

2024 -- S 2437

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senators LaMountain, Bissailon, and Burke

Date Introduced: February 12, 2024

Referred To: Senate 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), or § 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

- 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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