



Rhode Island State Police

General Order - 9D

<i>Section:</i>	Administration - General Management
<i>Article:</i>	9 - Miscellaneous
<i>Title:</i>	Prohibition Against Medical or Recreational Marijuana Use and Possession
<i>Special Instructions:</i>	

I. PURPOSE

The purpose of this policy is to prohibit the possession and use of marijuana for medical and recreational use by any Sworn Division member.

II. RIGL 21-28.6

- A. Although Rhode Island General Law §21-28.6 legalizes the use of marijuana for “medical” purposes for patients with “written certification” of a “debilitating medical condition”, marijuana remains a Schedule I controlled substance under the federal Controlled Substances Act, 21 U.S.C. § 812(b)(1) whose use, sale, and possession are federal crimes.
- B. Rhode Island General Law §21-28.6- does not permit:
1. A person to undertake any task under the influence of marijuana that would constitute negligence or professional malpractice;
 2. The smoking of marijuana in a public place;
 3. The operation, navigation or actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana.

III. FIREARMS POSSESSION

- A. 18 U.S.C. § 922(g)(3) prohibits an unlawful user of a controlled substance (as defined by the federal Controlled Substances Act) from possessing any firearms or ammunition.
- B. An open letter to all federal firearms licensees issued by the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on September 21, 2011 made it clear that:
1. Those who are users of marijuana, regardless of whether the state has passed legislation authorizing the use for medicinal purposes, are still unlawful users of a controlled substance under 18 U.S.C. § 922(g)(3).

2. Under federal law, a person may not possess or purchase a firearm or ammunition if the person uses marijuana under Rhode Island General Law.
- C. Division members must be able to lawfully possess and use a firearm and ammunition to perform their duties as a Sworn law enforcement officer, therefore Sworn Division members are prohibited from using marijuana for medical purposes.

IV. DIVISION MEMBER RESPONSIBILITIES

- A. Sworn Division members are reminded that although some states have legalized the possession and use of marijuana it remains a Schedule I controlled substance under the federal Controlled Substances Act, 21 U.S.C. § 812(b)(1) whose use, sale, and possession are federal crimes, therefore it is a violation of Department Rules & Regulations, Chapter III, number 2 "Obedience to Law" which requires all members of the Division to obey the laws of the United States and the State of Rhode Island, all ordinances of local jurisdictions, and court orders.
- B. Chapter IV "Alcohol and Other Intoxicants" states that Sworn Division members shall not appear for work, nor be on duty while under the influence of intoxicants to any degree.
- C. Sworn Division members are prohibited from applying for, possessing or using a medical marijuana card for themselves, or another.
- D. Sworn Division members are prohibited from applying for, or serving as, a caregiver for a person in possession of a medical marijuana card.
- E. Sworn Division members are prohibited from owning, operating, managing, investing or being financially involved in, or otherwise involved in the operation or management of a marijuana cooperative, dispensary, business or location that is used to manufacture, grow, process, use, sell or dispense marijuana for any reason.



By Order of Colonel Assumpico

A handwritten signature in black ink that reads "Ann C. Assumpico".

Ann C. Assumpico
Colonel
Superintendent