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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senators LaMountain, Tikoian, Britto, Burke, Raptakis, and F. Lombardi

Date Introduced: March 30, 2023

Referred To: Senate Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 21-28-4.11 and 21-28-4.14 of the General Laws in Chapter 21-28  
2 entitled "Uniform Controlled Substances Act" are hereby amended to read as follows:

3           **21-28-4.11. Second offenses.**

4           (a) Any person convicted of a second offense under this chapter, except for violations of §  
5 21-28-4.01(c)(2)(i), § ~~21-28-4.01(e)(2)(iii)~~ 21-28-4.01(c)(2)(ii), § 21-28-4.01(c)(2)(iv), or § 21-28-  
6 4.01(c)(2)(v), ~~or § 21-28-4.01(e)(2)(vi)~~, may be imprisoned for a term up to twice the term  
7 authorized, fined an amount up to twice that authorized, or both.

8           (b) For purposes of this section, an offense is considered a second offense if, prior to his or  
9 her conviction of the offense, the offender has at any time been convicted under this chapter, except  
10 for violations of § 21-28-4.01(c)(2)(i), § 21-28-4.01(c)(2)(iii), § 21-28-4.01(c)(2)(iv), § 21-28-  
11 4.01(c)(2)(v), ~~or § 21-28-4.01(e)(2)(vi)~~, or under any statute of the United States or of any state  
12 relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

13           **21-28-4.14. Third or subsequent offenses.**

14           (a) Any person convicted of a third or subsequent offense under this chapter, except for  
15 violations of § 21-28-4.01(c)(2)(iv), or § 21-28-4.01(c)(2)(v), ~~or § 21-28-4.01(e)(2)(vi)~~, may be  
16 imprisoned for a term up to three (3) times the term authorized, and fined an amount up to three (3)  
17 times that authorized by § 21-28-4.11, or both.

18           (b) For purposes of this section, an offense is considered a third or subsequent offense if,  
19 prior to his or her conviction of the offense, the offender has at any time been convicted twice under

1 this chapter, except for violations of ~~§ 21-28-4.01(e)(2)(iii)~~, § 21-28-4.01(c)(2)(iv), [or](#) § 21-28-  
2 4.01(c)(2)(v), ~~or § 21-28-4.01(e)(2)(vi)~~, or twice under any statute of the United States or of any  
3 other state, or any combination of them, relating to narcotic drugs, marijuana, depressant, stimulant,  
4 or hallucinogenic drugs.

5 SECTION 2. This act shall take effect upon passage.

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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 statutory penalties for a second and third possession of marijuana  
2 offense to conform to the penalties promulgated in the Rhode Island cannabis act.

3           This act would take effect upon passage.

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