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December 1, 2023

William Aiello, President
Westerly Town Council
Town Hall
45 Broad Street
Westerly, RI 02891

VIA EMAIL

Dear Council President Aiello:

I am writing in response to a proposed ordinance that is on the Town Council's agenda on Monday regarding alcohol and drug use in parks and public places. Because we believe that this proposal, in at least one key respect, appears to exceed the legislative authority given to the Council to address this topic, we request that it be amended if it is to be acted upon favorably.

Specifically, under R.I.G.L. §21-28.11-16(b), municipalities are allowed to adopt ordinances imposing bans and restrictions on the "smoking or vaporizing of cannabis in public places," which we understand this proposed ordinance is designed to implement. Our concern is with the language of section 179-7(b) of the proposed ordinance, which prohibits, absent special permission from the Town, the "sale and *use of any and all . . .* cannabis products in all parks, playgrounds, and recreational centers owned by the Town." (emphasis added)

By banning the use of "any and all" cannabis products in these locations, the proposal's language goes beyond the authority given by §21-28.11-16(b). The state's new law does not authorize municipalities to restrict the non-smoking or non-vaping consumption of cannabis (e.g., the use of edibles) in public places. In addition, how the Town would go about enforcing a broader ban than what the state law authorizes raises independent concerns.

We hope that the Council will consider these comments and take appropriate steps to address this issue in its consideration of the ordinance. Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is fluid and cursive.

Steven Brown
Executive Director

cc: Westerly Town Council
Shawn Lacey, Town Manager
William Conley, Jr., Town Solicitor