

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 19-38—HB 5524

Judiciary Committee

AN ACT INCREASING THE PENALTIES FOR THE SALE OF FENTANYL

SUMMARY: This act expressly codifies the classification of fentanyl (a synthetic opioid analgesic) as a narcotic substance. The Department of Consumer Protection already classifies fentanyl as a narcotic substance by regulation (Conn. Agencies Reg., § 21a-243-8). By law, the penalties for certain illegal actions involving narcotics are higher than those for certain other non-narcotic controlled substances. These actions include illegally manufacturing, distributing, selling, and prescribing the substances (see BACKGROUND).

The act provides that a “narcotic substance” includes (1) fentanyl or (2) any salt, compound, derivative, or preparation of fentanyl, which is a controlled substance unless modified, and that (a) is similar to it 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. Under existing law and regulations, morphine-type drugs like opium, and cocaine or their derivatives, are classified as a narcotic.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2019

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.

Several crimes involving drug sales or related actions have mandatory minimum prison terms, although a judge can depart from the mandatory minimum for some 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 (CGS § 21a-278a).

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

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may be sentenced to up to 15 years in prison, fined up to \$50,000, or both. 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)(2), 21a-278(b)(2), and 21a-277(b)(2)).

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 the central nervous system and respiratory functions and is estimated to be 80 times more potent than morphine and hundreds of times more potent than heroin.