



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 22 – H 7715, 7896, & 8009, ACTS RELATING TO FOOD AND DRUGS – UNIFORM CONTROLLED SUBSTANCES ACT April 13, 2022

A number of bills being heard tonight propose to lower the carceral penalties for certain drug possession offenses. The ACLU of Rhode Island strongly supports these measures to decriminalize the possession of certain substances and/or lower the possessed amount of controlled substances which may constitute a crime.

The overcriminalization of controlled substances – and the disproportionate impact that this has had in particular on BIPOC communities – is a foundation of our current mass incarceration crisis. In addition to the significant and harmful racial disparities in our criminal justice system that enforcement of controlled substance offenses has perpetuated, it is simply bad public health policy to incarcerate or criminally charge individuals who are experiencing a substance use disorder.

A punitive approach to controlled substances has not resulted in a lessening of use nor has it positively impacted the proliferation of these substances in our communities. Rather, the enormous investment that has been made in law enforcement for this purpose should and would be better spent directly providing tangible resources for communities that have been harmed by overcriminalization and ensuring that individuals who would like to seek treatment for substance use issues can do so in non-stigmatizing and non-carceral formats.

These pieces of legislation would serve as an important step in this process by amending the threshold by which a controlled substance possession constitutes a crime or by decriminalizing certain controlled substances entirely. Aside from the reasons listed above, this change additionally would saddle fewer individuals with the significant collateral damages of a felony charge, including difficulties accessing employment or housing.

We note that H 8009 may require an amendment to better meet its intended goal. Specifically, we believe that the phrase “less than one ounce (1 oz.) of” should be substituted in place of the proposed repealed phrase on page 2, lines 29-30 of this bill.

Overall, however, these three pieces of legislation appropriately acknowledge that our approach to the criminalization of controlled substances has only served to over-criminalize and marginalize certain communities and must be made less punitive. We urge passage for this reason. Thank you for your consideration.