

2023 -- H 5923 SUBSTITUTE A

LC001511/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Representatives Potter, McNamara, Speakman, Bennett, Place, Slater,  
Felix, Cruz, and Morales

Date Introduced: March 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 21-28-4.01.2 of the General Laws in Chapter 21-28 entitled "Uniform  
2           Controlled Substances Act" is hereby amended to read as follows:

3           **21-28-4.01.2. Certain quantities of controlled substances.**

4           (a) Except as authorized by the chapter, it shall be unlawful for any person to possess,  
5           manufacture, sell, or deliver the following enumerated quantities of certain controlled substances:

6           (1) More than one kilogram (1 kg.) of a mixture or substance containing a detectable  
7           amount of heroin;

8           (2) More than one kilogram (1 kg.) of a mixture or substance containing a detectable  
9           amount of:

10           (i) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine,  
11           ecgonine, and derivatives of ecgonine or their salts have been removed;

12           (ii) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

13           (iii) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

14           (iv) Any compound, mixture, or preparation that contains any quantity of any of the  
15           substances referred to in paragraphs (i) — (iii) of this subdivision;

16           (3) More than ten grams (10 gs.) of phencyclidine (PCP) or more than one thousand (1,000)  
17           tablets of a mixture or substance containing a detectable amount of phencyclidine (PCP);

18           (4) More than one gram (1 g.) of lysergic acid diethylamide (LSD); or more than one  
19           thousand (1,000) tablets of a mixture or substance containing a detectable amount of lysergic acid

1 diethylamide (LSD);

2 (5) More than five kilograms (5 kgs.) of a mixture containing a detectable amount of  
3 marijuana;

4 (6) More than one kilogram (1 kg.) of a mixture or substance containing a detectable  
5 amount of synthetic drugs; or

6 (7) More than one kilogram (1 kg.) of a mixture or substance containing a detectable  
7 amount of fentanyl or its analogs, including, but not limited to: N-(1-phenethylpiperidin-4-yl)-N-  
8 phenylacetamide, its optical, positional, and geometric isomers, salts, and salts of isomers (acetyl  
9 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2carboxamide (furanyl fentanyl); and N-  
10 Phenethyl-4-piperidinone (4-AN-PP); or

11 (8) More than one kilogram (1 kg.) of a mixture or substance containing a detectable  
12 amount of carfentanil; or

13 (9) More than one kilogram (1 kg.) of 3,4-methyl-enedioxymethamphetamine (MDMA),  
14 its optical, positional, and geometric isomers, salts, and salts of isomers; or

15 (10) More than one kilogram (1 kg.) of amphetamine, its salts, optical isomers, and salts of  
16 its optical isomers; ~~or~~

17 (11) More than one kilogram (1 kg.) of methamphetamine, its salts, and salts of its isomers;  
18 or

19 (12) More than twenty-eight and thirty-five hundredths grams (28.35 gs.) or one ounce (1  
20 oz.) of psilocybin.

21 (b) Any person who violates this section shall be guilty of a crime, and upon conviction,  
22 may be imprisoned for a term up to life and fined not more than one million dollars (\$1,000,000).

23 SECTION 2. Chapter 21-28 of the General Laws entitled "Uniform Controlled Substances  
24 Act" is hereby amended by adding thereto the following section:

25 **21-28-2.11. Exemptions for psilocybin.**

26 (a) Nothing in this chapter shall apply to any compound, mixture, or preparation containing  
27 less than one ounce (1 oz.) of psilocybin provided the following conditions have been met:

28 (1) Psilocybin is in possession of one person or shared by one person to another; or

29 (2) Psilocybin has been securely cultivated within a person's residence for personal use.

30 (b) Contingent upon the United States Federal Drug Administration's (FDA's)  
31 rescheduling of psilocybin the Rhode Island department of health shall establish rules and  
32 regulations pertaining to cultivation, distribution and medical prescription.

33 (c) Contingent upon the United States Federal Drug Administration's (FDA's) expansion  
34 of its access program, patients with a serious or life-threatening mental or behavioral health

1 disorder, who are without access to effective mental or behavioral health medication, may have  
2 access to psilocybin at locations in Rhode Island approved by the Rhode Island department of  
3 health.

4 (d) The provisions of this act shall sunset on July 1, 2025, and prior to this sunset, the  
5 attorney general shall provide a report to the speaker of the house and president of the senate  
6 relating to the number of violations issued for possession, cultivation, or distribution of psilocybin,  
7 and the director of the department of health shall provide a report to the speaker of the house and  
8 president of the senate relating to the U.S. Food and Drug Administration's (FDA) scheduling of  
9 psilocybin and permitted use for the treatment of mental or behavioral health disorders.

10 SECTION 3. This act shall take effect on July 1, 2023, and shall sunset on July 1, 2025.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

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1           This act would amend the current law on controlled substances to permit a person to be in  
2 possession of less than one ounce of psilocybin. It would also permit psilocybin to be securely  
3 cultivated within a person's residence for personal use. The act would also, contingent on the US  
4 FDA's rescheduling and expanding its access program, mandate that the RI department of health  
5 establish rules and regulations on the cultivation, distribution and medical prescription of  
6 psilocybin.

7           This act would take effect on July 1, 2023, and would sunset on July 1, 2025.

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