To: Senate Bill No. 259  File No. 609  Cal. No. 401

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS."

1 Strike section 1 in its entirety and substitute the following in lieu thereof:

"Section 1. Section 21a-267 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(a) No person shall use or possess with intent to use drug paraphernalia, as defined in subdivision (20) of section 21a-240, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, any controlled substance, as defined in subdivision (9) of section 21a-240, other than a cannabis-type substance in a quantity of less than one-half ounce. [Any person who violates any provision of
this subsection shall be guilty of a class C misdemeanor.]

(b) No person shall deliver, possess with intent to deliver or
manufacture with intent to deliver drug paraphernalia knowing, or
under circumstances where one reasonably should know, that it will
be used to plant, propagate, cultivate, grow, harvest, manufacture,
compound, convert, produce, process, prepare, test, analyze, pack,
repack, store, contain or conceal, or to ingest, inhale or otherwise
introduce into the human body, any controlled substance, other than a
cannabis-type substance in a quantity of less than one-half ounce. [Any
person who violates any provision of this subsection shall be guilty of
a class A misdemeanor.]

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

(d) No person shall (1) use or possess with intent to use drug
paraphernalia to plant, propagate, cultivate, grow, harvest,
manufacture, compound, convert, produce, process, prepare, test,
analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
otherwise introduce into the human body, less than one-half ounce of a
cannabis-type substance, or (2) deliver, possess with intent to deliver
or manufacture with intent to deliver drug paraphernalia knowing, or
under circumstances where one reasonably should know, that it will
be used to plant, propagate, cultivate, grow, harvest, manufacture,
compound, convert, produce, process, prepare, test, analyze, pack,
repack, store, contain or conceal, or to ingest, inhale or otherwise
introduce into the human body, less than one-half ounce of a cannabis-
type substance. Any person who violates any provision of this
subsection shall have committed an infraction.
(e) The provisions of subsection (a) of this section shall not apply to any person (1) who in good faith, seeks medical assistance for another person who such person reasonably believes is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance, (2) for whom another person, in good faith, seeks medical assistance, reasonably believing such person is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance, or (3) who reasonably believes he or she is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance and, in good faith, seeks medical assistance for himself or herself, if evidence of the use or possession of drug paraphernalia in violation of said subsection was obtained as a result of the seeking of such medical assistance. For the purposes of this subsection, "good faith" does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search."