



General Assembly

**Amendment**

February Session, 2002

LCO No. 3649

\*HB0552503649HD0\*

Offered by:

REP. MURPHY, 81<sup>st</sup> Dist.

REP. EBERLE, 15<sup>th</sup> Dist.

To: House Bill No. 5525

File No. 133

Cal. No. 96

**"AN ACT CONCERNING EXPERIMENTAL DRUG USE BY  
PERSONS WITH MENTAL RETARDATION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (e) of section 45a-677 of the general statutes,  
4 as amended by section 3 of public act 01-140, is repealed and the  
5 following is substituted in lieu thereof (*Effective October 1, 2002*):

6 (e) A plenary guardian or limited guardian of a mentally retarded  
7 person shall not have the power or authority: (1) To cause the ward to  
8 be admitted to any institution for treatment of the mentally ill, except  
9 in accordance with the provisions of sections 17a-75 to 17a-83,  
10 inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive,  
11 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to  
12 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 420b;  
13 (2) to cause the ward to be admitted to any training school or other  
14 facility provided for the care and training of the mentally retarded if

15 there is a conflict concerning such admission between the guardian  
 16 and the mentally retarded person or next of kin, except in accordance  
 17 with the provisions of sections 17a-274 and 17a-275; (3) to consent on  
 18 behalf of the ward to a sterilization, except in accordance with the  
 19 provisions of sections 45a-690 to 45a-700, inclusive; (4) to consent on  
 20 behalf of the ward to psychosurgery, except in accordance with the  
 21 provisions of section 17a-543; (5) to consent on behalf of the ward to  
 22 the termination of the ward's parental rights, except in accordance  
 23 with the provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to  
 24 45a-718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-  
 25 757, inclusive; (6) to consent on behalf of the ward to the performance  
 26 of any experimental biomedical or behavioral medical procedure or  
 27 participation in any biomedical or behavioral experiment, unless it is  
 28 (A) intended to preserve the life or prevent serious impairment of the  
 29 physical health of the ward, [or] (B) it is intended to assist the ward to  
 30 regain the ward's abilities and has been approved for the ward by the  
 31 court, or (C) has been (i) approved by a recognized institutional review  
 32 board, as defined by 45 CFR 46, 21 CFR 50 and 21 CFR 60, as amended  
 33 from time to time, and which is not a part of the Department of Mental  
 34 Retardation, (ii) endorsed or supported by the Department of Mental  
 35 Retardation, and (iii) approved for the ward by such ward's primary  
 36 care physician; (7) to admit the ward to any residential facility  
 37 operated by an organization by whom such guardian is employed,  
 38 except in accordance with the provisions of section 17a-274; (8) to  
 39 prohibit the marriage or divorce of the ward; and (9) to consent on  
 40 behalf of the ward to an abortion or removal of a body organ, except in  
 41 accordance with applicable statutory procedures when necessary to  
 42 preserve the life or prevent serious impairment of the physical or  
 43 mental health of the ward."

This act shall take effect as follows:	
Section 1	October 1, 2002