

Will 2019 Be the Year Rhode Island Legalizes Adult Use Marijuana?

Governor Gina Raimondo has proposed legislation that would legalize the recreational use of marijuana by adults in Rhode Island.

Proposed bills to legalize recreational use of marijuana in the Ocean State have stalled in the past, or have been sent to committees for more study. Governor Raimondo and other legislative leaders have been reluctant to support such legislation in the past.

What has Changed?

What has changed? Governor Raimondo told the Providence Journal earlier this month “I have resisted this for the four years I have been governor. ... Now, however, things have changed, mainly because all of our neighbors are moving forward” with legalization.

The public rationale for the bill is that Rhode Island must act to regulate recreational use because Massachusetts already has, and Connecticut is proposing to do so. “We’re not doing this for the revenue,” said Kevin Gallagher, Raimondo’s deputy chief of staff. “We’re going to be surrounded by [marijuana], and the only way we will be able to control the public health, to make sure we have safe products, control distribution, [and] ensure proper enforcement, is if we take control of our own destiny and establish a framework here that has those significant protections.”

Other Rhode Island legislative leaders also seem to have softened their stance against legalization in recent months. In a year end interview on The Public’s Radio, Rhode Island House Speaker Nicholas Mattiello, who has opposed legalization in the past, said: “I think we have to study it and then decide what we want to do as a state, but I am mindful that Massachusetts has legalized it; I believe Connecticut is going to legalize it.” “I think we’re probably going to end up with more social costs without the revenues and that would probably be the worst situation of all.”

Rhode Island Senate President Dominic Ruggiero sounded less supportive when he stated in November 2018, “While I continue to keep an open mind on legalization of recreational marijuana as the state looks into the regulatory and workforce challenges that come along with it, I also have significant concerns, particularly with regard to workforce issues, enforcement around edibles, and impact on children.”

Revenue generation also appears to be an underlying rationale. The Governor’s marijuana bill is buried in a 541 page budget bill, and is projected to raise \$14.3 million in gross revenues for Rhode Island’s coffers in the first year after passage through a combination of license fees, sales taxes on purchasers and separate taxes on growers. In addition, the proposed bill gives the Department of Business Regulation wide discretion to create additional types of licenses and impose new license fees on any participants in the growing and distribution ecosystem.

Strictest Regulations in the Country

Under the Governor’s proposal, Rhode Island would create one of the strictest regulatory regimes in the country. Unlike residents of Massachusetts, Maine and Vermont, Rhode Island adults would be prohibited from growing their own marijuana for recreational purposes. New, stricter, limits would also be imposed on those growing for medical purposes. While patients registered with the Department of Health now can grow up to 12 plants at home, the proposal would require that they purchase their medical marijuana from the State’s compassion centers unless they can demonstrate a “need” under yet to be developed guidelines. The proposal

also would require that single serving of edible products contain no more than 5 milligrams of THC, the psychoactive compound in marijuana.

Instead of creating an independent agency to regulate medical and recreational marijuana, like Massachusetts, the Rhode Island proposal would consolidate much of the licensing and regulatory enforcement power under the Department of Business Regulation.

Not all are happy about the proposal. Medical marijuana patients, in particular, are apprehensive about the higher fees and the possible limits on home growing. In response to our request for a statement, Ellen Smith, the President of the Rhode Island Patient Advocacy Coalition, stated: "It is heartbreaking this is happening, stressing out medical patients and in truth, will force more and more back into the black market to get away from all these fees and judgments by others." She expressed desire that Rhode Island "Make the money off the recreational program being set up and bring our costs down and show compassion to this segment of society," she added.

The bill has been referred to the House Finance Committee. No hearings have been scheduled to date.

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