



# Rhode Island General Assembly

## Office of the House Minority Caucus

# NEWS

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Date: June 21, 2019

## **House Republicans will submit a budget amendment to provide local control for marijuana growth and cultivation throughout Rhode Island**

Providence, RI – In an effort to provide local cities and towns with the authority to control the location of commercial marijuana grow facilities, Senior Deputy House Minority Leader Justin Price is submitting an amendment to the FY20 budget to affirm the municipal right to restrict commercial growth operations in residential areas. It also redefines plant agriculture in state law. This amendment will ensure that cities and towns throughout the state are compliant with state law when localities seek to control the placement of these growth and dispensary operations. The legislation was inspired by recent marijuana commercial applications and court cases where local zoning board decisions on medical marijuana grow operations were stymied or overturned due to misinterpretations of the law.

In Rhode Island cities and towns where there is an “agricultural products manufacturing” prohibition, it appears that a marijuana or cannabis grow operation is currently permissible. The 2016 RI Superior Court case, *Carlson v Zoning Board of Review, S Kingstown*, noted that plant agriculture is permitted in all zones in Rhode Island.

Currently, in the Town of Richmond there is a commercial marijuana operation proposal seeking to locate an 11,000 square foot marijuana cultivation facility in a residential district. Current law likely allows that operation to proceed without local say. This amendment would provide Rhode Island residents a voice, through their local zoning boards, on whether these commercial businesses are appropriate for their communities.

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## **Marijuana Operations Control Amendment**

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“Marijuana is a big and growing business in Rhode Island,” said Representative Price. “My amendment would allow local communities to prevent marijuana dispensaries and growers from locating in a residential zone. It also clearly defines Plant Agriculture in state law, excluding the cultivation and processing of marijuana from this definition, for zoning purposes. I think we all desire a say at the local level where marijuana is grown and, more importantly, dispensed. Processing facilities could pop up anywhere if we don’t provide options for municipalities to designate locations of these operations.”

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*The Rhode Island House of Representatives Minority Caucus (Republican) is comprised of the following elected members representing constituents who live in the following districts throughout the Ocean State: Minority Leader, Blake Filippi, District 36 (Charlestown, South Kingstown, Westerly, New Shoreham); Minority Whip, Michael Chippendale, District 40 (Foster, Gloucester, Coventry); Representative John Lyle, Jr., District 46 (Lincoln, Pawtucket); Representative George Nardone, District 28 (Coventry); Representative Brian Newberry, District 48 (North Smithfield, Burrillville); Representative David Place, District 47 (Burrillville, Gloucester); Senior Deputy Minority Leader Justin Price, District 39 (Exeter, Hopkinton, Richmond); Deputy Minority Leader Robert Quattrocchi, District 41 (Scituate, Cranston); Representative Sherry Roberts, District 29 (Coventry, West Greenwich).*