



# House of Representatives

General Assembly

**File No. 788**

January Session, 2019

Substitute House Bill No. 7372

*House of Representatives, April 25, 2019*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF AN INTOXICATING DRUG.***

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) A person is guilty of  
2 smoking or otherwise inhaling or ingesting a cannabis-type substance  
3 while operating a motor vehicle when such person smokes, otherwise  
4 inhales or ingests a cannabis-type substance while operating a motor  
5 vehicle upon a public highway of this state or upon any road of any  
6 specially chartered municipal association or of any district organized  
7 under the provisions of chapter 105 of the general statutes, a purpose  
8 of which is the construction and maintenance of roads and sidewalks,  
9 or in any parking area for ten cars or more, or upon any private road  
10 on which a speed limit has been established in accordance with the  
11 provisions of section 14-218a of the general statutes or upon any school  
12 property. For purposes of this section, "cannabis-type substance"  
13 means any of the substances described as "cannabis-type substances"  
14 in section 21a-240 of the general statutes.

15 (b) Smoking or otherwise inhaling or ingesting a cannabis-type  
16 substance while operating a motor vehicle is a class C misdemeanor.

17 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) A person is guilty of  
18 smoking a cannabis-type substance in a motor vehicle as a passenger  
19 when such person smokes a cannabis-type substance in a motor  
20 vehicle that is being operated by another person upon a public  
21 highway of this state or upon any road of any specially chartered  
22 municipal association or of any district organized under the provisions  
23 of chapter 105 of the general statutes, a purpose of which is the  
24 construction and maintenance of roads and sidewalks, or in any  
25 parking area for ten cars or more, or upon any private road on which a  
26 speed limit has been established in accordance with the provisions of  
27 section 14-218a of the general statutes or upon any school property.  
28 For purposes of this section, "cannabis-type substance" means any of  
29 the substances described as "cannabis-type substances" in section 21a-  
30 240 of the general statutes.

31 (b) Smoking a cannabis-type substance in a motor vehicle as a  
32 passenger is a class C misdemeanor.

33 Sec. 3. (*Effective July 1, 2019*) (a) The Office of Policy and  
34 Management shall, within available resources, administer a grant  
35 program to provide grants-in-aid to reimburse each municipality for  
36 the costs associated with the training and certification of sworn  
37 members of such municipality's police department or of constables,  
38 police officers or other persons who perform criminal law enforcement  
39 duties under the supervision of a resident state trooper serving such  
40 municipality as drug recognition experts. Any such municipality may  
41 apply for such grants-in-aid to the Secretary of the Office of Policy and  
42 Management in such manner as prescribed by said secretary. Such  
43 grants-in-aid shall be distributed as provided in subsection (b) of this  
44 section.

45 (b) (1) Any municipality that incurred costs for the training and  
46 certification described in subsection (a) of this section during the fiscal  
47 year ending June 30, 2019, shall, within available resources, be

48 reimbursed for up to one hundred per cent of the costs associated with  
49 such training and certification.

50 (2) Any municipality that incurs costs for the training and  
51 certification described in subsection (a) of this section for the fiscal  
52 years ending June 30, 2020, and June 30, 2021, shall, within available  
53 resources, be reimbursed for up to one hundred per cent of the costs  
54 associated with such training and certification.

55 (c) For purposes of this section, "drug recognition expert" means a  
56 person certified by the International Association of Chiefs of Police as  
57 having met all requirements of the International Drug Evaluation and  
58 Classification Program.

59 Sec. 4. (Effective July 1, 2019) (a) The sum of five hundred thousand  
60 dollars is appropriated to the Department of Emergency Services and  
61 Public Protection, from the General Fund, for the fiscal year ending  
62 June 30, 2020, for the purposes of training and certification of sworn  
63 members of the Division of State Police as drug recognition experts, as  
64 defined in section 3 of this act.

65 (b) The sum of five hundred thousand dollars is appropriated to the  
66 Department of Emergency Services and Public Protection, from the  
67 General Fund, for the fiscal year ending June 30, 2021, for the purposes  
68 of training and certification of sworn members of the Division of State  
69 Police as drug recognition experts, as defined in section 3 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	New section
Sec. 3	July 1, 2019	New section
Sec. 4	July 1, 2019	New section

**JUD** Joint Favorable Subst.

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:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Resources of the General Fund	GF - Cost	500,000	500,000
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** See Below

**Explanation**

The bill makes the use of marijuana as a driver or passenger a class C misdemeanor and results in a potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

The bill appropriates \$500,000 in FY 20 and FY 21 to the Department of Emergency Services and Public Protection for the purposes training and certifying state troopers as drug recognition experts.

The bill requires the Office of Policy and Management (OPM) to

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

administer a grant program to reimburse municipalities for the costs associated with training and certifying local police officers as drug recognition experts. The bill does not appropriate any funding for this purpose. It is anticipated that this grant can be administered within the existing resources of OPM.

The bill does not require municipalities to offer any training to municipal police officers. To the extent that they choose to offer training, any associated cost is at least partially offset by any grant funding received under the bill's provisions.

***The Out Years***

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

**OLR Bill Analysis****sHB 7372*****AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF AN INTOXICATING DRUG.*****SUMMARY**

This bill:

1. makes it a class C misdemeanor to (a) smoke or otherwise inhale or ingest cannabis (i.e., marijuana) while driving a motor vehicle or (b) smoke cannabis while a passenger in a motor vehicle;
2. requires the Office of Policy and Management (OPM), within available resources, to administer a grant program to reimburse municipalities for costs associated with the training and certification of police officers or certain other people as drug recognition experts in FYs 19 through 21; and
3. appropriates, from the General Fund to the Department of Emergency Services and Public Protection, \$500,000 per year for FYs 20 and 21 to train and certify sworn members of the State Police as drug recognition experts.

EFFECTIVE DATE: July 1, 2019, except the provisions establishing new crimes take effect October 1, 2019.

**§§ 1 & 2 — CANNABIS USE IN MOTOR VEHICLES**

The bill makes it a class C misdemeanor to (1) smoke or otherwise inhale or ingest cannabis while operating a motor vehicle or (2) smoke cannabis while a passenger in a motor vehicle. A class C misdemeanor is punishable by up to three months in prison, a fine of up to \$500, or both.

In either case, the bill applies if the person takes such actions in a

vehicle being operated (1) on a public highway, (2) on any road of a specially chartered municipal association or roadway district, (3) in a parking area for 10 or more cars, (4) on school property, or (5) on any private road on which a municipal traffic authority has established a speed limit pursuant to state law.

The new crimes apply to such actions involving “cannabis-type substances” as defined in the existing drug statutes. “Cannabis-type substances” generally include parts of the cannabis plant, whether or not it is growing; specified components; and certain compounds, including cannabidiol (CBD) (CGS § 21a-240(7)).

The bill does not change existing penalties, such as imprisonment or a driver’s license suspension, for driving under the influence of cannabis.

### **§ 3 — GRANT PROGRAM**

The bill requires OPM, within available resources, to administer a grant program to reimburse municipalities for costs associated with the training and certification of drug recognition experts. These experts may be sworn members of the municipality’s police department, constables, police officers, or other individuals who perform criminal law enforcement duties under a resident state trooper’s supervision. Under the bill, a “drug recognition expert” is a person certified by the International Association of Chiefs of Police as having met the International Drug Evaluation and Classification Program’s requirements.

The bill allows municipalities incurring such costs to apply to OPM for a grant in the manner the OPM secretary prescribes.

Under the bill, and within available resources, municipalities that incurred such costs in FY 19, or that incur such costs in FYs 20 and 21, must be reimbursed for up to 100% of the costs of such training and certification.

### **BACKGROUND**

**Related Bills**

sSB 1085, reported favorably by the Judiciary Committee, allows consumers age 21 or older to possess up to 1.5 ounces of cannabis if certain conditions are met.

sSB 1089, reported favorably by the Judiciary Committee, allows employers to prohibit employees from possessing or using cannabis at work and, subject to certain conditions and limits, outside of work.

sHB 7371 (File 585), reported favorably by the General Law Committee, establishes the regulatory structure to allow consumers age 21 or older to purchase cannabis from a licensed retailer.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1 (04/08/2019)