



General Assembly

January Session, 2023

Raised Bill No. 6698

LCO No. 4403



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT CONCERNING DRUG POLICY, SUBSTANCE ABUSE AND
PEER SUPPORT SERVICES AND MANDATORY MINIMUM
SENTENCES FOR CERTAIN DRUG-RELATED CRIMES.***

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

- 1 Section 1. (NEW) (*Effective July 1, 2023*) (a) As used in this section:
- 2 (1) "Chief Drug Policy Officer" and "officer" mean the individual
- 3 appointed pursuant to subsection (b) of this section;
- 4 (2) "Office of Governmental Accountability" means the office
- 5 established in section 1-300 of the general statutes;
- 6 (3) "Office of the Chief Drug Policy Officer" and "office" mean the
- 7 office established in subsection (b) of this section;
- 8 (4) "Opioid use disorder" has the same meaning as provided in
- 9 section 17a-673b of the general statutes, as amended by this act;
- 10 (5) "State agency" means any department, board, council,
- 11 commission, institution or other executive branch agency of state
- 12 government;

13 (6) "State-wide peer navigator program" means the state-wide
14 program established pursuant to subdivision (2) of subsection (b) of
15 section 17a-673b of the general statutes, as amended by this act; and

16 (7) "Substance use disorder" means a pattern of alcohol or other
17 substance use that meets the applicable diagnostic criteria delineated in
18 the most recent edition of the American Psychiatric Association's
19 Diagnostic and Statistical Manual of Mental Disorders and includes, but
20 is not limited to, opioid use disorder.

21 (b) There is established an Office of the Chief Drug Policy Officer,
22 which shall be within the Office of Governmental Accountability for
23 administrative purposes only. The Office of the Chief Drug Policy
24 Officer shall be administered by a Chief Drug Policy Officer, who shall:

25 (1) Have knowledge of substance use disorders and services
26 provided to individuals with substance use disorders and their families;

27 (2) Be appointed by the Governor with the approval of the General
28 Assembly;

29 (3) Serve for a term of four years and may be reappointed or shall
30 continue to hold office until a successor is appointed and qualified; and

31 (4) Notwithstanding any other provision of the general statutes, act
32 independently of any state agency in performing the officer's duties.

33 (c) The Chief Drug Policy Officer, within available appropriations,
34 shall:

35 (1) Appoint such staff as the officer deems necessary, which staff may
36 perform the officer's duties set forth in this subsection under the officer's
37 direction;

38 (2) Ensure that the office serves as the central point of contact for the
39 state-wide peer navigator program;

40 (3) Ensure that the office serves as a centralized location for collecting

41 information concerning services provided to individuals with substance
42 use disorders and their families;

43 (4) Evaluate the services that other state agencies and other entities
44 provide to individuals with substance use disorders and their families,
45 and the manner in which such agencies and entities provide such
46 services;

47 (5) Encourage coordination between state agencies in providing
48 services to individuals with substance disorders and their families for
49 the purpose of preventing and eliminating duplication of efforts and
50 decreasing cost incurred by state agencies in providing such services;

51 (6) Receive and review complaints submitted by persons concerning
52 the actions of state agencies and other entities that provide services to
53 individuals with substance use disorders and their families, and
54 investigate any such complaint that the officer believes indicates that an
55 individual with a substance use disorder, or the family of any such
56 individual, requires the officer's assistance;

57 (7) Recommend changes in state policies concerning substance use
58 disorders, including, but not limited to, changes in systems used to
59 provide services to individuals with substance use disorders and their
60 families;

61 (8) Conduct programs of public education, undertake legislative
62 advocacy and make proposals for systemic reform concerning substance
63 use disorders and services provided to individuals with substance use
64 disorders and their families; and

65 (9) Advise the public concerning the purpose of the office, the
66 services provided by the office and contact information for the office.

67 (d) Not later than January 31, 2024, and annually thereafter, the Chief
68 Drug Policy Officer shall submit to the Governor and the joint standing
69 committees of the General Assembly having cognizance of matters
70 relating to consumer protection, public health and the judiciary a report,

71 in accordance with the provisions of section 11-4a of the general statutes,
72 detailing and analyzing the Office of the Chief Drug Policy Officer's
73 work during the preceding calendar year.

74 Sec. 2. Section 17a-673b of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective July 1, 2023*):

76 (a) As used in this section:

77 (1) "Chief Drug Policy Officer" means the individual appointed
78 pursuant to subsection (b) of section 1 of this act;

79 ~~[(1)]~~ (2) "Commissioner" means the Commissioner of Mental Health
80 and Addiction Services;

81 ~~[(2)]~~ (3) "Department" means the Department of Mental Health and
82 Addiction Services;

83 (4) "Office of the Chief Drug Policy Officer" means the office
84 established in subsection (b) of section 1 of this act;

85 (5) "Opioid Settlement Fund" means the fund established in section
86 17a-674c, as amended by this act;

87 ~~[(3)]~~ (6) "Opioid use disorder" means a medical condition
88 characterized by a problematic pattern of opioid use and misuse leading
89 to clinically significant impairment or distress; and

90 ~~[(4)]~~ (7) "Peer navigator" means a person who (A) has experience
91 working with persons with substance use disorder, as defined in section
92 20-74, (B) provides nonmedical mental health care and substance use
93 services to such persons, and (C) has a collaborative relationship with a
94 health care professional authorized to prescribe medications to treat
95 opioid use disorder.

96 (b) (1) On or before January 1, 2023, the department shall establish,
97 within available appropriations, a pilot program in urban, suburban
98 and rural communities to serve persons with opioid use disorder in such

99 communities. The department shall establish the pilot program in up to
100 five such communities in accordance with such terms and conditions as
101 the commissioner may prescribe.

102 (2) On or before January 1, 2024, the department shall replace, within
103 the funds available in the Opioid Settlement Fund, the pilot program
104 established pursuant to subdivision (1) of this subsection with a state-
105 wide peer navigator program to serve persons with opioid use disorder
106 in all communities in this state that elect to participate in such program.
107 The department shall establish such state-wide program in accordance
108 with such terms and conditions as the commissioner, in consultation
109 with the Chief Drug Policy Officer, may prescribe. The Office of the
110 Chief Drug Policy Officer shall serve as the central point of contact for
111 such state-wide program.

112 (c) Each community in which the pilot or state-wide program is
113 established under subsection (b) of this section shall form a team of at
114 least two peer navigators. The team shall work in the community to (1)
115 increase engagement between providers of treatment services, health
116 care and social services and persons with opioid use disorder, (2)
117 improve the retention of such persons in treatment for opioid use
118 disorder by addressing social determinants of health of such persons
119 and emerging local conditions that affect such social determinants of
120 health, and (3) increase the capacity of the community to support such
121 persons by identifying and addressing systemic barriers to treatment
122 services, health care, social services and social support of such persons.
123 The team shall (A) travel throughout the community to address, in
124 person, the health care and social needs of persons with opioid use
125 disorder, and (B) be accessible to such persons through (i) a telephone
126 number that has texting capabilities, and (ii) social media. Each peer
127 navigator that participates in the pilot or state-wide program shall
128 receive regularly updated training, as determined by the commissioner
129 [] or, in the case of the state-wide program, the commissioner in
130 consultation with the Chief Drug Policy Officer, on noncoercive and
131 nonstigmatizing methods for engaging [those] persons with opioid use
132 disorder.

133 (d) (1) On or before January 1, 2024, the commissioner shall report, in
134 accordance with the provisions of section 11-4a, to the joint standing
135 committee of the General Assembly having cognizance of matters
136 relating to public health regarding the success of the pilot program in
137 serving persons with opioid use disorder. [and any recommendations
138 for continuing the pilot program or expanding the pilot program into
139 other communities in the state.]

140 (2) On or before January 1, 2025, and annually thereafter, the
141 commissioner shall report, in consultation with the Chief Drug Policy
142 Officer and in accordance with the provisions of section 11-4a, to the
143 joint standing committees of the General Assembly having cognizance
144 of matters relating to consumer protection and public health regarding
145 the success of the state-wide program in serving persons with opioid
146 use disorder.

147 Sec. 3. Subsection (e) of section 17a-674c of the general statutes is
148 repealed and the following is substituted in lieu thereof (*Effective July 1,*
149 *2023*):

150 (e) Moneys in the fund shall be spent only for the following substance
151 use disorder abatement purposes, in accordance with the controlling
152 judgment, consent decree or settlement, as confirmed by the Attorney
153 General's review of such judgment, consent decree or settlement and
154 upon the approval of the committee and the Secretary of the Office of
155 Policy and Management:

156 (1) State-wide, regional or community substance use disorder needs
157 assessments to identify structural gaps and needs to inform
158 expenditures from the fund;

159 (2) Infrastructure required for evidence-based substance use disorder
160 prevention, treatment, recovery or harm reduction programs, services
161 and supports;

162 (3) Programs, services, supports and resources for evidence-based
163 substance use disorder prevention, treatment, recovery or harm

164 reduction;

165 (4) Evidence-informed substance use disorder prevention, treatment,
166 recovery or harm reduction pilot programs or demonstration studies
167 that are not evidence-based, but are approved by the committee as an
168 appropriate use of moneys for a limited period of time as specified by
169 the committee, provided the committee shall assess whether the
170 evidence supports funding such programs or studies or whether it
171 provides a basis for funding such programs or studies with an
172 expectation of creating an evidence base for such programs and studies;

173 (5) Evaluation of effectiveness and outcomes reporting for substance
174 use disorder abatement infrastructure, programs, services, supports and
175 resources for which moneys from the fund have been disbursed,
176 including, but not limited to, impact on access to harm reduction
177 services or treatment for substance use disorders or reduction in drug-
178 related mortality;

179 (6) One or more publicly available data interfaces managed by the
180 commissioner to aggregate, track and report data on (A) substance use
181 disorders, overdoses and drug-related harms, (B) spending
182 recommendations, plans and reports, and (C) outcomes of programs,
183 services, supports and resources for which moneys from the fund were
184 disbursed;

185 (7) Research on opioid abatement, including, but not limited to,
186 development of evidence-based treatment, barriers to treatment,
187 nonopioid treatment of chronic pain and harm reduction, supply-side
188 enforcement;

189 (8) Documented expenses incurred in administering and staffing the
190 fund and the committee, and expenses, including, but not limited to,
191 legal fees, incurred by the state or any municipality in securing
192 settlement proceeds, deposited in the fund as permitted by the
193 controlling judgment, consent decree or settlement;

194 (9) Documented expenses associated with managing, investing and

195 disbursing moneys in the fund; [and]

196 (10) Documented expenses, including legal fees, incurred by the state
197 or any municipality in securing settlement proceeds deposited in the
198 fund to the extent such expenses are not otherwise reimbursed pursuant
199 to a fee agreement provided for by the controlling judgment, consent
200 decree or settlement; and

201 (11) Documented expenses incurred in administering the state-wide
202 peer navigator program established pursuant to subdivision (2) of
203 subsection (b) of section 17a-673b, as amended by this act.

204 Sec. 4. Section 21a-277 of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective October 1, 2023*):

206 (a) (1) (A) No person may [manufacture,] distribute, [sell,] prescribe,
207 dispense, compound, transport with the intent to sell or dispense,
208 possess with the intent to sell or dispense, offer, give or administer to
209 another person, except as authorized in this chapter, any controlled
210 substance that is a [(A)] (i) narcotic substance, or [(B)] (ii) hallucinogenic
211 substance.

212 [(2)] (B) Any person who violates subparagraph (A) of this
213 subdivision [(1) of this subsection (A)] (i) for a first offense, shall be
214 imprisoned not more than fifteen years and may be fined not more than
215 fifty thousand dollars, or be both fined and imprisoned, [(B)] (ii) for a
216 second offense, shall be imprisoned not more than thirty years and may
217 be fined not more than one hundred thousand dollars, or be both fined
218 and imprisoned, and [(C)] (iii) for any subsequent offense, shall be
219 imprisoned not more than thirty years and may be fined not more than
220 two hundred fifty thousand dollars, or be both fined and imprisoned.

221 (2) (A) No person may manufacture or sell, except as authorized in
222 this chapter, any controlled substance that is a (i) narcotic substance, or
223 (ii) hallucinogenic substance.

224 (B) Any person who violates subparagraph (A) of this subdivision (i)

225 for a first offense, shall be imprisoned not more than fifteen years and
226 may be fined not more than fifty thousand dollars, or be both fined and
227 imprisoned, (ii) for a second offense, shall be imprisoned not less than
228 five years or more than thirty years and may be fined not more than one
229 hundred thousand dollars, or be both fined and imprisoned, and (iii) for
230 any subsequent offense, shall be imprisoned not less than five years or
231 more than thirty years and may be fined not more than two hundred
232 fifty thousand dollars, or be both fined and imprisoned.

233 (b) (1) (A) No person may [manufacture,] distribute, [sell,] prescribe,
234 dispense, compound, transport with the intent to sell or dispense,
235 possess with the intent to sell or dispense, offer, give or administer to
236 another person, except as authorized in this chapter or chapter 420f, any
237 controlled substance other than [(A)] (i) a narcotic substance, [or (B)] (ii)
238 a hallucinogenic substance, or [(C)] (iii) cannabis.

239 [(2)] (B) Any person who violates subparagraph (A) of this
240 subdivision [(1) of this subsection (A)] (i) for a first offense, may be fined
241 not more than twenty-five thousand dollars or imprisoned not more
242 than seven years, or be both fined and imprisoned, and [(B)] (ii) for any
243 subsequent offense, may be fined not more than one hundred thousand
244 dollars or imprisoned not more than fifteen years, or be both fined and
245 imprisoned.

246 (2) (A) No person may manufacture or sell, except as authorized in
247 this chapter or chapter 420f, any controlled substance other than (i) a
248 narcotic substance, (ii) a hallucinogenic substance, or (iii) cannabis.

249 (B) Any person who violates subparagraph (A) of this subdivision (i)
250 for a first offense, may be fined not more than twenty-five thousand
251 dollars or imprisoned not more than seven years, or be both fined and
252 imprisoned, and (ii) for any subsequent offense, shall be imprisoned not
253 less than five years or more than fifteen years and may be fined not more
254 than one hundred thousand dollars, or be both fined and imprisoned.

255 (3) For purposes of this subsection, "cannabis" has the same meaning
256 as provided in section 21a-420.

257 (c) No person may knowingly possess drug paraphernalia in a drug
 258 factory situation as defined by subdivision (20) of section 21a-240 for the
 259 unlawful mixing, compounding or otherwise preparing any controlled
 260 substance for purposes of violation of this chapter.

261 (d) As an alternative to the sentences specified in [subsections (a) and
 262 (b)] subparagraph (B) of subdivision (1) of subsection (a) of this section,
 263 subparagraph (B)(i) of subdivision (2) of subsection (a) of this section,
 264 subparagraph (B) of subdivision (1) of subsection (b) of this section and
 265 subparagraph (B)(i) of subdivision (2) of subsection (b) of this section,
 266 the court may sentence the person to the custody of the Commissioner
 267 of Correction for an indeterminate term not to exceed three years or the
 268 maximum term specified for the offense, whichever is less, and, at any
 269 time within such indeterminate term and without regard to any other
 270 provision of law regarding minimum term of confinement, the
 271 Commissioner of Correction may release the convicted person so
 272 sentenced subject to such conditions as the commissioner may impose
 273 including, but not limited to, supervision by suitable authority. At any
 274 time during such indeterminate term, the Commissioner of Correction
 275 may revoke any such conditional release in the commissioner's
 276 discretion for violation of the conditions imposed and return the
 277 convicted person to a correctional institution.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	17a-673b
Sec. 3	<i>July 1, 2023</i>	17a-674c(e)
Sec. 4	<i>October 1, 2023</i>	21a-277

Statement of Purpose:

To: (1) Establish an Office of the Chief Drug Policy Officer; (2) expand the peer navigator pilot program to a state-wide peer navigator program funded by the Opioid Settlement Fund; and (3) establish mandatory minimum terms of imprisonment for manufacturing and selling certain substances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]