



General Assembly

January Session, 2011

**Raised Bill No. 6554**

LCO No. 4116

\* \_\_\_\_\_HB06554JUD\_\_041511\_\_\_\_\_\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING EMERGENCY MEDICAL ASSISTANCE FOR  
PERSONS EXPERIENCING A DRUG OVERDOSE.***

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

1 Section 1. Section 21a-279 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Any person who possesses or has under his control any quantity  
4 of any narcotic substance, except as authorized in this chapter, for a  
5 first offense, may be imprisoned not more than seven years or be fined  
6 not more than fifty thousand dollars, or be both fined and imprisoned;  
7 and for a second offense, may be imprisoned not more than fifteen  
8 years or be fined not more than one hundred thousand dollars, or be  
9 both fined and imprisoned; and for any subsequent offense, may be  
10 imprisoned not more than twenty-five years or be fined not more than  
11 two hundred fifty thousand dollars, or be both fined and imprisoned.

12 (b) Any person who possesses or has under his control any quantity  
13 of a hallucinogenic substance other than marijuana or four ounces or  
14 more of a cannabis-type substance, except as authorized in this  
15 chapter, for a first offense, may be imprisoned not more than five years

16 or be fined not more than two thousand dollars or be both fined and  
17 imprisoned, and for a subsequent offense may be imprisoned not more  
18 than ten years or be fined not more than five thousand dollars or be  
19 both fined and imprisoned.

20 (c) Any person who possesses or has under his control any quantity  
21 of any controlled substance other than a narcotic substance, or a  
22 hallucinogenic substance other than marijuana or who possesses or has  
23 under his control less than four ounces of a cannabis-type substance,  
24 except as authorized in this chapter, for a first offense, may be fined  
25 not more than one thousand dollars or be imprisoned not more than  
26 one year, or be both fined and imprisoned; and for a subsequent  
27 offense, may be fined not more than three thousand dollars or be  
28 imprisoned not more than five years, or be both fined and imprisoned.

29 (d) Any person who violates subsection (a), (b) or (c) of this section  
30 in or on, or within one thousand five hundred feet of, the real property  
31 comprising a public or private elementary or secondary school and  
32 who is not enrolled as a student in such school or a licensed child day  
33 care center, as defined in section 19a-77, that is identified as a child day  
34 care center by a sign posted in a conspicuous place shall be imprisoned  
35 for a term of two years, which shall not be suspended and shall be in  
36 addition and consecutive to any term of imprisonment imposed for  
37 violation of subsection (a), (b) or (c) of this section.

38 (e) As an alternative to the sentences specified in subsections (a) and  
39 (b) and specified for a subsequent offense under subsection (c) of this  
40 section, the court may sentence the person to the custody of the  
41 Commissioner of Correction for an indeterminate term not to exceed  
42 three years or the maximum term specified for the offense, whichever  
43 is the lesser, and at any time within such indeterminate term and  
44 without regard to any other provision of law regarding minimum term  
45 of confinement, the Commissioner of Correction may release the  
46 convicted person so sentenced subject to such conditions as he may  
47 impose including, but not limited to, supervision by suitable authority.  
48 At any time during such indeterminate term, the Commissioner of

49 Correction may revoke any such conditional release in his discretion  
50 for violation of the conditions imposed and return the convicted  
51 person to a correctional institution.

52 (f) To the extent that it is possible, medical treatment rather than  
53 criminal sanctions shall be afforded individuals who breathe, inhale,  
54 sniff or drink the volatile substances defined in subdivision (49) of  
55 section 21a-240.

56 (g) The provisions of subsections (a) to (c), inclusive, of this section  
57 shall not apply to any person who (1) in good faith, seeks medical  
58 assistance for another person experiencing a drug-related overdose, or  
59 (2) experiences a drug-related overdose and, in good faith, seeks  
60 medical assistance for himself or herself or for whom another person,  
61 in good faith, seeks medical assistance, if evidence of the possession or  
62 control of a controlled substance in violation of subsection (a), (b) or (c)  
63 of this section was obtained as a result of the seeking of such medical  
64 assistance.

65 Sec. 2. Section 21a-267 of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective October 1, 2011*):

67 (a) No person shall use or possess with intent to use drug  
68 paraphernalia, as defined in subdivision (20) of section 21a-240, to  
69 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
70 convert, produce, process, prepare, test, analyze, pack, repack, store,  
71 contain or conceal, or to ingest, inhale or otherwise introduce into the  
72 human body, any controlled substance as defined in subdivision (9) of  
73 section 21a-240. Any person who violates any provision of this  
74 subsection shall be guilty of a class C misdemeanor.

75 (b) No person shall deliver, possess with intent to deliver or  
76 manufacture with intent to deliver drug paraphernalia knowing, or  
77 under circumstances where one reasonably should know, that it will  
78 be used to plant, propagate, cultivate, grow, harvest, manufacture,  
79 compound, convert, produce, process, prepare, test, analyze, pack,

80 repack, store, contain or conceal, or to ingest, inhale or otherwise  
81 introduce into the human body, any controlled substance. Any person  
82 who violates any provision of this subsection shall be guilty of a class  
83 A misdemeanor.

84 (c) Any person who violates subsection (a) or (b) of this section in or  
85 on, or within one thousand five hundred feet of, the real property  
86 comprising a public or private elementary or secondary school and  
87 who is not enrolled as a student in such school shall be imprisoned for  
88 a term of one year which shall not be suspended and shall be in  
89 addition and consecutive to any term of imprisonment imposed for  
90 violation of subsection (a) or (b) of this section.

91 (d) The provisions of subsection (a) of this section shall not apply to  
92 any person who (1) in good faith, seeks medical assistance for another  
93 person experiencing a drug-related overdose, or (2) experiences a  
94 drug-related overdose and, in good faith, seeks medical assistance for  
95 himself or herself or for whom another person, in good faith, seeks  
96 medical assistance, if evidence of the use or possession of drug  
97 paraphernalia in violation of said subsection was obtained as a result  
98 of the seeking of such medical assistance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	21a-279
Sec. 2	October 1, 2011	21a-267

**JUD**      *Joint Favorable*