



128 DORRANCE STREET, SUITE 220  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
[www.riaclu.org](http://www.riaclu.org)

**COMMENTS IN OPPOSITION TO 15-S 0509 –  
UNIFORM CONTROLLED SUBSTANCES ACT  
March 3, 2015**

The ACLU of Rhode Island is concerned both by this bill's expanded consideration of synthetic cannabinoids as schedule I drugs, and the process it establishes to change the schedule I drug laws on a regular basis.

Unlike many other drugs, synthetic cannabinoids are not a single harmful substance, but the combination of a number of substances that together become a drug. While in some circumstances synthetic cannabinoids have harmful effects, others, such as the now-FDA approved Marinol, are used to treat nausea for chemotherapy patients and provide other benefits. As such, synthetic cannabinoids should not be viewed – and banned – through a broad lens.

The five synthetic cannabinoids of concern to the DEA are already illegal under state law (as well as federal law) and a ban on all synthetic cannabinoids could compromise the access of patients to necessary medication. In 2013, the General Assembly recognized this concern and banned only very specific synthetic cannabinoid compounds; this legislation would undo that critical distinction. While the bill includes a provision exempting FDA-approved synthetic cannabinoids, it would still automatically and harshly criminalize the possession and use by Rhode Islanders of potentially beneficial synthetic cannabinoids, including drugs undergoing clinical trials. It is poor policy for the legislature to criminalize first and determine potential therapeutic benefits later.

We are also deeply concerned about the process established by the bill for making additional synthetic cannabinoids illegal. The state Board of Pharmacy is given the authority to adopt emergency rules for up to 12 months, without any public input, to label chemical formulas as Schedule I drugs. But the Uniform Controlled Substances Act already has a process for the Director of Health to add controlled substances, who must go through normal and deliberative administrative rule-making procedures under the APA and only after considering various criteria. R.I.G.L. 21-28-2.01. While it may make it easier to deal with new synthetic drugs, this bill's approach is not, we submit, the proper way to expand criminal laws.

For these reasons, the ACLU urges rejection of this bill.