



# House of Representatives

General Assembly

**File No. 608**

February Session, 2016

Substitute House Bill No. 5524

*House of Representatives, April 14, 2016*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT INCREASING PENALTIES FOR DEALING SYNTHETIC DRUGS.**

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

1 Section 1. Subdivision (30) of section 21a-240 of the 2016 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2016*):

4 (30) "Narcotic substance" means any of the following, whether  
5 produced directly or indirectly by extraction from [substances] a  
6 substance of vegetable origin, or independently by means of chemical  
7 synthesis, or by a combination of extraction and chemical synthesis:  
8 (A) Morphine-type: (i) Opium [and] or opiate, [and] or any salt,  
9 compound, derivative, or preparation of opium or opiate which [are] is  
10 similar [thereto] to any such substance in chemical structure or which  
11 [are] is similar [thereto] to any such substance in physiological effect  
12 and which [show] shows a like potential for abuse, which [are] is a  
13 controlled [substances] substance under this chapter unless modified;  
14 (ii) any salt, compound, isomer, derivative, or preparation [thereof] of

15 any such substance which is chemically equivalent or identical [with]  
 16 to any [of the substances] substance referred to in clause (i) of this  
 17 subparagraph, but not including the isoquinoline alkaloids of opium;  
 18 (iii) opium poppy [and] or poppy straw; or (iv) (I) fentanyl or any salt,  
 19 compound, derivative or preparation of fentanyl which is similar to  
 20 any such substance in chemical structure or which is similar to any  
 21 such substance in physiological effect and which shows a like potential  
 22 for abuse, which is a controlled substance under this chapter unless  
 23 modified, or (II) any salt, compound, isomer, derivative or preparation  
 24 of any such substance which is chemically equivalent or identical to  
 25 any substance referred to in subclause (I) of this clause; or (B) cocaine-  
 26 type; [, coca] Coca leaves [and] or any salt, compound, derivative or  
 27 preparation of coca leaves, [and] or any salt, compound, isomer,  
 28 [derivatives] derivative or preparation [thereof] of any such substance  
 29 which is chemically equivalent or identical [with] to any [of these  
 30 substances] such substance or which [are] is similar [thereto] to any  
 31 such substance in physiological effect and which [show] shows a like  
 32 potential for abuse, but not including decocainized coca leaves or  
 33 extractions of coca leaves which do not contain cocaine or ecgonine;

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	21a-240(30)

**Statement of Legislative Commissioners:**

In Section 1(30), "of this subparagraph" was added in (A)(ii) for clarity and (A)(iv) was rewritten for clarity.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Department of Emergency Services and Public Protection; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill classifies fentanyl as a narcotic and thus increases the penalty for possession and related crimes. To the extent that future offenders receive higher fines and longer prison sentences under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5524*****AN ACT INCREASING PENALTIES FOR DEALING SYNTHETIC DRUGS.*****SUMMARY:**

This bill codifies the classification of fentanyl (a synthetic opioid analgesic) as a narcotic substance. The Department of Consumer Protection currently classifies fentanyl as a narcotic substance. By law, the penalties for certain illegal actions involving narcotics are higher than for certain other controlled substances. These include illegally manufacturing, distributing, selling, and prescribing the substances.

The bill specifies that a “narcotic substance” is a controlled substance unless modified that includes (1) fentanyl or (2) any salt, compound, derivative, or preparation of fentanyl that (a) is similar in chemical structure or in physiological effect and (b) shows a similar potential for abuse. It also includes any salt, compound, isomer, derivative, or preparation of any substance that is chemically equivalent or identical to fentanyl.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2016

**BACKGROUND*****Penalties***

It is illegal to manufacture, distribute, sell, prescribe, dispense, compound, transport or possess with intent to sell or dispense, offer, give, or administer to another any narcotic substance, except as otherwise authorized by law. The penalty for these actions depends on a number of factors, including the amount and type of drug, the offender’s age, the buyer’s age, where the act takes place, whether the

offender is addicted to drugs, and whether the act was a first or repeat offense.

There are mandatory minimum prison terms for several crimes involving drug sales or related actions, although a judge can depart from the mandatory minimum for some such crimes under certain circumstances. The penalties are generally enhanced when the crimes occur within 1,500 feet of a school, licensed day care center, or public housing project.

Individuals convicted of selling narcotics generally face longer prison sentences and greater fines than those convicted of selling non-narcotic controlled substances. For example, a person convicted for a first offense of selling narcotics may be sentenced to up to 15 years in prison, fined up to \$50,000, or both. (If the seller is nonaddicted, the penalties range from a mandatory five- to 20-year prison term.) In contrast, a person convicted for a first offense of selling non-narcotic controlled substances may be sentenced to up to seven years in prison, fined up to \$25,000, or both (CGS §§ 21a-277(a), -278(b), & -277(b)).

***Fentanyl***

According to the federal Centers for Disease Control and Prevention, fentanyl is a synthetic opioid analgesic that alleviates pain without causing loss of consciousness. It depresses central nervous system and respiratory functions and is estimated to be 80 times as potent as morphine and hundreds of times more potent than heroin.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 45    Nay 0    (03/30/2016)