



General Assembly

February Session, 2008

Bill No. 5037

LCO No. 331

00331_____

Referred to Committee on Public Health

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. MCKINNEY, 28th Dist.

AN ACT CONCERNING METHAMPHETAMINES.

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

1 Section 1. Section 21a-240 of the general statutes is amended by
2 adding subdivision (59) as follows (*Effective October 1, 2008*):

3 (NEW) (59) "Methamphetamine-type substances" means
4 methamphetamine and structural analogues, including, but not limited
5 to, methylenedioxymethamphetamine and other substituted
6 phenylethylamine compounds, their salts, isomers and salts of isomers
7 and chemical compounds that are similar thereto in chemical structure
8 or that are similar thereto in physiological effect, and that show a like
9 potential for abuse or that are controlled substances under this chapter,
10 unless modified.

11 Sec. 2. Section 21a-277 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2008*):

13 (a) Any person who manufactures, distributes, sells, prescribes,
14 dispenses, compounds, transports with the intent to sell or dispense,

15 possesses with the intent to sell or dispense, offers, gives or
16 administers to another person any controlled substance [which] that is
17 (1) a hallucinogenic substance other than marijuana, [or] (2) a narcotic
18 substance, or (3) a methamphetamine-type substance, except as
19 authorized in this chapter, for a first offense, shall be imprisoned not
20 more than fifteen years and may be fined not more than fifty thousand
21 dollars or be both fined and imprisoned; and for a second offense shall
22 be imprisoned not more than thirty years and may be fined not more
23 than one hundred thousand dollars, or be both fined and imprisoned;
24 and for each subsequent offense, shall be imprisoned not more than
25 thirty years and may be fined not more than two hundred fifty
26 thousand dollars, or be both fined and imprisoned.

27 (b) Any person who manufactures, distributes, sells, prescribes,
28 dispenses, compounds, transports with intent to sell or dispense,
29 possesses with intent to sell or dispense, offers, gives or administers to
30 another person any controlled substance, except [a narcotic substance,
31 or] (1) a hallucinogenic substance other than marijuana, (2) a narcotic
32 substance, or (3) a methamphetamine-type substance, except as
33 authorized in this chapter, may, for the first offense, be fined not more
34 than twenty-five thousand dollars or be imprisoned not more than
35 seven years or be both fined and imprisoned; and, for each subsequent
36 offense, may be fined not more than one hundred thousand dollars or
37 be imprisoned not more than fifteen years, or be both fined and
38 imprisoned.

39 (c) No person shall knowingly possess drug paraphernalia in a drug
40 factory situation, as defined by subdivision (20) of section 21a-240, for
41 the unlawful mixing, compounding or otherwise preparing any
42 controlled substance for purposes of violation of this chapter. Any
43 person who violates the provisions of this subsection may, for the first
44 offense, be fined not more than one thousand dollars or be imprisoned
45 not more than two years, or be both fined and imprisoned, except that
46 if such drug paraphernalia is for the unlawful mixing, compounding
47 or otherwise preparing a methamphetamine-type substance, such

48 person may be fined not more than five thousand dollars or be
49 imprisoned not more than five years, or be both fined and imprisoned.
50 Any person who violates the provisions of this subsection may, for a
51 subsequent offense, be fined not more than ten thousand dollars or be
52 imprisoned not more than ten years, or be both fined and imprisoned.

53 (d) As an alternative to the sentences specified in subsections (a)
54 and (b) of this section, the court may sentence the person to the
55 custody of the Commissioner of Correction for an indeterminate term
56 not to exceed three years or the maximum term specified for the
57 offense, whichever is the lesser, and, at any time within such
58 indeterminate term and without regard to any other provision of law
59 regarding minimum term of confinement, the Commissioner of
60 Correction may release the convicted person so sentenced subject to
61 such conditions as he may impose including, but not limited to,
62 supervision by suitable authority. At any time during such
63 indeterminate term, the Commissioner of Correction may revoke any
64 such conditional release in his discretion for violation of the conditions
65 imposed and return the convicted person to a correctional institution.

66 Sec. 3. Subsection (a) of section 21a-278 of the 2008 supplement to
67 the general statutes is repealed and the following is substituted in lieu
68 thereof (*Effective October 1, 2008*):

69 (a) Any person who manufactures, distributes, sells, prescribes,
70 dispenses, compounds, transports with the intent to sell or dispense,
71 possesses with the intent to sell or dispense, offers, gives or
72 administers to another person one or more preparations, compounds,
73 mixtures or substances containing an aggregate weight of one ounce or
74 more of heroin or methadone or an aggregate weight of one-half ounce
75 or more of cocaine or one-half ounce or more of cocaine in a free-base
76 form, or an aggregate weight of fifty grams or more of
77 methamphetamine-type substance, or a substance containing five
78 milligrams or more of lysergic acid diethylamide, except as authorized
79 in this chapter, and who is not, at the time of such action, a drug-

80 dependent person, shall be imprisoned for a minimum term of not less
81 than five years or more than twenty years; and, a maximum term of
82 life imprisonment. The execution of the mandatory minimum sentence
83 imposed by the provisions of this subsection shall not be suspended,
84 except the court may suspend the execution of such mandatory
85 minimum sentence if at the time of the commission of the offense (1)
86 such person was under the age of eighteen years, or (2) such person's
87 mental capacity was significantly impaired, but not so impaired as to
88 constitute a defense to prosecution.

89 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) There is established an
90 account to be known as the "methamphetamine laboratory clean-up
91 account" which shall be a separate, nonlapsing account within the
92 General Fund. The account may contain any moneys required by law
93 to be deposited in the account. Any balance remaining in the account
94 at the end of any fiscal year shall be carried forward in the account for
95 the next fiscal year. All moneys deposited in the account shall be used
96 for the purposes of this section.

97 (b) The court, when sentencing a defendant convicted of an offense
98 involving the manufacture of a methamphetamine-type substance, as
99 defined in section 21a-240 of the general statutes, as amended by this
100 act, shall order the defendant to reimburse the state for the costs
101 incurred for any clean-up associated with the manufacture of such
102 methamphetamine-type substance by the defendant.

103 (c) All moneys reimbursed to the state pursuant to subsection (b) of
104 this section shall be deposited in the methamphetamine laboratory
105 clean-up account established in subsection (a) of this section. The
106 Commissioner of Environmental Protection may expend moneys from
107 said account to reimburse any state or municipal agency for costs
108 associated with cleaning to proper environmental standards any site
109 where a methamphetamine-type substance was manufactured.

110 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) Any person who sells or
111 offers for sale at retail any drug product or combination of drug

112 products containing ephedrine, pseudoephedrine or
113 phenylpropanolamine, or their salts, isomers or salts of isomers, shall:
114 (1) Store such drug product or combination of drug products in a
115 location that is inaccessible to consumers, and (2) require consumers to
116 request and purchase such drug product or combination of drug
117 products at the counter.

118 (b) A person who sells or offers for sale at retail any drug product or
119 combination of drug products pursuant to subsection (a) of this section
120 shall maintain a log book containing: (1) The signature of the
121 purchaser of the product, (2) the name of the purchaser of the product,
122 (3) the address of the purchaser of the product, (4) the date of the
123 purchase, (5) the time of the purchase, (6) the name of the seller, (7) the
124 name of the product purchased, and (8) the quantity of the product
125 purchased. Such seller shall maintain the log book for not less than two
126 years after the date the last entry is made in the log book. Such seller
127 shall obtain positive identification of the purchaser to verify the
128 information provided by the purchaser in the log book. The provisions
129 of this subsection shall not apply to the purchase of a single package
130 containing not more than sixty milligrams of pseudoephedrine.

131 (c) A person who sells or offers for sale at retail any drug product or
132 combination of drug products pursuant to subsection (a) of this section
133 shall maintain a written certification that all individuals who are
134 responsible for the delivery of such drug products to purchasers or
135 who deal directly with purchasers by obtaining payments for such
136 drug products have completed training provided by such seller to
137 ensure that such individuals understand the requirements of this
138 section.

139 (d) No individual shall purchase, receive or otherwise acquire more
140 than three and six-tenths grams per day or more than nine grams
141 during a thirty-day period of any drug product or combination of drug
142 products containing ephedrine, pseudoephedrine or
143 phenylpropanolamine, or their salts, isomers or salts of isomers.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	21a-240
Sec. 2	<i>October 1, 2008</i>	21a-277
Sec. 3	<i>October 1, 2008</i>	21a-278(a)
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]