

**2017 -- S 0805 SUBSTITUTE A**

LC000777/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senator Elizabeth A. Crowley

Date Introduced: April 25, 2017

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 21-28-4.01.1 and 21-28-4.01.2 of the General Laws in Chapter 21-  
2 28 entitled "Uniform Controlled Substances Act" are hereby amended to read as follows:

3 **21-28-4.01.1. Minimum sentence -- Certain quantities of controlled substances.**

4 (a) Except as authorized by this chapter, it shall be unlawful for any person to  
5 manufacture, sell, or possess with intent to manufacture, or sell, a controlled substance classified  
6 in schedules I or II (excluding marijuana) or to possess or deliver the following enumerated  
7 quantities of certain controlled substances:

8 (1) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a  
9 detectable amount of heroin;

10 (2) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a  
11 detectable amount of:

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

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

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

16 (iv) Any compound, mixture, or preparation which contains any quantity of any of the  
17 substances referred to in paragraphs (i) -- (iii) of this subdivision;

18 (3) One gram (1 g.) to ten grams (10 gs.) of phencyclidine (PCP) or one hundred (100) to  
19 one thousand (1,000) tablets of a mixture or substance containing a detectable amount of

1 phencyclidine (PCP);

2 (4) One-tenth of a gram (0.1 g.) to one gram (1 g.) of lysergic acid diethylamide (LSD) or  
3 one hundred (100) to one thousand (1,000) tablets of a mixture or substance containing a  
4 detectable amount of lysergic acid diethylamide (LSD);

5 (5) One kilogram (1 kg.) to five (5 kgs.) kilograms of a mixture containing a detectable  
6 amount of marijuana; ~~or~~

7 (6) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a  
8 detectable amount of synthetic drugs; ~~or~~

9 (7) One ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a  
10 detectable amount of fentanyl.

11 (b) Any person who violates this section shall be guilty of a crime, and upon conviction,  
12 may be imprisoned for a term up to fifty (50) years and fined not more than five hundred  
13 thousand dollars (\$500,000).

14 **21-28-4.01.2. Minimum sentence -- Certain quantities of controlled substances.**

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

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

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

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

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

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

25 (iv) Any compound, mixture, or preparation which contains any quantity of any of the  
26 substances referred to in paragraphs (i) -- (iii) of this subdivision;

27 (3) More than ten grams (10 gs.) of phencyclidine (PCP) or more than one thousand  
28 (1,000) tablets of a mixture or substance containing a detectable amount of phencyclidine (PCP);

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

32 (5) More than five kilograms (5 kgs.) of a mixture containing a detectable amount of  
33 marijuana; ~~or~~

34 (6) More than one kilogram (1 kg.) of a mixture or substance containing a detectable

1 amount of synthetic drugs- ; or

2 (7) More than one kilogram (1 kg.) of a mixture or substance containing a detectable  
3 amount of fentanyl.

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

6 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 make it unlawful for any person to possess, manufacture, sell, or deliver  
2 from one ounce (1 oz.) to one kilogram (1 kg.) of a mixture or substance containing a detectable  
3 amount of fentanyl and would provide for a punishment by a prison term of up to fifty (50) years  
4 and fine of not more than five hundred thousand dollars (\$500,000). The act would also provide  
5 for a punishment of up to life in prison and a fine of no more than one million dollars  
6 (\$1,000,000) for the possession, manufacture, sale, or delivery of more than one kilogram (1 kg.)  
7 of a mixture or substance containing a detectable amount of fentanyl.

8           This act would take effect upon passage.

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