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MEMORANDUM

TO: The Honorable Bristol Town Council
Hon. Steven Contente, Town Administrator

FROM: Amy H. Goins, Assistant Town Solicitor

DATE: July 21, 2022

SUBJECT: Proposed ordinance re: prohibition of smoking/vaporizing cannabis in public places

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TOWN CLERK'S OFFICE
BRISTOL, RHODE ISLAND

The newly-enacted Cannabis Act authorizes municipalities to “adopt ordinances that ban or impose restrictions on the smoking or vaporizing of cannabis in public places, including outdoor common areas, parks, beaches, athletic and recreational facilities and other public spaces.” R.I. Gen. Laws § 21-28.11-16(b). A draft ordinance in this regard is attached for your consideration.

You should be aware that state law prohibits the smoking of medical marijuana “in any public place,” but municipalities are not authorized to enact ordinances in this regard. See R.I. Gen. Laws § 21-28.6-7(a)(iv) (“This chapter shall not permit...the smoking of [medical] marijuana...in any public place.”). Additionally, state law also prohibits smoking in enclosed public places and places of employment, and this prohibition is not limited to tobacco and extends to vaping as well as smoking. See R.I. Gen. Laws §§ 23-20.10-2(19) (defining “smoking”); 23-20.10-3 (prohibition of smoking in public places); 23-20.10-4 (prohibition of smoking in places of employment). These existing prohibitions are not addressed in this draft ordinance, which is limited solely to recreational cannabis as defined by the Cannabis Act.

Please let us know if you have any questions.

