and any other advertised cannabinoid. Amounts of other cannabinoids may be required by the Commission.

3. "Cannabis" or "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include 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 mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Cannabis shall not include hemp as

defined in R.I. Gen. Laws § 2-26-3. Cannabis sub-categories include but are not limited to:

a. "Cannabis infused products" means product infused with cannabis or an extract of cannabis that is intended for use or consumption other than by smoking or vaping, including but not limited to edible and ingestible/non-edible products.

   (1) "Edible" means any product consumed orally that is not otherwise considered an ingestible and is approved for sale by the Commission.

   (2) "Ingestible" or "Non-edible" means any topical, transdermal patch, tincture, capsule or other non-edible product approved for sale by the Commission.

b. "Concentrate" or "Extract" is any type of cannabis product that is refined from usable cannabis into a more homogenized form of usable cannabis including but not limited to hash, supercritical CO2 oil, hash oil, shatter, budder, wax, and rosin.

c. "Dried cannabis" means the leaves and flowers of the cannabis plant after the wet harvested leaves and flowers of the cannabis plant have undergone the drying process and may be capable of combustion.

   (1) A batch of dried cannabis means cannabis that is cultivated utilizing the same growing practices, harvested within a 72-hour period at the same location and cured under uniform conditions.

   (2) A batch of dried cannabis shall not exceed fifteen (15) pounds for the purpose of sampling for required testing and shall not consist of more than one strain, cultivar, or genetic composition.

d. "Immature cannabis plant" means a cannabis plant that is less than eight inches (8") in height, whether rooted or unrooted, with no observable flowers or buds.

e. "Mature cannabis plant" means a cannabis plant that has reached a height of eight inches (8") or taller or that has flowers or buds that are readily observable by an unaided visual examination.

f. "Plant" means collectively or independently "mature cannabis plants" and/or "immature cannabis plants" as the context requires.

g. “Seedling” means the initial growth stage of a cannabis plant after germination, beginning once the cannabis seed has germinated and the first set of true leaves have emerged from the seed shell.

h. “Unusable cannabis” means cannabis seeds, stalks, unusable roots and other unusable portions of a cannabis plant that shall not count towards any regulated weight-based possession limits established in the Cannabis Act, the Medical Marijuana Act and these regulations.

i. “Usable cannabis” means the leaves and flowers of a cannabis plant, and any mixture or preparation thereof, but does not include the sterilized seeds, stalks, and roots of the plant.

j. “Wet cannabis” means the harvested leaves and flowers of the cannabis plant before they have reached a dry state. Pursuant to § 2.5 of this Part, cannabis that has been dried and shall be assumed to have yielded twenty percent (20%) of the weight of the wet cannabis.

4. “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 is 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.

5. “CBD” means cannabidiol, which is a cannabinoid found in the cannabis plant.

6. “Child Resistant” means packaging in accordance with the Poison Prevention Packaging Act of 1970, 16 C.F.R. Part 1700 (2019), as amended, incorporated at § 2.3(A) of this Part.

7. “Closed-loop system” means machinery in which volatile hydrocarbon substances are self-contained without the loss/escape of said substances.

8. “DEM” means the Rhode Island Department of Environmental Management or its successor agency.

9. “Design plans” means all relevant engineering and/or architectural graphics, blueprints, construction phasing schedules, or any other

documentation produced or relied upon by the Rhode Island Registered Professional Engineers and Registered Architects, as applicable, identified in §§ 2.20(C)(2)(a)((5)) and 2.20(C)(4) of this Part.

10. “Embargo” means an administrative hold placed on cannabis, cannabis products, and/or in progress cannabis material by the Commission or its authorized representatives in response to an actual or suspected violation of the Cannabis Act as described in Subchapter 5 Part 1 of this Chapter. Such administrative holds may be both physical, whereby the licensee is prohibited from physically moving the identified cannabis within the cannabis establishment, and/or virtual whereby the licensee is prohibited from changing the status of the identified cannabis within the cannabis seed-to-sale tracking system.

11. “External inventory source” or “External source” means an entity separate and distinct from a particular cannabis establishment that provides cannabis to the cannabis establishment.

12. “Final certification” means the ultimate approval given by the Commission to a licensee which is required prior to commencing Volatile Solvent-Based Hydrocarbon Extraction operations.

13. “Harvest date” means the date when a cannabis crop ends flowering and is harvested so that the cannabis can be dried, trimmed and cured.

14. "Immediate container” means the container or other form of packaging immediately in contact with the cannabis product.

15. “Licensed cannabis retailers” means any cannabis establishment licensed to sell directly to consumers pursuant to R.I. Gen. Laws §§ 21-28.6-12, 21-28.11-10, and 21-28.11-10.2.

16. "Outer packaging” or “Secondary container” means the form of packaging in which an immediate container is placed.

17. “Print media” means any publication made physically available.

18. “Process validation” means the collection and evaluation of data from the process design stage throughout production, which establishes scientific evidence that a process is capable of consistently delivering quality products.

19. “QR code” means a multi-dimensional symbol located on a product package that encodes stored text and data that may be viewed by a user upon scanning.

20. “Quality control sample” pursuant to § 2.10(E) of this Part means a sample of a licensee's own product provided to commercial cardholders of the licensee for internal quality control and product development purposes.

21. “Quarantine” means the required physical storage and/or identification of certain cannabis or cannabis product to prevent distribution or transfer of the product, in a physically separate area clearly identified for such use or through other procedures as defined by the Commission. For purposes of these regulations the term quarantine includes virtual quarantine, which may be imposed though the cannabis track-and-trace system in lieu of or in addition to physical quarantine.

22. "Radio" means a system for transmitting sound without visual images, and includes broadcast, cable, on-demand, satellite or internet programming. Radio includes any audio programming downloaded or streamed via the internet such as podcasts.

23. "Remediation” means the process of reducing or eliminating contaminants from cannabis or cannabis products using physical, chemical or biological means.

24. “Retail-ready” or “Retail-ready cannabis product” means cannabis product that has gone through all the necessary requirements and is ready for sale and consumption.

25. “Seed to sale” means all cannabis establishment regulated activities and transactions from point of origin to the point of sale. Seed to sale activities and transactions include but are not limited to: all cultivation, harvest, processing, manufacturing, and packaging and labeling; all purchases, acquisitions or third party supply of cannabis; all sales and dispensing transactions; any other transfers of cannabis as permitted by the Cannabis Act, the Medical Marijuana Act and any regulations promulgated thereunder; any instances of destruction of cannabis; and testing compliance tracking.

26. “Seed-to-sale tracking system” or “Cannabis seed-to-sale tracking system” means any system(s) designated by the Commission and/or RIDOH designed and used to record and track all seed to sale activities and transactions which may include the use of unique identifiers. The seed-to-sale tracking system may also be used for registration, licensing, and tagging applications, renewals, change of information, and communications, as well as to record and/or report any other additional information as directed by the Commission and/or RIDOH.

27. “Single serving unit” as used in the cannabis equivalency table located in § 2.5 of this Part means no more than 10 mg of THC per single serving unit.

28. “Standard operating procedures” or “SOPs” means step-by-step instructions which explain the order of tasks required to safely and properly conduct a specific activity.

29. “Tamper evident” means a device or process that makes unauthorized access to the protected object easily detected. Seals, markings, or other techniques may be tamper indicating.

30. "Television" means a system for transmitting visual images and sound that are reproduced on screens, and includes broadcast, cable, on-demand, satellite, or internet programming. Television includes any video programming downloaded or streamed via the internet.

31. “Testing agent” means an employee of an approved cannabis testing laboratory or other entity who performs independent testing of cannabis and/or cannabis products in accordance with the RIDOH Testing Regulations.

32. "THCA” means tetrahydrocannabinolic acid, which is a cannabinoid found in the cannabis plant.

33. “THC” means tetrahydrocannabinol, the principal psychoactive constituent of cannabis, and includes but is not limited to delta-9-tetrahydrocannabinol, tetrahydrocannabinol acid and/or the natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of, cannabis sativa L., or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers.

34. “Total potential THC” means the potential amount of total THC found in a cannabis plant or product by using the equation Total Potential THC = (.877 x THCA%) + delta-9-THC% or another equation or methodology approved by the Commission and/or RIDOH.

35. "Trade sample” means a limited amount of cannabis or cannabis product that has been designated by a cultivator or manufacturing licensee to be provided to a retail licensee for the purposes of targeted advertising and product education.

36. “Volatile hydrocarbon substance” means any substance that is likely to change into a gas and, pursuant to § 2.20 of this Part and for the purposes of this Part, is limited to butane, propane, ethanol, or a different volatile hydrocarbon substance which is preapproved by the Commission.

37. "Volatile solvent-based-hydrocarbon extraction” means a manufacturing process in which a volatile hydrocarbon substance, as permitted in § 2.20 of this Part, is combined with cannabis within pre-approved machinery to produce cannabis concentrate.

2.3 Incorporation by Reference

A. These regulations hereby adopt and incorporate 16 C.F.R. Part 1700 (2019) of the Poison Prevention Packaging Act of 1970 by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

B. These regulations hereby adopt and incorporate 21 C.F.R. Part 101 (2019) (Food Labeling) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

C. These regulations hereby adopt and incorporate the EPA's Active Ingredients Eligible for Minimum Risk Pesticide Products and Inert Ingredients Permitted in Minimum Rist Pesticide Products, 40 C.F.R. § 152.25 (January 2023), by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

2.4 Product Designation

2.4.1 Authority and Applicability

A. Cannabis and cannabis products may only be used by persons twenty-one (21) years or older or patient cardholders and may only be sold to or possessed by persons twenty-one (21) years or older, patient cardholders, registered caregivers, or authorized purchasers pursuant to the Cannabis Act, the Medical Marijuana Act, and these regulations.

B. Cannabis and cannabis products may not be sold, possessed, manufactured, or used except as permitted under the Cannabis Act, the Medical Marijuana Act, and these regulations.

C. Retail-ready cannabis product and medical use only cannabis product designation(s) may be withdrawn, denied or revoked by the Cannabis Office if the product fails to satisfy any provision of the Cannabis Act, the Medical Marijuana Act and/or these regulations, or if the product deviates or is altered from a previously approved form.

D. Retail cannabis establishments may only dispense products designated for retail sale to consumers as specified in the Cannabis Act and may only dispense products designated for medical use to qualified patients, registered primary caregivers, and authorized purchasers who possess a valid and unexpired registry identification card.

2.4.2 Cannabis Products Designated for Retail Sale

A. To have any cannabis product designated for retail sale, a product must:

1. Comply with a pre-approved retail-ready designation list of products published by the Commission; or

2. Be approved by the Commission as a retail-ready cannabis product and added to the approved retail ready product designation list prior to sale or distribution of the product.

B. At the time of application for retail-ready cannabis product designation, the cannabis establishment shall submit any known health impacts, both positive and negative, associated with the product to the Commission.

C. The Commission will not designate any product as retail ready if:

1. The Commission has received information, data or research that such product is not safe for its intended use;

2. Anything about the product targets or is appealing to minors.

2.4.3 Cannabis Concentrates intended to be inhaled, vaporized or aerosolized

A. For cannabis concentrate forms, the Commission will not designate a product as retail-ready cannabis if:

1. Flavoring or coloring has been added except for flavors or coloring that are derived solely from cannabis and/or hemp and have been procured in accordance with applicable Rhode Island laws; or

2. Unapproved additives have been added to the product, including but not limited to cutting agents or chemical such as nicotine.

2.4.4 Smokable Products

A. For smokable product forms, the Commission will not designate a product as retail-ready cannabis if:

1. The product has been combined with tobacco, nicotine, caffeine, or any other substance not approved by the Commission.

2.4.5 Infused Cannabis Products

A. For infused cannabis product forms, the Commission will not designate a product as retail-ready cannabis if the product:

1. Appeals to minors, whether by shape, color, and/or placement on a stick for consumption;

2. The product is not of a geometric shape or is in a shape that appeals to minors, including any human shape, animal shapes, cartoon characters or

any other shape that is especially attractive or enticing to children as determined by the Commission;

3. Is in the shape of a cannabis leaf or plant;

4. The product is a fluorescent or neon color;

5. Imitates or has a resemblance to any existing branded consumer products, including foods, snacks, candies and beverages that do not contain cannabis; or

6. Causes a reasonable consumer confusion as to whether the cannabis product is a trademarked product.

2.4.6 Cannabis Products Designated for Medical Use Only

A. To have a cannabis product designated for medical use only, a product must:

1. Be approved to be designated as a cannabis product for medical use only by the Commission prior to sale or distribution of the product.

2. Products eligible to be designated for medical use only include the following ingestible/non-edible cannabis products:

a. Capsules for oral consumption;

b. Topicals including transdermal topicals;

c. Metered dose inhalers;

d. Tinctures;

e. Extract; and

f. Any other product form approved by Commission.

3. Products designated for medical use only are exempt from per serving and per package THC limits.

2.5 Cannabis Equivalency Table

A. The following equivalency table shall be used to ascertain whether the amount of various forms of cannabis is compliant with the dried useable possession limits set forth in the Cannabis Act, the Medical Marijuana Act and any regulations promulgated thereunder.

Cannabis Flower Weight (Grams)	Cannabis Flower Weight (Ounces)	Equivalent Number of 10mgs of THC Single Serving Units
140 g	5 oz	420 THC single serving units
70 g	2.5 oz	210 THC single serving units
28 g	1 oz	84 THC single serving units
7 g	0.25 oz	21 THC single serving units
1 g	0.035 oz	3 THC single serving units
Cannabis Flower Weight (Grams)	Cannabis Flower Weight (Ounces)	Equivalent grams of Concentrate
140 g	5 oz	42 g
70 g	2.5 oz	21 g
28 g	1 oz	8.44 g
7 g	0.25 oz	2.1 g
1 g	0.035 oz	0.3 g
Wet Flower Weight (Grams)	Wet Flower Weight (Ounces)	Dry Flower Weight (20% of Wet Flower Weight)
1400 g	50 oz	280 g or 10 oz
1,050 g	37.5 oz	210 g or 7.5 oz
700 g	25 oz	140 g or 5 oz

350g	12.5 ounces	70 g or 2.5 oz

2.6 Packaging Requirements for Retail-Ready Cannabis Products

A. These retail-ready cannabis product packaging requirements for cannabis establishment licensees are promulgated pursuant to R.I. Gen. Laws §§ 21-28.11-5(b)(19), 21-28.6-12(f) and 21-28.6-16(g).

B. Cannabis establishment licensees shall have one hundred and eighty (180) calendar days from the effective date of these regulations to comply with these requirements.

C. Cannabis retail establishment licensees are responsible for ensuring all cannabis and cannabis products are retail-ready and in compliant packaging prior to sale.

D. In addition to any other requirements pursuant to § 2.7 of this Part, any package containing retail-ready cannabis product must:

1. Fully enclose the product;

2. Protect the product from contamination;

3. Be tamper evident;

4. Not display fluorescent or neon colors;

5. Not impart any toxic or deleterious substance to the cannabis product;

6. Be child resistant, as defined in § 2.2 of this Part; and

7. Be able to be resealed in a child resistant manner unless the package contains a single-serving or application of retail-ready cannabis-infused product pursuant to § 2.6(F) and (H) of this Part respectively.

E. Exit Package

1. Except for retail-ready cannabis-infused products, upon Commission approval, any other retail-ready cannabis product placed into a container that is not child-resistant shall be placed into a child-resistant exit package at the point of sale.

2. The exit package is not required to be labeled pursuant to § 2.7 of this Part if the package(s) within the exit package containing the retail-ready cannabis product comply with all packaging and labeling requirements pursuant to §§ 2.6 & 2.7 of this Part.

F. Additional Packaging Requirements for Retail-Ready Edible and Ingestible Cannabis-Infused Products

1. A single serving unit shall not exceed ten (10) milligrams ("mgs") of total potential THC.

2. A single serving unit, if sold individually, shall be placed into a child-resistant container that may or may not be resealable.

3. Multiple single serving units may be placed together into a single child resistant and resealable package, so long as the total potential THC per package does not exceed one hundred (100) mgs.

4. Multiple packages may be bundled and sold together so long as the:

   a. Total potential THC per serving unit does not exceed ten (10) mgs;

   b. Total potential THC per package does not exceed one hundred (100) mgs; and

   c. Total potential THC per bundled package does not exceed the maximum amount a purchaser can possess pursuant to the Cannabis Act, the Medical Marijuana Act and the equivalency table in § 2.5 of this Part.

5. The allowable variation for total potential THC concentration between actual testing results and the intended package or serving shall not exceed ten percent (10%).

6. Retail-Ready Edible Cannabis-Infused Products in Liquid Form

   a. If packaged as a single serving unit, the container may be sealed using a metal crown cork style bottle cap.

   b. If containing multiple serving units, the container must have a resealing cap or closure which maintains child resistance compliance.

   c. If containing multiple serving units must include a measuring device such as a measuring cap, cup or dropper with the package containing the retail-ready cannabis product. Hash marks on the package do not qualify as a measuring device.

G. Additional Packaging Requirements for Retail-Ready Cannabis Concentrates Intended for Inhalation

1. Cartridges and any other devices, as determined by Commission, shall receive a consumer testing certificate that shows it is safe for its intended use which is subject to Commission review.

2. Electronic vaporization devices must have internal or external temperature controls to prevent combustion and have a heating element made of inert material.

H. Additional Packaging Requirements for Retail-Ready Cannabis-Infused Products intended for Topical Application

1. A single application unit, if sold individually, shall be placed into a child-resistant container that may or may not be resealable.

2. Multiple application units may be combined into a single child resistant and resealable package, so long as the total potential THC per package does not exceed one hundred (100) mgs.

3. Multiple packages may be bundled and sold together so long as the total potential THC per bundled package does not exceed the maximum amount an adult-use consumer can possess pursuant to the Cannabis Act and the equivalency table in § 2.5 of this Part.

I. Additional Packaging Requirements for Retail Ready Cannabis Infused Ingestible Tinctures

1. Total potential THC per package shall not exceed 500 mgs.

J. Ingestible products designated as medical cannabis by the Commission shall adhere to all packaging requirements set forth in § 2.6 of this Part. Medical cannabis serving size and total potential THC limits are subject to the maximum amount a patient can possess pursuant to the Medical Marijuana Act and the equivalency table in § 2.5 of this Part.

2.7 Labeling Requirements for Retail-Ready Cannabis Products

2.7.1 Authority and Applicability

A. These retail-ready cannabis product labeling requirements for cannabis establishment licensees and are promulgated pursuant to R.I. Gen. Laws §§ 21-28.11-5(b)(19), 21-28.6-12(f) and 21-28.6-16(g).

B. Cannabis establishment licensees shall have one hundred and eighty (180) calendar days from the effective date of these regulations to comply with these requirements.

C. Cannabis retail establishment licensees are responsible for ensuring all cannabis products are retail-ready prior to sale.

2.7.2 General Labeling Requirements

A. Each package containing retail-ready cannabis products must be labeled with all required information in accordance with this section prior to sale.

B. Labeling text must be:

1. No smaller than size 6 font, unless otherwise specified;

2. In Times New Roman, Calibri, Arial, Helvetica or any other font determined by the Commission to be easily read;

3. Legible; and

4. Clearly written or printed in the English language.

C. In addition to the required English language label, an additional, accurate foreign language translation label that complies with these rules may be utilized.

D. All required information must be visible, unobstructed and conspicuous. Multiple labels may be affixed to the package, provided that no required information is obstructed.

E. All packages containing retail-ready cannabis products must be clearly labeled with the following information:

1. The business(es) or tradename(s) and license number(s) of the cannabis establishment(s) who cultivated, manufactured and/or produced the product;

2. The unique identifier generated by the cannabis seed-to-sale tracking system;

3. The cannabinoid profile as provided by a licensed cannabis testing laboratory;

a. A cannabis establishment must provide the results of all required tests for any cannabis or cannabis product upon request by the Commission.

4. A Commission-selected universal warning symbol must appear on the front or most predominantly displayed area of the package, no smaller in size than one (1) inch by one (1) inch;

a. Vape cartridges must include the Commission-selected universal warning symbol in a manner that is clear and conspicuous either printed directly on the cartridge or attached to the cartridge as a

sticker and may be smaller in size than one (1) inch by one (1) inch, but not less than ¼ inch by ¼ inch.

5. For cannabis products made of raw flower, including but not limited to packaged flower and pre-rolls, the harvest date of the earliest material harvested;

6. For manufactured cannabis products, the date on which the manufacturing batch was created;

7. For cannabis products containing both raw flower and manufactured cannabis, the harvest date of the earliest material harvested;

8. Poison Control Contact Information, "American Association of Poison Control Center (800) 222-1222";

9. For smokable and vapable products, the net weight of the retail-ready cannabis product prior to its placement in the package, using a standard of measure compatible with the cannabis seed-to-sale tracking system; and

10. Any other information or text as required by the Commission.

F. Additional Labeling Requirements for Retail-Ready Cannabis Infused Products:

1. Cannabinoid profile must be stated per serving/application unit and per package in milligrams (mgs), and in a font larger than size 6, bolded and underlined so as to stand from surrounding text to the consumer;

2. If not fully homogenized, identification of what portion of the product contains the cannabinoids;

3. The serving/application size; and

4. The number of servings/applications per package.

G. All packages containing retail-ready cannabis products must be labeled with the following information, which may be placed on an insert, stated in a peel-back accordion, expandable or extendable label style so long as the label can be easily identified by a consumer as containing important information, or may be contained by a Commission-approved QR code:

1. A complete list of all nonorganic pesticides, herbicides, and fertilizers that were used in the cultivation and production of the retail-ready cannabis product;

2. For retail-ready cannabis infused products, the net weight or volume, as applicable, of the cannabis or cannabis product prior to its placement in a

package, using a standard of measure compatible with the cannabis seed-to-sale tracking system;

3. Whether the product has been remediated and the remediation method used, if applicable, may be included;

4. For processed cannabis products, the processing technique or solvent(s) used to produce the product;

5. For processed cannabis products, a list of all chemicals, diluents, additives, ingredients and/or excipients used to produce and/or added to the cannabis product or that were added to the cannabis product;

6. For cannabis-infused products, a list of all ingredients used to manufacture the cannabis-infused product, including identification of any major allergens contained in the product in accordance with the Food Allergen Labeling and Consumer Protection Act of 2004, 21 U.S.C. § 343 (2019), specifically milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans and sesame;

7. For retail-ready cannabis-infused edible products, a nutritional fact panel in accordance with 21 C.F.R. Part 101, incorporated above at § 2.3 of this Part; and

8. A statement that the cannabis in the product has been tested by a regulated cannabis testing facility and has passed all required contaminant tests.

2.7.3 Imprinting of the Universal Symbol

A. Unless deemed impracticable by the Commission, each single standardized serving unit of a cannabis-infused product shall be marked, stamped, imprinted or individually wrapped with a Commission-selected universal symbol directly on at least one side of the cannabis-infused product in a manner to cause the universal symbol to be distinguishable and easily recognizable. The universal symbol marking shall:

1. Be centered either horizontally or vertically on each standardized serving of retail-ready cannabis product; and

2. If only imprinted on one side, the imprinted side must be the front or most predominantly displayed area of cannabis-infused product; and

3. If centered horizontally on a serving, the height and width of the universal symbol shall be of a size that is at least twenty-five percent (25%) of the serving's width, but not less than ¼ inch by ¼ inch; or

4. If centered vertically on a serving, the height and width of the universal symbol shall be of a size that is at least twenty-five percent (25%) of the serving's height, but not less than ¼ inch by ¼ inch.

B. Unless specifically determined by the Commission to be impracticable, the following categories of cannabis-infused products are considered to be per se practicable to mark with the universal symbol:

1. Chocolate;

2. Soft confections;

3. Hard confections or lozenges;

4. Consolidated baked goods (e.g., cookies, brownies, cupcakes, granola bars); and

5. Pressed pills and capsules.

2.7.4 Requirements for Small Containers

A. If the immediate container holding the retail-ready cannabis product is too small to fit all of the label information required by this section, the following minimum information, in accordance with this section, is required to be placed on a label that is securely affixed to the immediate container:

1. A Commission-selected universal warning symbol;

2. Cannabinoid profile;

3. Tradename of the producer of the product;

4. Product identity (i.e., flower, concentrate type); and

5. "Warning: This product contains cannabis. Store securely locked away from children."

B. The immediate small container must be placed into a secondary container that fully complies with the requirements of this section, including but not limited to required label information set forth in § 2.7.2 and all required warnings set forth in § 2.7.6.

C. If the immediate container and secondary container are not child-resistant, both containers must be placed into a child-resistant exit package in compliance with § 2.6(E) upon sale.

2.7.5 Prohibitions

A. Any logo or graphic that appears on retail-ready packaging must not:

1. Reasonably appear to target individuals under the age of twenty-one (21), including but not limited to, the use of animal characters, toys, cartoon characters or similar images.

2. Imitate or have a resemblance to any existing branded consumer products, including foods and beverages that do not contain cannabis, unless approved by the Commission.

3. Include images of children or minors.

4. Include images of or any person using or consuming the product.

5. Include words, a design or brand that resembles a product that is commonly associated with children or minors or marketed to children or minors.

6. Include symbols or celebrities that are commonly used to market products to minors.

7. Include the word or make any reference to “candy” or “candies”.

8. Include any false or misleading statements, including any statements regarding curative or unproven therapeutic effects to the consumer.

9. Include any seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any reasonably prudent person to believe that the product has been endorsed or manufactured by the State of Rhode Island or any agency or municipality thereof.

10. Cause a reasonable consumer confusion as to whether the cannabis product is a trademarked product.

11. Violate any state or federal trademark law or regulation.

2.7.6 Warnings

A. Warnings on all retail-ready cannabis products must:

1. Be in the English language;

2. Be in Times New Roman, Calibri, Arial, Helvetica or any other font that can be easily read;

3. Be in text no smaller than size 8 font and in bold;

4. Not be covered or obscured; and

5. Be displayed in a bright yellow box as to stand out from other labeling requirements, unless otherwise stated.

B. The following warnings must be displayed on all retail-ready cannabis products, preceded either collectively or individually by the term “Warning”:

1. “This product contains cannabis. Store securely locked away from children.”

2. “It is unlawful to transport this product outside of Rhode Island.”

3. “Cannabis use may impair your ability to operate a motor vehicle or machinery.”

4. “Consumption while pregnant or breastfeeding may be harmful.”

5. For cannabis products intended to be smoked or vaporized:

    a. “Smoking and Vaping is hazardous to your health.”

6. For all cannabis-infused products, it must state in slightly larger or bold font as to stand out from surrounding text, with priority placement:

    a. “Effects of this product may be delayed.”

7. For all cannabis-infused topical products, it must state:

    a. “For Topical Application – Do Not Eat or Smoke.”

C. Cannabis establishments shall post any additional warnings at the point of sale as may be required by the Commission, including but not limited to any point of sale informational materials created by the Commission and provided to the licensee to clearly display or disseminate to customers.

2.8 Advertising

A. In accordance with R.I. Gen. Laws § 21-28.11-5(b)(20), the Commission is authorized to implement requirements and restrictions for advertising, marketing and branding of cannabis and cannabis products for cannabis establishment licensees in accordance with the Cannabis Act, the Medical Marijuana Act, and any other relevant provision of law.

B. Permitted Advertising

1. Advertising may be conducted by cannabis establishment licensees as permitted by law.

2. Advertising may include:

    a. Online media, including cannabis establishment websites, video advertisements, social media, and pop-up advertisements;

(i) Cannabis establishment websites and online media advertisements shall only be accessible to those twenty-one (21) years of age or older.

b. Broadcast media, including radio, television, and film;

c. Print media, including newspapers, magazines, and direct mail;

d. Outdoor media, including billboards and street furniture; or

e. Any other advertising media as approved by the Commission.

3. Advertising must clearly and conspicuously include:

a. The required universal symbol in color;

b. The cannabis establishment license number;

c. "For Ages 21+ and medical cannabis patients"; and

d. Any other information required by the Commission.

4. Advertising shall not:

a. Suggest or imply that cannabis has curative or unproven therapeutic effects;

b. Reasonably appear to target individuals under the age of twenty-one (21);

c. Include images, symbols, wording or fonts that could be attractive to children, including but not limited to the use of animal characters, toys, cartoon characters, cartoon writing or similar images;

d. Contain florescent or neon colors;

e. Include images of children or minors;

f. Display the consumption, use, or transfer of cannabis or cannabis products;

g. Contain material that encourages excessive consumption;

h. Be combined with content relating to alcohol, nicotine, or any other regulated and/or controlled substance;

i. Be displayed or disseminated within five hundred (500) feet of a pre-existing public or private K-12 school;

j. Depict activities or persons in conditions under the influence of cannabis, including but not limited to operating a motorized vehicle, boat, or machinery, or persons who are pregnant or breastfeeding; or

k. Violate any state or federal trademark law or regulation.

5. In the event a third party has used a cannabis establishment's brand, trademark, brand name, location, or other distinguishing characteristics in an advertisement that does not comply with § 2.8 of this Part or any other statute, rule or regulation, the cannabis establishment must immediately notify the Commission and issue a cease-and-desist notice to such third party.

C. Cannabis establishments must take reasonable measures to ensure that the selected advertising medium targets an audience of which eighty-five (85%) percent of the population is reasonably expected to be twenty-one (21) years of age or older and shall adhere to the requirements of this section. Cannabis establishments must provide reliable, verifiable, and current audience composition data if requested by the Commission.

2.9 Cannabis Seed-to-Sale Tracking System

A. Upon direction by the Commission and in accordance with R.I. Gen. Laws §§ 21-28.11-5(b)(12), 21-28.6-12(g)(3), and 21-28.6-16(d) each licensed cannabis establishment shall be required to utilize the state approved cannabis seed-to-sale tracking system to document and monitor compliance with the Cannabis Act, the Medical Marijuana Act and all regulations promulgated thereunder. Applicable licensees may be required to pay costs associated with use of the cannabis seed-to-sale tracking system which may be assessed on an annual, monthly, per use, or per volume basis and payable to the state or to its approved vendor.

B. All information related to the acquisition, propagation, cultivation, transfer, manufacturing, processing, testing, storage, destruction, wholesale and/or retail sale of all cannabis plants and inventory possessed by licensees and/or distributed at retail to consumers in accordance with the Cannabis Act, the Medical Marijuana Act and these regulations must be kept up to date in the cannabis seed-to-sale tracking system, including but not limited to:

1. A~~t least one~~ owner of the licensed cannabis establishment ~~and one compliance manager~~must be credentialed ~~identified~~ as the administrator~~s~~ of the licensee's system;

2. Employee access to the system and permission levels;

3. All areas in which cannabis will be cultivated, stored, processed, manufactured, dispensed, and/or sold;

4. Planting and propagation of plants;

5. Transition of immature to mature plants;

6. Harvest dates with yield documentation;

7. Destructions of immature plants, mature plants and cannabis products;

8. Transportation of immature plants, mature plants, and cannabis products;

9. Remediation of cannabis and cannabis products;

10. Theft of immature plants, mature plants, cannabis and cannabis products;

11. Adjustment of product quantities and/or weights;

12. Samples, including but not limited to quality control and trade samples;

13. Conversion of product types including waste documentation;

14. Required test results as reported by a licensed cannabis testing laboratory;

15. Retail and wholesale transaction data;

16. A complete inventory, including but not limited to:

    a. Batches or lots of cannabis;

    b. Batches or lots of concentrates;

    c. Batches or lots of extracts;

    d. Batches or lots of cannabis infused products;

    e. Immature plants;

    f. Mature plants; and

    g. Cannabis waste;

17. Product compliance data; and

18. Any other information or technical functions the Commission deems appropriate.

2.10 Tagging of Plants and Cannabis Inventory

A. Unique identifier tags shall be placed in a manner to clearly display their association with a particular plant, plant material, or cannabis product as approved by the Commission. For example:

1. Affixed to the plant itself or, if the plant is not of a sufficient size to support the tag, the plant receptacle;

2. By labeling drying racks and other receptacles that wet cannabis dries on;

3. On a label affixed to a storage/transport package and/or retail-ready package; and/or

4. Any other means deemed appropriate by the Commission.

B. All cannabis inventory, including but not limited to immature plants, seeds, cannabis, cannabis derivatives, cannabis currently being processed, cannabis products and waste must be tagged with the following information unless otherwise approved by the Commission:

1. The licensee's license number and tradename/business name;

2. The unique identifier generated by the cannabis seed-to-sale tracking system;

3. Strain name, if applicable;

4. Product name;

5. Product type;

6. The quantity of the product; and

7. Any other information or technical functions the Commission deems appropriate.

C. Each mature cannabis plant must be physically tagged and tracked individually with the following information unless otherwise approved by the Commission:

1. The licensee's license number and tradename or business name;

2. The unique identifier generated by the cannabis seed-to-sale tracking system;

3. Strain name;

4. Date of creation; and

5. Any other information or technical functions the Commission deems appropriate.

D. External Inventory Sources

1. The transfer of seeds, immature plants, cannabis-derived terpenes, cannabis derived cannabinoids and any other inventory item from an external source may be transferred into a cannabis establishment licensee's cannabis seed-to-sale tracking system and onto the physical licensed premises on a case-by-case basis with approval issued by the Commission.

2. All requests for transfers from external inventory sources shall be submitted in writing to the Commission and may be subject to additional requirements, documentation requests and/or an inspection.

E. Quality Control Sampling

1. Licensees shall utilize the cannabis seed-to-sale tracking system to dispense cannabis for quality control sampling purposes so long as the quality control sample:

   a. Is dispensed only to an employee of the licensed cannabis establishment with an active and valid commercial card.

   b. Is from a batch in which the cannabis product is in its final form and the cannabis seed-to-sale tracking system has been updated to reflect passing enforced compliance test results by a licensed testing facility in accordance with RIDOH Testing Regulations, 216-RICR-60-05-6.

2. No cannabis establishment shall dispense quality control samples to any individual commercial cardholder of the licensed cannabis establishment in excess of one (1) ounce of dried cannabis or its equivalent per month.

3. No individual commercial cardholder shall be dispensed an amount of cannabis in the form of quality control samples or trade samples which combined totals more than one (1) ounce of dried cannabis or its equivalent.

4. No cannabis establishment shall dispense quality control samples of cannabis that total more than one (1) ounce of dried cannabis or its equivalent per day.

F. Trade Samples

1. Licensees shall utilize the cannabis seed-to-sale tracking system to transfer, accept and dispense cannabis for trade sample purposes so long as:

    a. The sample is transferred in accordance with the transportation requirements pursuant to § 2.16 of this Part;

    b. No price is associated with the transfer;

    c. The sample is dispensed only to employees of a licensed cannabis establishment who hold an active and valid commercial card.

    d. The sample is from a batch in which the cannabis or cannabis product is in its final form and the cannabis seed-to-sale tracking system has been updated to reflect passing enforced compliance test results by a licensed testing facility in accordance with the RIDOH Testing Regulations, 216-RICR-60-05-6.

2. No licensee shall dispense trade sample(s) to any individual commercial cardholder of their licensed cannabis establishment which totals more than one (1) ounce of dried cannabis or its equivalent per month.

3. No licensee shall dispense trade samples of cannabis that total more than one (1) ounce of dried cannabis or its equivalent per day.

G. Any cannabis plant and/or cannabis inventory product found on a licensed premises and determined to not be in compliance with the Cannabis Act, the Medical Marijuana Act and/or these regulations shall be subject to a quarantine issued by the Commission, and shall not be altered, moved and/or transferred physically or in the cannabis seed-to-sale tracking system until such time that the Commission has removed it from quarantine status.

H. The unique identifier tags may not be transferred or assigned except when affixed to cannabis plants, or cannabis inventory which are being sold/transferred/transported in accordance with §§ 2.11 and 2.16 of this Part.

I. Return of unique identifier tags upon revocation or abandonment of the license shall be specifically governed by the Commission which may include coordinated efforts with law enforcement.

J. Any recall of tags due to new technology shall be handled in accordance with further instruction provided by the Commission.

2.11 Permitted and Prohibited Sources of Cannabis; Contract Requirements; Sales and Transfers

A. Other than transfers from external sources as described in § 2.10(D) of this Part, licensed cannabis cultivators shall only sell to and receive cannabis and

cannabis products from entities licensed pursuant to the Cannabis Act and the Medical Marijuana Act and in accordance with the permitted activities of each license type. R.I. Gen. Laws § 21-28.11-7(j).

1. As part of such sales transactions, licensed cannabis cultivators may transfer and transport cannabis and cannabis products to licensed cannabis establishments in accordance with § 2.16 of this Part; and

2. Licensed cannabis cultivators may only receive cannabis and cannabis products from a licensed cannabis establishment if the receipt is pursuant to a formal agreement;

    a. However, licensed cannabis cultivators shall not distribute or sell any cannabis or cannabis products received from a licensed compassion center, hybrid retailer or retailer to any other retail cannabis establishment licensee.

B. Licensed cannabis product manufacturers may only purchase or receive cannabis for processing from licensed cannabis cultivators and transfer or sell cannabis products to entities licensed pursuant to the Cannabis Act and the Medical Marijuana Act. R.I. Gen. Laws § 21-28.11-9(a).

1. As part of such sales transactions, licensed cannabis product manufacturers may transfer and transport cannabis and cannabis products to licensed cannabis establishments in accordance with § 2.16 of this Part.

2. Licensed cannabis product manufacturers may only receive cannabis from licensed cannabis establishments if the receipt is pursuant to a formal agreement.

C Other than transfers from external sources as set forth in § 2.10(D) of this Part, as applicable, a licensed compassion center, hybrid cannabis retailer, and/or other type of retail cannabis establishment shall only purchase or otherwise receive cannabis or cannabis products from a Rhode Island licensed cannabis cultivator or licensed cannabis product manufacturer with which it has a formal agreement.

1. Compassion centers, hybrid cannabis retailers and other retail cannabis establishments shall not sell or transfer cannabis or cannabis products to any other compassion center, hybrid cannabis retailer, or other retail cannabis establishment, or vice versa. R.I. Gen. Laws § 21-28.6-12(i)(3).

D. The requirements for a formal agreement shall be as follows:

1. A written executed contract or purchase order shall be required for all sales or services and shall contain the following minimum terms:

a. Date of execution/placement of the contract/purchase order;

b. Description and amount of product to be sold and/or services to be provided;

c. The total price and per unit price of the product to be sold and/or services to be provided;

d. The specific date or date range not spanning more than thirty (30) calendar days for fulfillment of the order, performance of the services, and delivery or pickup;

e. The payment due date, as specifically agreed between the parties, but if no date is specifically agreed to, payment shall be made within thirty (30) calendar days from the date of delivery or pickup; and

f. Contracts/purchase orders pursuant to this paragraph may not be modified but may be cancelled or voided by the creation of a new replacement contract/purchase order.

E. Permitted and Prohibited Sales and Transfers

1. Sales to adult-use consumers are only permitted if those intended purchasers are at least twenty-one (21) years of age and present a valid government issued identification card. Only cannabis and cannabis products that have been designated by the Commission in accordance with § 2.4 of this Part may be sold or distributed.

   a. Sales to an adult-use consumer are limited to one (1) ounce of cannabis flower or its equivalent per day pursuant to R.I. Gen. Laws § 21-28.11-22.

2. Sales to qualifying medical patients, directly or through their caregivers or authorized purchasers, are only permitted if those qualifying patients, caregivers, or authorized purchasers are registered and compliant with the Medical Marijuana Act, the Cannabis Act, and these regulations. Only cannabis and cannabis products that have been designated by the Commission in accordance with § 2.4 of this Part may be sold or distributed. For such sales, compassion centers and hybrid cannabis retailers shall be strictly bound by the dispensing limits of R.I. Gen. Laws § 21-28.6-12(g).

3. Sales to out-of-state patients

   a. Compassion centers and hybrid cannabis retailers may conduct sales to out-of-state patient medical cardholders in accordance with R.I. Gen. Laws § 21-28.6-4(o), provided the receiving or purchasing

patient has a valid medical cannabis card, or its equivalent, which has been issued by the applicable regulating authority for the medical cannabis program of the issuing U.S. state/jurisdiction/ territory. The patient must also possess and present a valid government issued identification matching the issuing state and the name on their medical cannabis card; licensees shall have one hundred and eighty (180) calendar days from the effective date of these regulations to comply with this requirement. R.I. Gen. Laws §§ 21-28.11-5(b)(33) and 21-28.11-10(f).

b. Each patient verified pursuant to § 2.11(E)(3)(a) of this Part, shall complete a Commission approved intake form which includes at minimum the home state card registration number or, if the home state registration number is not available, a unique identifier assigned by the compassion center or hybrid cannabis retailer.

c. The compassion center or hybrid cannabis retailer shall log and track all transactions with each out-of-state patient cardholder in the cannabis seed-to-sale tracking system according to the issuing state's patient card registration number or the unique identifier assigned to that person by the compassion center or hybrid cannabis retailer.

d. Out-of-state patient information shall be maintained confidentially in accordance with § 2.14(D)(2) of this Part.

e. The compassion center or hybrid cannabis retailer shall provide each out-of-state patient cardholder with a notice regarding the requirements and prohibitions under the Medical Marijuana Act, the Cannabis Act and these regulations that apply to the dispensing and use of medical cannabis within the State of Rhode Island, including without limitation notice of medical cannabis dispensing and possession limits, prohibition of taking medical cannabis and medical cannabis products across state lines and prohibition of smoking in public places.

4. Delivery sales are deemed permitted provided that such sales comply with § 2.17 of this Part.

5. Any transfer to or from a third-party testing provider shall be in accordance with § 2.16 of this Part, the Cannabis Act, the Medical Marijuana Act and any regulations promulgated thereunder.

6. Unless specifically permitted by this Part, no other cannabis establishment licensee sales or transfers of cannabis or services are permitted.

2.12 Inventory Control

A. Upon direction by the Commission, each licensed cannabis establishment shall utilize the state approved cannabis seed-to-sale tracking system for all inventory tracking from seed to sale as defined in § 2.9 of this Part.

B. If the licensed cannabis establishment is notified by the Commission that the cannabis seed-to-sale tracking system is not available, the licensed cannabis establishment will be provided with direction as to alternative inventory control measures, which may include but may not be limited to the licensed cannabis establishment being directed to:

1. Conduct an initial comprehensive inventory of all cannabis, including but not limited to cannabis available for dispensing and/or sale, cannabis plants and seedlings, seeds, cannabis products and wet cannabis, at each authorized location on the date the licensed cannabis establishment first dispenses, or first cultivates cannabis, or as of another date certain set by the Commission.

2. Conduct daily subsequent comprehensive inventories.

3. Conduct a monthly inventory review of stored, cannabis and cannabis products, seeds, seedlings/immature plants, plants, and wet cannabis.

4. Upon request, the Commission may require a licensed cannabis establishment to implement and provide the results of alternative inventory control measures outlined above, regardless of the availability and use of the cannabis seed-to-sale tracking system.

C. Cannabis for “display purposes only” may be displayed on the retail sales floor during business hours and shall be securely kept, properly tracked in the cannabis seed-to-sale tracking system, and not sold or transferred to any consumer at retail.

D. Cannabis products designated as “Medical Use Only” shall be kept separate and apart from all other cannabis products and shall only be sold to medical patients, caregivers or authorized purchasers.

2.13 Minimum Security Requirements

A. R.I. Gen. Laws §§ 21-28.11-5, 21-28.11-17.1, 21-28.6-12(b)(1)(iv) and 21-28.6-16(b)(4) authorize the Commission to promulgate regulations regarding the minimum security requirements for licensed cannabis establishments.

B. The Commission’s general security requirements include that:

1. Each licensed cannabis establishment shall implement appropriate security and safety measures to deter and prevent the unauthorized entrance into areas containing cannabis and the theft of cannabis.

2. The use or carry of firearms on the premises and/or perimeter of the licensed cannabis establishment is a prohibited form of security, except by security guards licensed by the Office of the Rhode Island Attorney General pursuant to R.I. Gen. Laws Chapter 5-5.1 and who are under written contract to provide security services to licensed cannabis establishments, and by law enforcement personnel during duty.

3. The outside perimeter of a cannabis establishment shall be lighted as follows:

    a. Retail premises shall be well-lit at all times. For any cultivation or manufacturing only site, the outside perimeter shall have adequate lighting to deter theft, which may include motion activated lighting, as approved by the Commission.

4. Any person who does not have a valid commercial identification card issued for the cannabis establishment premises who enters any area where cannabis and cannabis products are grown, cultivated, stored, weighed, packaged, processed, manufactured, or prepared for sale shall be considered a "visitor" and must be escorted at all times by a commercial card holder. Any visitor that regularly gains access to non-point of sales areas of the cannabis establishment may be required by the Commission to obtain a commercial identification card. A licensed establishment must maintain a visitor log for any such activity as detailed in § 2.13(H)(1)(d) of this Part.

5. Each licensed establishment shall ensure that cannabis and cannabis products are stored in a locked area. A licensed cannabis establishment shall use working commercial-grade, non-residential door locks at all points of ingress and egress.

6. Any individual who does not hold a commercial identification card associated with a specific cannabis establishment and is not performing a contracted service is only permitted within point of sale areas of the cannabis establishment unless signed in as a visitor in accordance with § 2.13(B)(4) of this Part. In such areas, the licensed cannabis retailers shall ensure that all cannabis and cannabis products are kept behind the sales counter or other partition and make reasonable efforts to limit the number of customers present in relation to the number of licensed establishment commercial cardholders to assure adequate monitoring and control of point of sale area activities.

C. Security Alarm Requirements

1. Each licensed cannabis establishment shall have a fully operational security alarm system of an appropriate commercial standard as deemed acceptable by the Commission at each authorized physical address that will provide suitable protection against theft and diversion, including alarms at all outside perimeter entry points and outside perimeter windows.

2. A fully operational security alarm system may include a combination of hard-wired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audible, visual, or electronic signal; motion detectors, pressure switches, duress alarms (a silent system signal generated by the entry of a designated code into the arming station to indicate that the user is disarming under duress); panic alarms (an audible system signal to indicate an emergency situation); and hold-up alarms (a silent system signal to indicate that a robbery is in progress).

3. A fully operational security alarm system shall at a minimum provide for immediate automatic or electronic notification to alert municipal and/or state law enforcement agencies or public safety personnel to an unauthorized breach or attempted unauthorized breach of security at the licensed cannabis establishment or any other authorized physical address and to any loss-of-electrical support backup system to the security alarm system.

4. Each licensed cannabis establishment shall establish a protocol for the testing and maintenance of the security alarm system, which shall at a minimum provide for a maintenance inspection/test of the alarm system for each authorized location at intervals not to exceed thirty (30) calendar days from the previous inspection/test and prompt completion of all necessary repairs to ensure the proper operation of the alarm system.

5. If the licensed cannabis establishment suffers a failure of the security alarm system due to loss of electrical support, mechanical function, or otherwise, that is expected to exceed an eight (8) hour period, in addition to the notice requirements provided in §§ 2.13(C)(3) and (I) of this Part, the licensed cannabis establishment must also close the authorized physical address(es) impacted by the failure/malfunction until the security alarm system has been restored to full operation, or, if approved by Commission, provide alternative security.

D. Video Surveillance Requirements

1. Each licensed cannabis establishment must have a fully operational video surveillance and camera recording system of an appropriate commercial standard as deemed acceptable by the Commission with appropriate

protocols, which shall, at a minimum, comply with all of the below requirements:

a. Video surveillance equipment shall, at a minimum, consist of digital or network video recorders, video monitors, and digital archiving devices capable of playback quality sufficient to identify and monitor all individuals (including sufficient clarity of facial features) and activities in the monitored areas.

b. The recording system must record in digital format.

c. The date and time must be embedded on the recording without significantly obscuring the picture. Time is to be measured in Eastern Standard Time.

d. All video surveillance systems must be equipped with a failure notification system that provides prompt notification of any surveillance interruption and/or the complete failure of the surveillance system. Said notification must be routed to the cannabis establishment personnel specifically designated by management and to the Commission.

e. All video surveillance equipment shall have sufficient battery backup to support a minimum of four (4) hours of recording in the event of a power outage.

f. Video recordings must be archived in a format and maintained in a manner that ensures authentication of the recording as legitimately-captured video and guarantees that no alteration of the recorded image has taken place.

g. Remote access to a continuous live feed video on a real time basis must be available at all times to licensed cannabis establishment personnel specifically designated by management and to the Commission. All video surveillance records and recordings must be made available to the Commission upon request. Commission staff or designees will hold video surveillance records and recordings of point of sale areas confidential except for authorized release in accordance with applicable law.

h. The system must include a color printer or similar equipment capable of printing still photos of a quality sufficient to identify individuals and activities in the monitored areas.

i. The licensed cannabis establishment must ensure that the Commission has continuous access to live feed video. Failure to maintain continuous access to the Commission may result in

enforcement proceedings pursuant to Subchapter 5 Part 1 of this Chapter.

E. Placement of Cameras and Required Camera Coverage

1. Camera coverage is required for all areas where cannabis and cannabis products are grown, cultivated, stored, weighed, packaged, processed, manufactured or sold, including all areas of ingress and egress thereto, point of sale areas, security rooms (as defined below), all points of ingress and egress to the exterior of the licensed cannabis establishment, and any computer or other points of access to the cannabis seed-to-sale tracking system.

2. Camera views of required coverage areas shall be continuously recorded twenty-four (24) hours a day, seven (7) days per week. Motion activated cameras may be used in certain required coverage areas with Commission approval.

3. Camera placement shall be capable of identifying activity occurring within twenty (20) feet of all points of ingress or egress and shall allow for the clear and certain identification of any individual and activities on the licensed premises.

4. All entrances and exits to the establishment shall be recorded from both indoor and outdoor vantage points.

5. The system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.

F. Location and Maintenance of Surveillance Equipment

1. Surveillance recording equipment and all video surveillance records and recordings must be housed in a designated, locked and secured room or other enclosure with access limited to licensed cannabis establishment personnel specifically authorized by management (the “security room”). The licensed cannabis establishment must keep on site a current list of all authorized employees and service personnel who have access to the security room and a video surveillance equipment maintenance activity log.

2. If the licensed cannabis establishment suffers a failure of the video surveillance system, due to loss of electrical support, mechanical function, or otherwise, that is expected to exceed an eight (8) hour period, in addition to the notice requirements provided in § 2.13(I) of this Part, the licensed cannabis establishment must also close the authorized physical address(es) impacted by the failure/malfunction until the video surveillance system has been restored to full operation, or, if approved by the Commission, provide alternative premises monitoring.

G. Emergency Plan

1. The licensed cannabis establishment shall develop and maintain an emergency plan with procedures to be followed to prevent and to adequately address and mitigate consequences of theft or burglary or attempts thereof; fire, natural disasters, and other emergencies, including cybersecurity and data breach procedures to prevent a compromise of the integrity of cannabis seed-to-sale tracking system.

2. The emergency plan shall include training for employees on crime prevention and personal safety techniques.

H. Security-Related Record-Keeping

1. The licensed cannabis establishment shall maintain the following documentation on-site and with digital back-up for a period of at least twenty-four (24) months:

   a. Inventory records including, at a minimum, the date the inventory was conducted, a summary of the inventory findings and the name, signature and title of the individual who conducted the inventory.

   b. All records of maintenance, inspections, and tests of the security alarm and video surveillance systems and of servicing, modifications, or upgrades performed on said systems. These records shall include, at a minimum, the date of the action, a summary of the action(s) performed and the purpose therefor, and the name, signature and title of the individual who performed the action(s).

   c. Emergency notification reports as required by § 2.13(I) of this Part.

   d. Visitor logs which shall include the name of each visitor, a photocopy of the visitor's government issued ID upon first visit, the date and time of the beginning and end of the visit, the reason for the visit (i.e. maintenance, authorized pickup, etc.), and the name of the escorting commercial cardholder.

   e. All surveillance recordings must be kept for a minimum of sixty (60) calendar days. Video recordings shall not be destroyed if the licensed cannabis establishment knows or should have known of a pending criminal, civil or administrative investigation or any other proceeding for which the recording may contain relevant information.

   f. All records applicable to the surveillance system shall be maintained on the licensed cannabis establishment premises. A backup record may be stored and maintained offsite. At a minimum,

licensees shall maintain a map of the camera locations, direction of coverage, camera numbers, surveillance equipment maintenance activity log, user authorization list and operating instructions for the surveillance equipment. Access to this information shall be limited to key personnel only.

l. Emergency Notifications and Reports

1. Licensed cannabis establishments shall provide notification of emergency events to the Commission and municipal and/or state law enforcement as outlined below.

2. Immediately upon discovery of the event, or as a soon as possible following a conclusion of a security incident, the licensed cannabis establishment shall provide telephone notification to the appropriate municipal and/or state law enforcement authorities and first responders regarding any of the following "emergency events":

   a. Theft or burglary or an attempt thereof;

   b. Any fire;

   c. A natural disaster that results in the destruction of or damage to cannabis or cannabis products;

   d. A failure of the security alarm system or video surveillance system, due to loss of electrical support, mechanical function, or otherwise, that is expected to exceed an eight (8) hour period;

   e. A non-accidental security alarm activation; or

   f. Any other event which requires response by law enforcement or public safety personnel.

3. The licensed cannabis establishment shall provide e-mail notification to the Commission immediately upon discovery of any data breach or cybersecurity threat to the cannabis seed-to-sale tracking system and immediately after notification to law enforcement/first responders of any other emergency event as defined above in § 2.13(l)(2) of this Part. A follow-up telephone notification to the Commission shall be provided no later than the next business day.

4. The licensed cannabis establishment shall submit a follow-up written report to the Commission within twenty-four (24) hours for each emergency event. The written report shall include, at a minimum, a description of the event(s), identification of known or suspected cause(s) for the event(s), any corrective action(s) taken to prevent a recurrence, and the name, title, and signature of the individual preparing the report.

5. Any notification and report of an emergency event required to be made to the Commission pursuant to these regulations shall be made using the mailing address, telephone number, and/or e-mail address provided by the Commission to approved licensees, as applicable.

6. Upon written direction to the licensed cannabis establishment, the Commission may require that the written and telephone notifications and reporting must be replaced or supplemented by notifications and reporting through the cannabis seed-to-sale tracking system or any other electronic system or means the Commission mandates the licensed cannabis establishment to utilize.

2.14 Record-Keeping and Reporting

A. R.I. Gen. Laws §§ 21-28.11-5(b)(11) authorizes the Commission to promulgate regulations regarding record-keeping requirements for licensed cannabis establishments.

B. Operations Manual. Each licensed cannabis establishment shall develop, implement, and maintain on the premises an operations manual with standard operating procedures which address, at a minimum, all of the following subject areas and requirements:

1. Procedures for the organization, administration, command, and control of the licensed cannabis establishment, including but not limited to an organizational chart and chain of command protocols.

2. Procedures to ensure accurate record-keeping, including but not limited to protocols to ensure that:

a. All acquisitions, dispensing, and sales of cannabis are logged into the cannabis seed-to-sale tracking system on a real time basis.

b. All dispensing and sales transactions:

(1) Are to consumers at least twenty-one (21) years of age, or to registered qualifying patients, primary caregivers, authorized purchasers or verified out-of-state patient cardholders, as well as procedures for verifying authenticity of registry identification cards and other forms of government identification;

(2) Adhere to the limits for cannabis sales and possession prescribed by statute and the cannabis product equivalency limits set by § 2.5 of this Part.

(3) Adhere to the requirements set forth in § 2.10(E) of this Part regarding dispensing quality control samples to employees

of the licensed cannabis establishment who hold a valid commercial card.

(4) Shall be separated into adult-use sales and medical sales at the time of sale dependent on a consumer's medical patient status and other required forms of government identification. Products designated as "medical use only" shall only be sold to registered patients/caregivers and authorized purchasers with a valid medical card.

c. Employees are trained on the proper use of the cannabis seed-to-sale tracking system and any other tracking system used by the licensed cannabis establishment.

d. Employees are trained on customer service protocols, including the handling of complaints.

e. Policies and procedures for handling voluntary and mandatory recalls of cannabis and cannabis products.

3. Required Employee, Agent, and Volunteer Training.

a. In accordance with R.I. Gen. Laws §§ 21-28.11-5(b)(4), (b)(7), (b)(14), 21-28.6-12(f)(14) and 21-28.6-16(b), each licensed cannabis establishment shall develop, implement, and maintain on the premises an on-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee, agent, and, if applicable, volunteer training needs. Each employee, agent or volunteer, at the time of their initial appointment and every year thereafter, shall receive, at a minimum, training in the following:

(1) The proper use of security measures and controls that have been adopted.

(2) Training on use of the cannabis seed-to-sale tracking system and any other tracking systems used by the cannabis establishment for persons responsible for using the system.

(3) Specific procedural instructions for responding to an emergency as outlined above in § 2.13(G) of this Part.

(4) For compassion centers and hybrid cannabis retailers:

(A) Professional conduct, ethics, and state and federal laws regarding patient confidentiality;

(B) Informational developments in the field of medical use of cannabis; and

(C) Policies and procedures for dispensing to and transactions with out-of-state patient cardholders.

4. Policies and procedures for ensuring that any outdated, damaged, deteriorated, mislabeled, or contaminated cannabis is quarantined from other cannabis and destroyed.

a. Such procedures shall be adequate to deal with recalls due to any action initiated at the request or order of the Commission, and any voluntary action by a licensed cannabis establishment to remove defective or potentially defective cannabis or cannabis delivery devices from the market, as well as any action undertaken to promote public health and safety.

5. Record retention policies.

6. Ethics and compliance policies.

7. Alcohol and drug free workplace policy.

8. If applicable, cannabis manufacturing protocols, safety measures, quality assurance practices for cannabis products, and associated training information.

9. An odor control and mitigation plan.

10. Establishment sanitation policy.

11. If applicable, policies and procedures for pesticide use (see § 2.24(E) of this Part).

12. For compassion centers and hybrid cannabis retailers only:

a. A description of the licensee's outreach activities to registered qualifying patients, registered primary caregivers, and authorized purchasers.

C. Personnel Records

1. Each licensed cannabis establishment shall maintain a personnel record for each employee, agent or volunteer for a period of at least one (1) year after termination of the individual's affiliation with the licensed establishment. Said personnel record shall contain the following minimum documentation and information:

a. An application for employment or to volunteer or offers to provide services as an agent.

b. An employment or engagement description detailing duties, responsibilities, authority, qualifications and supervision.

c. If applicable, a copy of any employment or engagement contract, including salary or compensation terms, or, for volunteers, a volunteer agreement.

d. A record of any disciplinary action taken.

e. Documentation of all required training, which shall include a signed statement from the individual indicating the date, time and place they received said training, topics discussed, and the name and title of presenters.

2. Each licensed cannabis establishment shall maintain a current list of all commercial cardholders associated with that licensed establishment which includes but is not limited to commercial card issuance date, expiration date, and national criminal records check issuance date and expiration date, if applicable.

3. Each licensed cannabis establishment shall maintain a list of all employees with access to the cannabis seed-to-sale tracking system which includes the levels of permission(s) for each employee.

D. Additional Records to be Maintained

1. In addition to all other specific record-keeping requirements of the Cannabis Act, the Medical Marijuana Act and all associated regulations, the licensed cannabis establishment shall maintain the following records for a minimum of five (5) years:

a. All contracts and purchase orders, including documentation of any cancelled contracts or purchase orders and any contracts and purchase orders voided by replacement contracts.

b. Invoices and any supporting documentation of all cannabis and cannabis product purchases, acquisitions, transfers, and payments.

c. Contracts pertaining to the security alarm and security camera systems.

d. Contracts with vendors, including any approved third-party testing providers.

e. All records normally retained for tax purposes.

f. Complaints.

g. Management contracts.

h. Compensation records and financial statements.

i. Corporate records including, but not limited to, articles of organization, bylaws, meeting agendas, minutes and corporate resolutions.

2. All records maintained by a compassion center and/or hybrid cannabis retail licensee which pertain to one or more registered qualifying patients, registered primary caregivers, or authorized purchasers shall be:

a. Considered confidential health care information under applicable Rhode Island law; and

b. Protected as health care information in accordance with the Federal Health Insurance Portability and Accountability Act of 1996, as amended.

E. Records Storage and Responsibility for Loss of Records and Data

1. Records pertaining to transactions occurring within the last six (6) months shall be stored on the licensed premises. Records dating further back may be stored off the premises but must be provided to the Commission upon request within twenty-four (24) hours.

2. The licensed cannabis establishment shall exercise due diligence and reasonable care in preserving and maintaining all required records to guard against loss of records and data, including the cybersecurity of electronically maintained records.

2.15 Use on Premises Prohibited

A. Licensed cannabis establishments shall not permit the use of cannabis or cannabis products on the premises of the licensed cannabis establishment, including any parking areas that are designated for clients or otherwise within the control of the licensed cannabis establishment.

2.16 Transportation of Cannabis Products

A. Authorized Transport Vehicle Requirements

1. Any vehicle used in the transportation of cannabis or cannabis products must be approved for use by the Commission.

2. Authorized transports shall be conducted in such a manner as to ensure that cannabis and cannabis products are secured and safe at all times during transport.

3. To qualify as an "authorized transport vehicle" the licensed cannabis establishment shall use a vehicle meeting all the following criteria:

    a. The vehicle bears no markings that indicate that the vehicle is being used to transport cannabis nor indicates the name of the licensed cannabis establishment;

    b. The vehicle is equipped with a global positioning system monitoring device that is monitored by the originating licensed cannabis establishment during an authorized transport;

    c. The vehicle is equipped with an alarm system;

    d. The vehicle is equipped with functioning heating and air conditioning systems appropriate for maintaining correct temperatures for storage of cannabis products;

    e. Cannabis and cannabis products must not be visible from outside the vehicle; and

    f. Cannabis and cannabis products must be stored and transported in a secure, locked storage compartment that is a part of the vehicle transporting the cannabis products. For purposes of this provision the trunk of a vehicle by itself does not qualify as a "locked storage compartment."

4. When transporting cannabis or cannabis products, no other products may be transported or stored in the same vehicle.

5. No firearms may be located within the vehicle or on the person of the authorized commercial cardholder.

6. Any other security and safety requirements as determined by the Commission.

B. Detailed Transport Manifests

1. All licensed cannabis establishments shall create and maintain detailed transport manifests for all authorized transports, which the Commission may require be generated through and/or maintained in the cannabis seed-to-sale tracking system.

2. The detailed transport manifest shall be prepared by the originating licensed cannabis establishment. Hard copies of the transport manifest

shall travel with the shipment as it moves between licensees as set forth in this Part, and both licensees shall retain copies of the detailed transport manifest as part of their record retention responsibilities.

3. The detailed transport manifest shall include the following minimum information:

    a. Departure date and approximate time of departure.

    b. Names, location addresses, and registration/license numbers of the originating and receiving cannabis establishment facilities.

    c. Unique identifier generated by cannabis seed-to-sale tracking system.

    d. If for transport pursuant to an approved home delivery plan, as set forth in § 2.17 of this Part, any such other information pursuant to the approved delivery plan.

    e. Product names and/or descriptions.

    f. Quantities (by weight or unit) of each product to be delivered.

    g. Product name or descriptions and quantities (by weight or unit) of each product which was received by the licensed cannabis establishment.

    h. Arrival date and approximate time of arrival.

    i. Delivery vehicle make, model and license plate number.

    j. Names, commercial identification card number(s), and signature(s) of the authorized commercial cardholder(s) conducting the transport.

C. Authorized Transport Requirements

1. The originating licensed cannabis establishment shall ensure that all delivery times and routes are randomized.

2. The originating licensed cannabis establishment shall ensure that all transport routes remain within the State of Rhode Island.

3. Authorized transports may only be made by valid commercial cardholders affiliated with the particular licensed cannabis establishment that is the source or recipient party to an authorized transaction.

4. If using one authorized transport vehicle, the vehicle shall be operated/occupied by an authorized commercial cardholder and the

authorized transport vehicle shall not be left unattended for any period of time during any authorized transport.

5. If using two authorized transport vehicles, the authorized transport vehicles shall travel together at all times during the authorized transport and each vehicle shall be operated/occupied by at least one authorized commercial cardholder. These vehicles shall not be left unattended for any period of time during any authorized transport.

6. During all authorized transports:

    a. The authorized commercial cardholder(s) must have their valid licensed cannabis establishment commercial card(s) and the detailed transport manifest on their person(s) at all times; and

    b. A copy of the detailed transport manifest shall also accompany the cannabis and cannabis products in the locked storage compartment of the authorized transport vehicle.

7. Any authorized transport vehicle carrying cannabis and cannabis products shall travel directly between the originating cannabis establishment licensee and receiving cannabis establishment licensee(s), including in instances with multiple transport stops in a single trip.

8. In case of an emergency stop, a detailed written account must be maintained describing the reason for the event, the duration, the location, any activities occurring during the stop, and any personnel exiting the vehicle during the stop.

9. Prior to leaving the originating licensed cannabis establishment for an authorized transport to another licensed cannabis establishment, the originating licensed cannabis establishment must weigh, inventory, and account for on video all cannabis and cannabis product to be transported.

10. For authorized transports to and from a licensed cannabis establishment, the transport manifest shall be accompanied by a copy of any contract/purchase order for which the transport is being made and documentation of the actual payment date, if prepaid.

11. Upon arrival at the destination licensed cannabis establishment, the receiving party shall confirm receipt of each item in the presence of the delivering authorized commercial cardholder and then initial each received line item on both the originating licensee's manifest and the receiving licensee's manifest. The receiving party shall then immediately re-weigh, re-inventory, and account on video for all cannabis and cannabis product transported.

12. Both the originating and recipient licensed cannabis establishments shall timely adjust their records to reflect in its records the completed authorized transport of cannabis, including logging such information in the cannabis seed-to-sale tracking system. All records and entries in the cannabis seed-to-sale tracking system shall be easily reconciled by unique identifier, product name and quantity, with the applicable detailed transport manifest.

13. Any unusual discrepancies in the quantity described in the detailed transport manifest and the quantities received shall be reported to the Commission and municipal and/or state law enforcement, if required by the Commission, within twenty-four (24) hours.

14. Any vehicle accidents, diversions, or losses during authorized transports of cannabis shall be reported to the Commission and law enforcement as an "emergency event" pursuant to § 2.13(I) of this Part.

15. Transportation to or from a third-party testing provider shall be in accordance with these rules and all applicable regulations promulgated by RIDOH including, but not limited to the RIDOH Testing Regulations, 216-RICR-60-05-6.

2.17 Home Delivery – Licensed Cannabis Retailers Only

A. Home delivery of cannabis and cannabis products by licensed retail cannabis retailers shall be permitted provided the licensee applies for and receives a variance from the Commission and that the cannabis and cannabis products are sold and delivered in compliance with the Cannabis Act, the Medical Marijuana Act, these regulations and all other applicable laws, including but not limited to the following requirements:

1. The retail proposed home delivery plan has been approved by the Commission.

2. Cannabis and cannabis products shall only be delivered to and accepted by a consumer who is at least twenty-one (21) years old with a valid government identification card, or a valid qualifying patient cardholder or caregiver who has been issued a valid registry card by RIDOH, at a Rhode Island address.

3. Compassion centers and hybrid cannabis retailers only: If delivering medical cannabis to a hospice, treatment, or other medical care facility where the patient cardholder is admitted, the facility must permit the patient's possession and/or use of medical cannabis on the premises.

4. Validation of age and/or Rhode Island patient status is required prior to the sale of cannabis.

5. The name associated with the order of the cannabis and/or cannabis products must match the government identification card presented at the time of delivery to the consumer and/or patient.

B. Transportation requirements for home delivery include but are not limited to the following:

1. Home delivery may only be conducted between the hours of ~~8~~7:00 a.m. and ~~8~~11:00 p.m. EST and must occur within the normal operating hours of the cannabis establishment. Home delivery hours may be limited by local control. R.I. Gen. Laws § 21-28.11-16(a).

2. All home delivery vehicles must be qualified as an "authorized transport vehicle" pursuant to § 2.16(A) of this Part and shall be operated by a valid commercial cardholder of the licensed cannabis establishment.

3. All home delivery vehicles shall comply with the transport manifest requirements in § 2.16(B) of this Part, as applicable.

4. A home delivery vehicle may not possess more than seven thousand, five hundred dollars ($7,500) worth of retail cannabis and cannabis products at a time and may only possess retail cannabis and cannabis products for orders that have been placed by the time of departure from the originating licensee.

5. A home delivery vehicle shall comply with the personnel requirements in § 2.16(C) of this Part.

6. Compassion Centers and hybrid cannabis retailers must make delivery available at least once every fifteen (15) days to eligible Rhode Island patient cardholders statewide and may not refuse delivery to a patient based on the location of their home unless it is for a reason approved by the Commission.

C. Home delivery product and payment requirements include but are not limited to:

1. Any authorized transport vehicle carrying cannabis and cannabis products pursuant to an approved home delivery plan shall only stop at the addresses listed on the detailed transport manifest(s).

2. All home deliveries must be paid for in advance or through electronic payment at the time of delivery. Cash payments at the time of delivery may not be accepted.

3. All orders, payments, and deliveries must be tracked in the retail licensee's cannabis seed-to-sale tracking system and within the limits of the Cannabis Act, the Medical Marijuana Act and these regulations. The Commission must have real time, and if requested, remote access to

these systems and any other logs or systems tracking home deliveries which are approved by the Commission.

4. Products available for delivery must follow the same pricing structure as products sold at a retail location. Retail licensees may impose a standard fee associated with delivery.

5. For compassion centers and hybrid cannabis retailers who offer delivery services as a routine part of operations: If a patient requires a cannabis product that is available at the retail location, but is not offered for delivery, the cannabis establishment licensee must make that product available for delivery to that patient upon their request, provided that the requested product is in stock, and may not charge a delivery fee in excess of ten dollars ($10.00) per delivery to Rhode Island registered patients.

2.18 Curbside Pickup – Licensed Cannabis Retailers Only

A. Curbside pickup activities of cannabis and cannabis products by a licensed retail establishment shall be permitted provided the licensee applies for and receives a variance from the Commission and that cannabis and cannabis products are sold in compliance with the Cannabis Act, the Medical Marijuana Act and these regulations, including but not limited to the following requirements:

1. All areas where cannabis or cannabis products will be picked up pursuant to the approved variance must have compliant security measures in place prior to implementation of curbside pickup activities, including but not limited to cameras, security systems, security guards, and traffic flow coordination.

2. Cannabis and cannabis products shall only be made available for curbside pickup to a valid qualifying patient cardholder, registered caregiver, or authorized purchaser who has been issued a valid registry card by the Rhode Island Department of Health, an out-of-state patient card in compliance with R.I. Gen. Laws § 21-28.11-5(b)(33), or a consumer twenty-one (21) years of age or older with a valid government identification card.

3. The purchaser may place the cannabis order prior to arrival for the pickup.

4. At the time of preorder, the licensee will inform the purchaser of the total amount for purchase and the designated pickup time. Purchases may be paid for in advance.

5. At the time of preorder, the licensee will inform the purchaser of the limited, designated pickup area(s) and that the purchaser is required to pickup their preorder in such designated area(s).

6. At pickup, the licensee's authorized representative will verify that all individuals in the vehicle meet the qualifications for sale.

7. All purchases and curbside pickups shall be tracked properly in the cannabis seed-to-sale tracking system inventory and records shall be made available to the Commission upon request.

8. Licensees may only conduct curbside pickup activities during their approved operating hours.

9. Licensees may not charge a fee for curbside pickups.

10. Cannabis products available for curbside pickup must follow the same pricing structure as products sold to walk-in customers and patients.

11. Compassion centers and hybrid cannabis retailers shall prioritize patient, caregiver, or authorized purchaser pickup orders.

2.19 Manufacturing and Extraction – Licensed Medical and Hybrid Cannabis Cultivators, Product Manufacturers, Vertically Integrated Compassion Centers and Hybrid Cannabis Retailers Only.

A. Any manufacturing method must be approved by the Commission.

B. If the manufacturing method uses a flammable/combustible material or heat source, the method must be approved by the State Fire Marshal and/or local fire department.

C. Licensees are expressly prohibited from converting any non-psychoactive cannabinoid to a psychoactive cannabinoid.

D. Only commercial cardholder employees and agents of a licensee may manufacture cannabis products on a cannabis establishment premises.

E. Each licensee must maintain written standard operating procedures for each manufacturing process, including step-by-step instructions.

F. Each licensee must ensure that for each manufacturing process, all safety and sanitary equipment appropriate for that manufacturing process, including any personal protective equipment, is provided to any authorized commercial cardholder who will be involved in that manufacturing process.

G. All cannabis product manufacturing areas must be adequately lit during manufacturing, cleaning, or other use.

H. All work surfaces on which cannabis products are manufactured and the walls and floors in the areas in which such products are manufactured shall be non-porous, non-absorbent, and easily cleanable.

I. No eating or smoking shall be permitted in manufacturing area(s).

J. The licensee must provide a training manual and instructional training on each manufacturing process to any authorized commercial cardholder who will be involved in that manufacturing process.

2.20 Minimum Requirements for Commission Approval of Volatile Solvent-Based Hydrocarbon Extraction Operations

A. In accordance with R.I. Gen. Laws §§ 21-28.11-5(b)(28) and (29), the Commission is authorized to promulgate regulations governing standards and restrictions for cannabis manufacturing and processing activities, including standards for manufacturing or extracting cannabinoid oils or butane hash oil.

B. Requirements for Volatile Solvent-Based Hydrocarbon Extraction

1. Vertically integrated compassion centers and manufacturers may submit applications to the Commission on such forms and through such submission methods as prescribed by the Commission, for the implementation and use of volatile solvent-based hydrocarbon extraction machinery subject to the requirements contained in these regulations and all applicable zoning, building, fire, testing, workplace safety laws, regulations, ordinances, court orders, and/or as otherwise legally required. All volatile solvent-based hydrocarbon extraction applications must demonstrate compliance with all applicable requirements, including but not limited to the operational requirements contained in § 2.20(B)(2) of this Part; and

2. All volatile solvent-based hydrocarbon extraction manufacturing shall:

a. Be a closed-loop system;

b. Utilize the following permissible volatile solvent-based hydrocarbon extraction substances and be accompanied by a certificate of analysis, maintained in accordance with § 2.20(D) of this Part, which establishes that said substances have a minimum purity level of ninety-nine percent (99.0%):

(1) Butane;

(2) Propane;

(3) Ethanol; or

(4) A different volatile hydrocarbon substance which is preapproved by the Commission.

c. Be conducted by employees adequately trained in the operation of the hydrocarbon extraction machinery to be utilized; and

d. Follow pre-approved standard operating procedures in accordance with § 2.20(D) of this Part;

3. All final products created or partially produced via volatile solvent-based hydrocarbon extraction must satisfy testing requirements contained in the RIDOH Testing Regulations, 216-RICR-60-05-6.

C. Volatile Solvent-Based Hydrocarbon Extraction Application

1. The Commission's approval process for volatile solvent-based hydrocarbon extraction applications shall consist of:

a. A pre-approval phase, wherein the Commission issues a letter stating that the eligible licensee may proceed with implementing its proposed volatile solvent-based hydrocarbon extraction system; and

b. A final approval phase, wherein the Commission approves an eligible licensee to commence volatile solvent-based hydrocarbon extraction operations.

2. Pre-Approval

a. Licensees eligible to perform volatile solvent-based hydrocarbon extraction may apply to the Commission on forms prescribed by the Commission which include but are not limited to the following:

(1) The licensed facility address and identification of the specific location within the facility at which the volatile solvent-based hydrocarbon extraction machinery will be utilized;

(2) The manufacturer(s) of any and all volatile solvent-based hydrocarbon extraction equipment intended to be utilized;

(3) The model(s) of any and all volatile solvent-based hydrocarbon extraction equipment intended to be utilized;

(4) Copies of the user manual(s) for any and all volatile solvent-based hydrocarbon extraction equipment intended to be utilized;

(5) Design plans stamped and sealed by Rhode Island Registered Professional Engineer(s) and a Rhode Island Registered Architect, where applicable, who will ultimately provide a final certification pursuant to § 2.20(C)(4)(a) of this Part, for any and all modifications and/or additions to the licensee's facility including but not limited to:

(A) A written summary of any and all modifications and/or additions which would be made to the facility prior to the utilization/implementation of any and all volatile solvent-based hydrocarbon extraction equipment.

(B) The identification of all volatile solvent-based hydrocarbon extraction equipment intended to be installed;

(C) The identification of all other related equipment and/or hardware (e.g., hazardous materials storage, signage, plumbing, electrical, mechanical, etc.);

(D) Compliance with all applicable Fire Safety Code (R.I. Gen. Laws Chapter 23-28.1 and RICR Title 450) and Building Code requirements (R.I. Gen. Laws Chapter 23-27.3 and RICR Title 510) including a description of all changes to electrical, fire safety, and/or HVAC system(s), structural modifications, etc.; and

(E) Any and all other related additions/modifications/ changes made to licensee's facilities.

(6) Copies of all standard operating procedures for the safe and proper utilization of the volatile solvent-based hydrocarbon extraction machinery pursuant to § 2.20(D)(1) of this Part; and

(7) A letter from the city or town zoning official stating that the proposed volatile solvent-based hydrocarbon extraction method(s) is permitted for the intended facility location.

b. The Commission will review all required pre-approval applications and may conduct an inspection of the proposed location/facilities for hydrocarbon extraction.

c. Upon the Commission's determination that the requirements in § 2.20(C)(2) of this Part have been satisfied, the Commission may issue a pre-approval letter to the eligible licensee.

3. An eligible licensee which obtains pre-approval from the Commission pursuant to this Part must promptly notify the Commission of any material deviations between the pre-approved design plans and the actual implementation of the pre-approved design plans. The Commission reserves the right to revoke the pre-approval if the material deviations substantially change the nature and/or scope of the design plans and/or if the material deviations could have a negative impact upon public health, welfare, and/or safety.

4. Final Approval: An eligible licensee which has obtained the Commission's pre-approval and has implemented the facility modifications pursuant to the design plan may apply for final approval on forms prescribed by the Commission which include but are not limited to the following requirements:

    a. A final certification from the Rhode Island Registered Professional Engineer(s) and Rhode Island Registered Architect(s), as applicable, who approved the design plans identified in § 2.20(C)(2)(a)(5) of this Part stating that the implementation of design plans was materially consistent with said design plans;

    b. A letter from the State Fire Marshal, or their designee, stating that they have conducted a final inspection of the facility changes and that the licensee has demonstrated compliance with all applicable fire codes and/or regulations; and

    c. A certificate of use and occupancy, or equivalent document, from the local building official that all permits have been closed as applicable.

5. Upon the Commission's determination that the requirements of this section have been satisfied, the Commission may issue a final approval letter.

D. Standard Operating Procedures

1. All licenses conducting volatile solvent-based hydrocarbon extraction shall develop standard operating procedures which demonstrate compliance with all applicable laws and regulations and specifically address the following:

    a. Safe and proper operation of the volatile solvent-based hydrocarbon extraction substances, machinery, and/or equipment;

    b. Safe and proper handling and storage of volatile hydrocarbon substances;

c. Adequate cleaning and maintenance of the volatile solvent-based hydrocarbon extraction machinery and/or equipment;

d. Incident reporting for instances where the operator does not follow the stated standard operating procedures which identifies:

(1) The operator's name;

(2) The date and time of the incident;

(3) To which supervising employees the incident report will be sent; and

(4) An incident summary including whether any cannabis or other substances escaped from the volatile solvent-based hydrocarbon extraction machinery and/or was destroyed and, if so, the amount(s) of said material and how the incident was resolved;

e. How to safely and properly dispose of any waste created in the operation of the volatile solvent-based hydrocarbon extraction equipment and/or in preparation or clean-up of said equipment; and

f. Record-keeping of:

(1) All volatile solvent-based hydrocarbon extraction substances and the corresponding certificates of analysis demonstrating sufficient purity pursuant to § 2.20(B)(2)(b) of this Part; and

(2) The certificates of analysis for all volatile solvent-based hydrocarbon extraction substances; and

(3) All incident reports and related materials/documentation.

2. Standard operating procedures for volatile solvent-based hydrocarbon extraction shall be included in the licensee's operations manual pursuant to § 2.14(B) of this Part.

3. Standard operating procedures and all records relating to the requirements of this Part shall be maintained by the licensee for a minimum of five (5) years. All records shall be readily available to the Commission upon request.

E. Compliance with § 2.20 of this Part does not absolve the eligible licensee of any other legal requirements and/or responsibilities.

2.21 Required Patient Outreach Activities –Compassion Centers and Hybrid Cannabis Retailers Only

A. Outreach activities to registered qualifying patients, registered primary caregivers, and authorized purchasers shall, at a minimum, include:

1. Providing each new registered qualifying patient who visits the licensed cannabis establishment with a frequently asked questions sheet that explains the limitations on the right to use medical cannabis under state law, in accordance with R.I. Gen. Laws § 21-28.6-12(f)(9);

2. Providing a list of ingestion options for medical cannabis;

3. Providing applicable usage techniques and any corresponding safety information to registered qualifying patients;

4. Communicating potential side effects; and

5. Upon the request of RIDOH and/or the Commission, e-mailing or otherwise disseminating information to patients regarding changes in the medical cannabis program, or disseminating customer surveys.

2.22 Minimum Sanitation and Workplace Safety Conditions

A. Each licensed cannabis establishment shall be maintained in a safe, sanitary, and clean manner, with all operations in the cultivation, receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of cannabis and cannabis products conducted in accordance with adequate sanitation principles, as detailed below.

B. The facility must meet the following minimum sanitation specifications, including having and maintaining:

1. An adequate supply of potable hot and cold water;

2. Non-porous, non-absorbent and easily cleanable floors, walls, and ceilings in areas where cannabis is cultivated, manufactured, and stored;

3. Lavatory facilities that are readily-accessible to employees and that comply with the Rhode Island State Plumbing Code, 510-RICR-00-00-3;

4. Adequate hand-washing area(s) with hand washing sinks with effective hand-cleaning and sanitizing preparations (such as soap dispensers) and disposable towels or an air dryer for hands;

5. Adequate screening or other protection against the entry of pests and environmental contaminants; and

6. Records related to facility cleaning and sanitation.

C. All mechanical and electrical equipment shall be maintained in a safe operating condition.

D. Waste disposal equipment shall be adequate and removal schedules timely so as to minimize the risk of contamination to cannabis and cannabis products, including the risk of the waste becoming an attractant, harborage, or breeding place for pests.

E. All waste (including all liquid, chemical, hazardous, pesticide, manufacturing solvent and chemical waste) must be stored, secured, and managed in accordance with all applicable DEM laws and regulations and all applicable federal, state, and local statutes, regulations, ordinances, or other legal requirements. Specific instructions for safe destruction of any cannabis required to be destroyed and proper disposal of cannabis waste are set forth in § 2.25 of this Part.

F. Floors, walls, and ceilings shall be kept clean and in good repair, free from dust, debris, mold, mildew, and other contaminants and potentially hazardous materials.

G. Lavatory facilities and hand washing areas shall be kept clean and sanitary and in working condition at all times.

H. Toxic cleaning compounds, sanitizing agents, and other chemicals shall be identified, held, stored and disposed of in a manner that protects against contamination of cannabis and cannabis products and in a manner that is in accordance with all applicable DEM laws and regulations and any applicable local, state, or federal law, rule, regulation, or ordinance.

I. Each licensed cannabis establishment shall comply with all relevant statutes, regulations, and requirements administered by the Federal Occupational Safety and Health Administration (OSHA), including but not necessarily limited to standards for toxic and flammable compounds and air contaminants. The Commission may require licensees to undergo third-party inspections or audits to ensure compliance with OSHA.

J. All persons working in direct contact with cannabis and cannabis products shall conform to hygienic practices while on duty, including but not limited to maintaining adequate personal cleanliness and washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated.

K. Any person whose medical condition, as determined by medical examination or as observed by a supervisor, poses or reasonably appears to pose a risk of contamination of cannabis and cannabis products shall be excluded from the operations until the condition is cleared. Medical conditions posing a risk of

contamination include but are not necessarily limited to open lesions, including boils, sores, or infected wounds, or any other abnormal source of microbial infection.

L. Each licensed cannabis establishment shall not permit the entry of any animal onto the premises. Service animals, as defined in the Americans with Disabilities Act, are exempted from this prohibition in retail areas or other areas where there is no cultivation, manufacturing or packaging of cannabis or cannabis products.

M. In addition to the safety and sanitary equipment including personal protective equipment that the licensed cannabis establishment is required to furnish its employees involved in cannabis manufacturing and extraction pursuant to § 2.19(D) of this Part, the licensed cannabis establishment must also furnish its employees with proper safety equipment for other types of work assigned as part of the cannabis establishment operations.

2.23 Odor Control and Mitigation

A. Cannabis establishment areas used for cultivation, manufacturing, and packaging, and any other area(s) deemed necessary by the Commission following an inspection, shall have ventilation and filtration systems installed that prevent cannabis odors from exiting the interior of the structure to an extent that would significantly alter the environmental odor outside, while also addressing the potential for mold.

B. The ventilation and filtration system, along with any plumbing improvements, shall be installed in compliance with all applicable codes and ordinances, including obtaining any necessary permits, and inspected by the municipality.

C. Measures to assure compliance with this section shall be documented in an odor control and mitigation plan approved by the Commission.

2.24 Pesticide Use and Records

A. Cultivation processes shall use best practices to limit contamination of cannabis and cannabis products, including but not limited to mold, mildew, fungus, bacterial diseases, rot, pests, pesticides, and any other contaminant identified as posing potential harm.

B. The use of pesticides on cannabis plants in Rhode Island by licensed cannabis establishments will not be considered a violation of these regulations provided that the products satisfy all of the following criteria:

1. The product must be a “minimum risk pesticide” under 40 C.F.R. § 152.25(f), incorporated above at § 2.3 of this Part.

2. The product must be labelled for use on all plants, other plants, bedding plants, unspecified plants, and/or unspecified crops.

3. The label must not prohibit indoor or greenhouse use, as applicable.

4. All active ingredients must be eligible for food use as determined by the federal Environmental Protection Agency's (EPA) list of Active Ingredients Eligible for Minimum Risk Pesticide Products, incorporated above at § 2.3 of this Part. https://www.epa.gov/sites/production/files/2015-12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf.

5. All inert/other ingredients must be eligible for food use in accordance with EPA's Inert Ingredients Permitted in Minimum Rist Pesticide Products, incorporated above at § 2.3 of this Part.

6. The product must be a currently registered pesticide product eligible for sale in Rhode Island as determined by DEM. To verify a product's registration in Rhode Island, please consult the online National Pesticide Information Retrieval System through the Center for Environmental and Regulatory Information Systems. http://npirspublic.ceris.purdue.edu/state/state_menu.aspx?state=RI.

7. The product must be used in accordance with any and all use instructions on the label.

C. No application of pesticides shall be made after the vegetative stage of growth of the cannabis plant. The vegetative stage of growth should be determined by visual buds or flower or by proxy of the plant receiving less than eighteen (18) hours of light in a twenty-four (24) hour period.

D. Pesticides shall be identified, held, stored and disposed of in a manner that protects against contamination of cannabis and cannabis products and in a manner that is in accordance with any applicable local, state, or federal law, rule, regulation, or ordinance.

E. Licensed cannabis establishments must keep detailed records of any pesticide products used and application regiments, including video recording during pesticide applications which must cease if there is a failure or disruption of the video surveillance system. This record-keeping requirement is independent of that required of commercial pesticide applicators by DEM and is intended to apply in addition to that requirement, where relevant.

2.25 Safe Destruction and Disposal of Cannabis and Cannabis Waste

A. Cannabis and cannabis product waste (including all liquid, chemical, hazardous, pesticide, manufacturing solvent and chemical waste containing any traces of cannabis) must be stored, secured, and managed in accordance with all applicable federal, state, and local statutes, regulations, ordinances, or other legal requirements.

B. Prior to disposal, cannabis and cannabis product waste must be made unusable and any cannabis plant material made indistinguishable from other plant material. This may be accomplished by grinding and incorporating the cannabis plant waste with other non-consumable solid waste or other ground materials, so the resulting mixture is at least fifty percent non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by the Commission before implementing. Cannabis waste rendered unusable following an approved method may be delivered to a licensed solid waste disposal facility in Rhode Island for final disposition or disposed of in an alternative manner approved by the Commission.

C. Destruction of cannabis and cannabis materials other than waste generated in the regular course of processing and/or manufacturing (such as destruction of whole plants, wet, or usable cannabis that are found to be in excess of statutory possession limits or destruction of a contaminated batch of cannabis product) shall be in a manner acceptable to the Commission, which may include consultation with law enforcement.

D. Destruction of cannabis and cannabis materials upon revocation or abandonment of the license shall be specifically governed by the Commission through order or agreement and/or coordinated efforts with law enforcement.

E. Each licensed cannabis establishment must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of cannabis and cannabis products (including any waste material produced through the trimming or pruning of a cannabis plant prior to harvest). The Commission may mandate storage of any such records or summaries of such records to be through the seed-to-sale tracking system or any other electronic system the Commission designates.

F. All actions in compliance with § 2.25 of this Part must comply with any applicable DEM laws, regulations or policies.

2.26 Quarantine, Testing, Retesting and Remediation

A. All cannabis products must undergo and comply with all sampling and testing requirements as stated in these regulations and the RIDOH Testing Regulations in order to be offered as a quality control sample, a trade sample or for sale by a licensed cannabis establishment. Until the product has complied with and received passing results is accordance with RIDOH Testing Regulations, all cannabis shall be quarantined.

B. Licensed cannabis establishments must arrange with Department of Labor and Training Office of Occupational Safety to have balances or scales certified and sealed on a yearly basis in accordance with R.I. Gen. Laws Title 47.

C. A batch of dried cannabis shall not exceed fifteen (15) pounds for the purpose of sampling for required testing and shall not consist of more than one strain, cultivar, or genetic composition.

D. A batch of concentrate shall only be sampled and tested when no further processing of the extract/resin/concentrate will occur including but not limited to, winterization, addition of compliant terpenes, or compliant cannabinoids and the concentrate must be fully homogenized.

E. Prior to taking required samples from a batch of cannabis plant material and/or a batch of processed concentrate or extract, a cannabis establishment must store the batch separate and apart from all other cannabis material/products and in a manner in which the product is easily identifiable as not sampled or tested and tracked in accordance with § 2.9 of this Part.

F. Test results

1. Within two (2) business days from issuance of final test results, the testing laboratory must upload the results into the cannabis seed-to-sale tracking system and issue a certificate of analysis to the licensee. A testing laboratory may be required to submit the certificate of analysis to the Commission, including but not limited to for failed and retested batches.

2. Certificates of analysis shall expire one (1) year from the date of issuance.

3. Upon expiration of a certificate of analysis, product will be considered untested and must be resubmitted for all required testing in accordance with 216-RICR-60-05-6.

G. Failed Test Batches

1. If a sample's result exceeds an action level in 216-RICR-60-05-6 or as otherwise adopted by RIDOH, the testing facility must report to the Commission and to the cannabis establishment that the sample failed the test for which the result exceeds the action level.

2. The failed batch must be kept separate and apart from all other cannabis and cannabis products and be easily identifiable as a failed batch.

3. If a licensee wants to conduct a retest, the laboratory must follow the retesting guidelines outlined in § 2.26(H) of this Part.

4. If a licensee does not want to conduct a retest, the licensee may remediate the product and must follow the remediation guidelines outlined in § 2.26(G) of this Part.

5. If a retest is not granted or if the batch is not approved for remediation, the batch that the sample was taken from must be immediately destroyed by the cannabis establishment in accordance with § 2.25 of this Part.

6. The destruction of a failed test batch must be logged in the cannabis seed-to-sale tracking system.

H. Retesting

1. In the event of a retest, the following protocol shall be followed:

   a. The testing facility that performed the initial test must perform the retest.

   b. At all times during the retesting process set forth in this Part the original batch must remain unaltered and not have undergone remediation.

   c. If there is enough remaining material from the initial sample to retest, the testing facility shall use that sample material.

   d. If there is not enough material from the initial sample to retest, the testing facility shall request permission from the Commission to resample from the original batch to perform the retest.

   e. If the request to resample is approved by the Commission, the testing facility must collect the new sample from the original batch using the same collection process.

   f. If the retest sample passes the retest for the test or analyte(s) that originally exceeded the allowable action level, the sample will be deemed to have passed that test and the passing results will apply in accordance with this Part.

   g. If the request to resample is denied by the Commission or if a sample fails a retest, the original batch must either be remediated in accordance with § 2.26(I) of this Part or destroyed in accordance with § 2.25 of this Part.

   h. No retested sample, harvest, lot or batch may be sold or transported for retail sale, or dispensed as quality control or trade samples, until the completion and successful passage of compliance testing as required in 216-RICR-60-05-6 or as otherwise adopted by RIDOH.

I. Remediation

1. A cannabis establishment may request from the Commission an opportunity to remediate the batch before requesting the batch be retested or following a failed test. The Commission shall review and determine in its sole discretion whether the request to remediate will be approved. The Commission in its sole discretion may approve specific remediation processes allowable for licensees to conduct without prior Commission approval.

2. The cannabis establishment requesting an opportunity for remediation must demonstrate to the Commission the issues identified by the testing facility are of the kind that can be remediated.

3. In determining if remediation is appropriate, the Commission shall consider the public health and safety consequences of remediation, as well as the frequency and history of failed tests from the requesting licensee.

4. If the Commission determines a batch can be remediated, cannabis must be submitted for all required testing in accordance with 216-RICR-60-05-6.

5. No remediated harvest, lots or batches may be sold or transported for retail sale, or dispensed as quality control or trade samples, until the completion and successful passage of compliance testing as required in 216-RICR-60-05-6 or as otherwise adopted by RIDOH.

2.27 Recalls

A. The Commission or RIDOH may require a cannabis establishment to recall any cannabis or cannabis product that the cannabis establishment has sold or transferred upon a finding that circumstances exist that pose a risk to public health, safety and welfare. Under such circumstances:

1. The recall must immediately be initiated by the cannabis establishment in accordance with their approved recall plan; and

2. The cannabis establishment must comply with any additional instructions made by the Commission.

B. A recall may be based on, without limitation, evidence that the cannabis or cannabis product:

1. Contains unacceptable levels of contaminants;

2. Is found to not be in full compliance with RIDOH Testing Regulations;

3. Is contaminated or otherwise unfit for human use, consumption or application;

4. Is not properly or accurately packaged or labeled;

5. Was not cultivated, processed, or manufactured by a cannabis establishment or otherwise is not in accordance with applicable law or applicable regulations; or

6. Otherwise poses a threat to public health or safety as determined by the Commission or RIDOH.

C. The Commission may at any time require the destruction of cannabis or cannabis products upon a finding that circumstances exist that pose a risk to public safety and health.

D. If the Commission finds that a recall is required, the Commission:

1. Must notify the public and cannabis establishments of the recall;

2. Must place a quarantine or embargo on all affected cannabis and/or cannabis products in the cannabis seed-to-sale tracking system;

3. May require a cannabis establishment to place all cannabis and cannabis product in quarantine or with a third-party custodian at the cannabis establishment's expense.

4. May require a cannabis establishment to notify all individuals to whom such cannabis or cannabis product was sold; and

5. May require that the cannabis establishment destroy the recalled product.

2.28 Quality Assurance Testing Program

A. In accordance with R.I. Gen. Laws §§ 21-28.11-5(b)(27)(ii), (vi), and 21-28.11-11(a), the Commission is authorized to promulgate regulations regarding random sample testing to ensure quality control, including ensuring that cannabis and cannabis products are accurately labeled for THC content and any other product profile, and allows the Commission to establish quality assurance mechanisms to ensure the accuracy of product testing and labeling. The quality assurance testing program set forth in this section is promulgated in accordance with the Commission's statutory authority over licensed cannabis establishments as set forth in the Cannabis Act, the Medical Marijuana Act, and these regulations.

2.28.1 Cannabis and Cannabis Product Random Sampling Procedures

A. Upon direction by the Commission, in accordance with R.I. Gen. Laws §§ 21-28.11-5(b)(27)(ii) and (vi), licensed cannabis establishments shall provide samples of cannabis and cannabis products identified by the Commission, RIDOH, or their assigned designees for the purpose of quality assurance testing to be conducted by a licensed cannabis testing laboratory.

B. The cannabis sampling procedure set forth herein is a requirement of licensure and the licensee from which the samples are collected, as well as the cannabis testing laboratories performing the quality assurance testing, shall not be eligible for renumeration from the Commission, RIDOH, or any other department or agency of the state for their participation in the quality assurance testing program.

C. Frequency of Cannabis and Cannabis Product Sampling

1. The Commission, RIDOH, or their assigned designees will conduct random collection of samples for the purpose of the quality assurance testing program a minimum four (4) times per calendar year.

2. No single licensed cannabis establishment will be required to provide samples for random quality assurance testing more than one (1) time per calendar year.

3. Additional sample collection of specific production batches for the purpose of quality assurance testing may occur at random at the direction of the Commission, RIDOH, or their assigned designees.

4. Nothing in this section should be construed to limit the power of the Commission, RIDOH and/or their designees to order or conduct non-random sampling and testing of cannabis and cannabis products in the interest of public health and safety.

D. Collection of Cannabis and Cannabis Product Samples

1. Licensed cannabis establishments selected for random quality assurance testing will be notified by the Commission or its designee(s) at least twenty-four (24) hours prior to the collection of samples for quality assurance testing. Such notification will include the name(s) of the individual(s) collecting the samples on behalf of the Commission.

2. Licensees shall not be notified of the specific product(s) to be collected prior to the arrival of the designated sample collector(s).

3. The Commission, RIDOH, or their assigned designee(s) shall provide a list of the specific product(s) and the quantity of each product to be collected to the designated sample collector prior to their arrival at the licensed cannabis establishment.

4. No more than the minimum sufficient quantity of each product shall be collected such that no fewer than three (3) cannabis testing labs can analyze the samples for all analytes specified by the Commission, with enough material held in reserve for at least one (1) additional series of tests by a laboratory. Analytes tested may include, but are not limited to, those required by 216-RICR-60-05-6 for retail sale.

a. If there are fewer than three (3) licensed cannabis testing labs at the time of testing, samplers shall collect a sufficient quantity for each licensed testing lab to analyze the samples with enough material held in reserve for one (1) additional series of tests by a laboratory.

b. If there are more than three (3) licensed cannabis testing labs at the time of testing, the Commission, RIDOH, or its designees will select no more than three (3) licensed cannabis testing labs per quality assurance testing round on a rotating basis.

5. Samples may be collected by representatives of the Commission, RIDOH, or their assigned designees.

6. The licensed cannabis establishment from which samples are collected shall input the sample collection, along with the information of the individual(s) collecting the samples, to the seed-to-sale tracking system in a manner prescribed by the Commission.

7. Sample collection shall be conducted in accordance with the Cannabis Act, the Medical Marijuana Act, these regulations and the RIDOH Testing Regulations, 216-RICR-60-05-6.

8. Following collection, samples will be transported by the representative of the Commission, RIDOH, or their assigned designee to the homogenizing location.

9. Samples will be homogenized and anonymized by employees of the Commission, RIDOH, or their assigned designees prior to being provided to cannabis testing laboratories for analysis.

10. Collected samples shall be randomly assigned to cannabis testing laboratories at the homogenizing location.

2.28.2 Cannabis and Cannabis Product Quality Assurance Testing and Analysis

A. Cannabis testing laboratories shall:

1. Be notified by the Commission, RIDOH, or their designees at least twenty-four (24) hours in advance of a planned request for quality assurance testing.

2. Send an employee, agent, or assigned designee to collect the sample at the homogenizing or collection location within twenty-four (24) hours of being notified that the sample is ready for collection.

3. Prioritize assigned quality assurance testing samples and commence testing as soon as practicable following collection of the sample(s) from the homogenizing location.

4. Utilize the same methods for quality control testing that have been approved by the Commission and RIDOH for regular compliance testing.

5. Test quality assurance samples for each analyte specified by the Commission, RIDOH, or their designees, which may include any analyte required for sale by the Cannabis Act, the Medical Marijuana Act, these regulations or RIDOH Testing Regulations, 216-RICR-60-05-6.21

6. Provide the results of quality assurance testing and, if requested, underlying data, to the Commission, RIDOH, and/or their assigned designees.

B. Based on results of information received from a laboratory during quality assurance testing, the Commission, in consultation with RIDOH, may take action(s), including but not limited to administrative action and/or a mandatory recall of cannabis or cannabis products, as it deems necessary to protect public health and safety and the integrity of the State's cannabis testing program. R.I. Gen. Laws § 21-28.11-5.

2.29 Severability

A. If any section, term, or provision of these regulations should be adjudged invalid for any reason, that judgment should not effect, impair, or invalidate any remaining section, term, or provision, which shall remain in full force and effect.