

March 9, 2021

Re: H5384 AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Dear Chairman Craven and Members of the House Judiciary Committee,

We write to you to express our strong support for H5384, which reclassifies simple possession of drugs from a felony to a misdemeanor offense. This bill also decriminalizes the possession of buprenorphine, a live-saving medication used in the treatment of opioid use disorder.

For too long, Americans have been failed by an overly punitive approach to drug use. Investing in law enforcement over treatment has not succeeded in reducing substance use; it has, however, resulted in the criminalization of addiction. Nationally, 63% of jail detainees meet the criteria for drug dependence as compared to 5% of the adult general population. Here in Rhode Island, 53% of people entering the Department of Corrections screen positive for substance use disorder.

As we continue to make strides in aligning our public policy with public health approaches to substance use, and as we mark the end of the deadliest year in our state's tragic opioid overdose epidemic, we must make this common-sense step to reclassify simple possession. Felony convictions disrupt existing treatment and social supports, put people at significantly increased risk of overdose after release from incarceration, and burden people with a criminal record that will make it more difficult for them to access employment and housing in the future.

It is important to note that you will hear another reclassification bill tonight. H6083 also makes possession a misdemeanor, but only for possession of 10 grams of controlled substances or less. This is an arbitrary distinction that will result in the continued felony conviction of people simply for possession of drugs. Nothing in H5384 prevents the charging of possession with intent to distribute (a felony) if there is evidence to that fact.

Additionally, H5384 takes the important step of decriminalizing buprenorphine possession. Buprenorphine is a prescription medication used in the treatment of opioid use disorder. While buprenorphine is used by some without a prescription, research evidence shows that most people using illicit buprenorphine are still doing so to help manage their addiction or withdrawal. The ongoing illicit use of buprenorphine tells us that we still have a long way to go to ensure that people with opioid use disorder have easy access to treatment.

We hope that you continue our state's progress in treating addiction for what it is: a health issue that deserves a treatment-based response.

Thank you for your consideration.

Signed:

Center for Health and Justice
Transformation
Direct Action for Rights and Equality
Formerly Incarcerated Union of RI

OpenDoors
Rhode Island Center for Justice
RI ACLU