



Senate

General Assembly

File No. 271

February Session, 2008

Substitute Senate Bill No. 532

Senate, March 31, 2008

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING DRUG DETECTION DOGS AND THE DEPARTMENT OF CONSUMER PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-262 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Commissioner of Consumer Protection may receive, take
4 into custody or destroy excess or undesired controlled substances and
5 may in his discretion deliver, upon application, to any hospital,
6 laboratory, incorporated college, scientific institution or any state or
7 municipal agency or institution not operated for private gain, any
8 controlled substances that have come into his custody by authority of
9 this section. In the case of a care-giving or correctional or juvenile
10 training institution having an institutional pharmacy, the
11 Commissioner of Consumer Protection shall deliver such controlled
12 substances only to the licensed pharmacist in charge of such
13 pharmacy. The Commissioner of Consumer Protection may receive
14 and take into custody excess or undesired controlled substances from

15 pharmacists, manufacturers and wholesalers or any other registrant.
16 Said commissioner shall keep a full and complete record of all
17 substances received and of all substances disposed of, showing the
18 exact kinds, quantities and forms of such substances, the persons from
19 whom received and to whom delivered, by whose authority received,
20 delivered and destroyed, and the dates of the receipt, disposal or
21 destruction. Controlled substances and preparations shall at all times
22 be properly safeguarded and securely kept. Minimum security and
23 safeguard standards for the storage, manufacture, sale or distribution
24 of all controlled substances shall be established by regulations adopted
25 hereunder. Controlled substances seized or held as contraband or
26 controlled substances, the title to which cannot be resolved, which
27 controlled substances are not held by law enforcement agencies or
28 court officials as evidence in criminal proceedings, shall be, upon the
29 order of the court, destroyed by the seizing authority or delivered to
30 the Commissioner of Consumer Protection as soon as possible upon
31 resolution of the case or upon ascertaining the status of the unclaimed
32 substance. The agent of the Commissioner of Consumer Protection
33 shall issue a receipt for all such [substance] substances obtained. The
34 Commissioner of Consumer Protection may provide access to any such
35 substances to any person using controlled substances to train dogs in
36 the detection of controlled substances provided such person is certified
37 by the commissioner and the United States Drug Enforcement
38 Administration to possess such substances. Any loss, destruction or
39 theft of controlled substances shall be reported by a registrant within
40 seventy-two hours to the Commissioner of Consumer Protection as
41 follows: (1) Where, through breakage of the container or other
42 accident, otherwise than in transit, controlled substances are lost or
43 destroyed, the person having title thereto shall make a signed
44 statement as to the kinds and quantities of controlled substances lost or
45 destroyed and the circumstances involved, and immediately forward
46 the statement to the Commissioner of Consumer Protection. A copy of
47 such statement shall be retained by the registrant; (2) where controlled
48 substances are lost by theft, or otherwise lost or destroyed in transit,
49 the consignee shall, immediately upon ascertainment of the

50 occurrence, file with the Commissioner of Consumer Protection a
 51 signed statement of the facts, including a list of the controlled
 52 substances stolen, lost or destroyed and documentary evidence that
 53 the local authorities were notified. A copy of the statement shall be
 54 retained by the registrant. As used in this section, "care-giving
 55 institution", "correctional or juvenile training institution", "institutional
 56 pharmacy" and "pharmacist" shall have the same meaning as used in
 57 section 20-571 of the 2008 supplement to the general statutes.

58 (b) For each long-term care facility, two or more of the following
 59 persons may jointly dispose of excess stock of controlled substances: A
 60 nursing home administrator, a pharmacist consultant, a director of
 61 nursing services or an assistant director of nursing services. Such
 62 facility shall maintain documentation of any such destruction and
 63 disposal for a period of three years and such documentation shall be
 64 maintained in a separate log and on a form prescribed by the
 65 department.

66 (c) For each outpatient surgical facility, as defined in section 19a-
 67 493b, two or more of the following persons may jointly dispose of
 68 excess stock of controlled substances: An administrator, a clinical
 69 director or chief of staff, or a nursing supervisor. Such facility shall
 70 maintain documentation of any such destruction and disposal for a
 71 period of three years and such documentation shall be maintained in a
 72 separate log and on a form prescribed by the department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-262

Statement of Legislative Commissioners:

"Substance" was changed to "controlled substances" for accuracy.

GL *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Consumer Protection, Dept.	GF - Cost	127,000	127,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The authority given to the Department of Consumer Protection (DCP) concerning the disposal of controlled substances requires two additional staffers. The DCP would need one drug control officer and one clerical position to meet the bill’s requirements.

The Out Years

The fiscal impact indicated above would continue in to the out years subject to inflation.

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

OLR Bill Analysis**sSB 532*****AN ACT CONCERNING DRUG DETECTION DOGS AND THE DEPARTMENT OF CONSUMER PROTECTION.*****SUMMARY:**

This bill allows the commissioner of the Department of Consumer Protection (DCP) to give access to controlled substances in his possession to a person using them to train drug detection dogs, if the person is certified by the commissioner and the U.S. Drug Enforcement Agency to possess them. The law authorizes the DCP commissioner to (1) receive, take into custody, or destroy excess or undesired controlled substances and (2) in his discretion, to deliver controlled substances to a hospital, laboratory, incorporated college, scientific institution, or any state or municipal nonprofit agency.

EFFECTIVE DATE: Upon passage

BACKGROUND***Controlled Substances***

Controlled substances are drugs or substances that are grouped in Schedules I through V, according to their decreasing tendency to promote abuse or dependency. The law generally prohibits anyone from knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense Schedule I drugs. Schedule I substances are the most strictly controlled because of their high potential for abuse. State and federal laws authorize prescribing drugs on Schedules II through V.

The law requires medical practitioners who distribute, administer, or dispense controlled substances to register with DCP.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 1 (03/11/2008)