

2024 -- S 2910

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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: Senator Jacob Bissailon

Date Introduced: March 22, 2024

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(c)(2)(iii), § 21-28-4.01(c)(2)(iv), or § 21-28-4.01(c)(2)(v), ~~or §~~
6 ~~21-28-4.01(e)(2)(vi)~~, may be imprisoned for a term up to twice the term authorized, fined an amount
7 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)(i), § 21-28-4.01(c)(2)(iii) § 21-28-4.01(c)(2)(iv), or § 21-28-
16 4.01(c)(2)(v), ~~or § 21-28-4.01(e)(2)(vi)~~, may be imprisoned for a term up to three (3) times the term
17 authorized, and fined an amount up to three (3) 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\(c\)\(2\)\(i\)](#), § 21-28-4.01(c)(2)(iii), § 21-28-
2 4.01(c)(2)(iv), [or](#) § 21-28-4.01(c)(2)(v), ~~or § 21-28-4.01(c)(2)(vi)~~, or twice under any statute of the
3 United States or of any other state, or any combination of them, relating to narcotic drugs,
4 marijuana, depressant, stimulant, 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 § 21-28-4.01.
- 3 This act would take effect upon passage.

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