



General Assembly

January Session, 2023

Raised Bill No. 6734

LCO No. 4105



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE DECRIMINALIZATION OF POSSESSION
OF SMALL AMOUNTS OF PSILOCYBIN.***

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

1 Section 1. Subdivision (23) of section 21a-240 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (23) "Hallucinogenic substances" are psychodysleptic substances,
5 other than cannabis-type substances, which assert a confusional or
6 disorganizing effect upon mental processes or behavior and mimic
7 acute psychotic disturbances. Exemplary of such drugs are mescaline,
8 peyote, psilocybin, psilocyn and d-lysergic acid diethylamide, which are
9 controlled substances under this chapter unless modified;

10 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) Any person who possesses
11 or has under such person's control less than one-half ounce of
12 psilocybin, except as authorized in chapter 420b of the general statutes,
13 shall (1) for a first offense, be fined one hundred fifty dollars, and (2) for
14 a subsequent offense, be fined not less than two hundred dollars or more
15 than five hundred dollars.

16 (b) The law enforcement officer issuing a complaint for a violation of
17 subsection (a) of this section shall seize the psilocybin and cause such
18 substance to be destroyed as contraband in accordance with law.

19 (c) Any person who, at separate times, has twice entered a plea of
20 nolo contendere to, or been found guilty after trial of, a violation of
21 subsection (a) of this section shall, upon a subsequent plea of nolo
22 contendere to, or finding of guilty of, a violation of said subsection, be
23 referred for participation in a drug education program at such person's
24 own expense.

25 Sec. 3. Subdivision (1) of subsection (a) of section 21a-279 of the
26 general statutes is repealed and the following is substituted in lieu
27 thereof (*Effective October 1, 2023*):

28 (a) (1) [Any] Except as authorized in this chapter or chapter 420f, any
29 person who possesses or has under such person's control any quantity
30 of any controlled substance, except (A) any quantity of cannabis, as
31 defined in section 21a-420, [and except as authorized in this chapter or
32 chapter 420f] or (B) psilocybin in an amount less than one-half ounce,
33 shall be guilty of a class A misdemeanor.

34 Sec. 4. Section 21a-267 of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2023*):

36 (a) No person shall use or possess with intent to use drug
37 paraphernalia, as defined in subdivision (20) of section 21a-240, to plant,
38 propagate, cultivate, grow, harvest, manufacture, compound, convert,
39 produce, process, prepare, test, analyze, pack, repack, store, contain or
40 conceal, or to ingest, inhale or otherwise introduce into the human body,
41 any controlled substance, as defined in subdivision (9) of section 21a-
42 240, other than cannabis or psilocybin in an amount less than one-half
43 ounce. Any person who violates any provision of this subsection shall
44 be guilty of a class C misdemeanor.

45 (b) No person shall deliver, possess with intent to deliver or
46 manufacture with intent to deliver drug paraphernalia knowing, or

47 under circumstances where one reasonably should know, that it will be
48 used to plant, propagate, cultivate, grow, harvest, manufacture,
49 compound, convert, produce, process, prepare, test, analyze, pack,
50 repack, store, contain or conceal, or to ingest, inhale or otherwise
51 introduce into the human body, any controlled substance, other than
52 cannabis or psilocybin in an amount less than one-half ounce. Any
53 person who violates any provision of this subsection shall be guilty of a
54 class A misdemeanor.

55 (c) Any person who violates subsection (a) or (b) of this section (1)
56 with intent to commit such violation at a specific location that the trier
57 of fact determines is (A) in or on the real property comprising a public
58 or private elementary or secondary school, or (B) within two hundred
59 feet of the perimeter of the real property comprising a public or private
60 elementary or secondary school, and (2) who is not enrolled as a student
61 in such school shall be imprisoned for a term of one year which shall not
62 be suspended and shall be in addition and consecutive to any term of
63 imprisonment imposed for violation of subsection (a) or (b) of this
64 section.

65 (d) The provisions of subsection (a) of this section shall not apply to
66 any person (1) who in good faith, seeks medical assistance for another
67 person who such person reasonably believes is experiencing an
68 overdose from the ingestion, inhalation or injection of intoxicating
69 liquor or any drug or substance, (2) for whom another person, in good
70 faith, seeks medical assistance, reasonably believing such person is
71 experiencing an overdose from the ingestion, inhalation or injection of
72 intoxicating liquor or any drug or substance, or (3) who reasonably
73 believes he or she is experiencing an overdose from the ingestion,
74 inhalation or injection of intoxicating liquor or any drug or substance
75 and, in good faith, seeks medical assistance for himself or herself, if
76 evidence of the use or possession of drug paraphernalia in violation of
77 said subsection was obtained as a result of the seeking of such medical
78 assistance. For the purposes of this subsection, "good faith" does not
79 include seeking medical assistance during the course of the execution of
80 an arrest warrant or search warrant or a lawful search.

81 (e) For purposes of this section, "cannabis" has the same meaning as
82 provided in section 21a-240, as amended by this act.

83 Sec. 5. Section 14-111e of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2023*):

85 (a) (1) The Commissioner of Motor Vehicles shall suspend, for a
86 period of one hundred fifty days, the motor vehicle operator's license or
87 nonresident operating privilege of any person who has been convicted
88 of a violation of section 30-88a involving the misuse of an operator's
89 license and who was under the age of twenty-one at the time of such
90 violation.

91 (2) The commissioner shall suspend, for a period of sixty days, the
92 motor vehicle operator's license or nonresident operating privilege of
93 any person who has been convicted of a violation of subdivision (1) of
94 subsection (b) of section 30-89, section 2 of this act or subsection (b) []
95 or (c) of section 21a-279a and who was under the age of twenty-one at
96 the time of such violation.

97 (3) The commissioner shall suspend, for a period of thirty days, the
98 motor vehicle operator's license or nonresident operating privilege of
99 any person who has been convicted of a violation of subdivision (2) of
100 subsection (b) of section 30-89 and who was under the age of twenty-
101 one at the time of such violation.

102 (b) The commissioner shall not issue a new motor vehicle operator's
103 license under the provisions of section 14-36 to any person who has been
104 convicted of a violation of section 30-88a or section 30-89, subsection (e)
105 of section 1-1h, subsection (a) of section 21a-279a, [or] subsection (d) of
106 section 21a-267, as amended by this act, or section 2 of this act, and who
107 was under the age of twenty-one at the time of such violation until a
108 period of one hundred fifty days has elapsed from the date all applicable
109 requirements for any such license have been satisfied by such person.

110 Sec. 6. Subsection (b) of section 51-164n of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective October*

112 1, 2023):

113 (b) Notwithstanding any provision of the general statutes, any person
114 who is alleged to have committed (1) a violation under the provisions of
115 section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c)
116 of section 7-66, section 7-83, 7-147h, 7-148, 7-148f, 7-148o, 7-283, 7-325, 7-
117 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-
118 230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision
119 (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or
120 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
121 section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c, 12-487, 13a-71,
122 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139,
123 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f, subsection (f) of section
124 13b-42, section 13b-90 or 13b-100, subsection (a) of section 13b-108,
125 section 13b-221 or 13b-292, subsection (a) or (b) of section 13b-324,
126 section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,
127 subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4,
128 subdivision (2) of subsection (a) of section 14-12, subsection (d) of
129 section 14-12, subsection (f) of section 14-12a, subsection (a) of section
130 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a,
131 subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58
132 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a,
133 subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h,
134 section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a,
135 section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection
136 (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, subsection
137 (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section
138 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a,
139 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274,
140 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276,
141 subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280,
142 subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-
143 283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-
144 300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,
145 subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-

146 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
147 section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of
148 section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h,
149 section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of
150 section 17a-227, section 17a-465, subsection (c) of section 17a-488, section
151 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of
152 section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107,
153 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
154 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
155 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231,
156 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b)
157 of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610,
158 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of
159 section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2,
160 subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision
161 (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30,
162 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b
163 or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-
164 154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,
165 subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-
166 421fff, 21a-421hhh, subsection (a) of section 21a-430, section 22-12b, 22-
167 13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-
168 39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1) of subsection (n) of
169 section 22-61l, subsection (f) of section 22-61m, subdivision (1) of
170 subsection (f) of section 22-61m, section 22-84, 22-89, 22-90, 22-96, 22-98,
171 22-99, 22-100 or 22-111o, subsection (d) of section 22-118l, section 22-167,
172 subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a,
173 22-320h, 22-324a or 22-326, subsection (b), subdivision (1) or (2) of
174 subsection (e) or subsection (g) of section 22-344, subsection (a) or (b) of
175 section 22-344b, section 22-344c, subsection (d) of section 22-344d,
176 section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414,
177 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250,
178 section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or
179 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
180 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or

181 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
182 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-
183 21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or
184 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,
185 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
186 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of
187 section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141,
188 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-
189 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-
190 232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-
191 287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16,
192 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), (g) or
193 (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
194 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
195 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a,
196 section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89,
197 subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12,
198 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
199 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b, section 31-
200 51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c) of section
201 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,
202 subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-1017,
203 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of
204 section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-
205 739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278,
206 section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713,
207 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230,
208 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283,
209 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
210 section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or
211 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k)
212 of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection
213 (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-
214 264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-
215 323 or 53-331, subsection (b) of section 53-343a, section 53-344,

216 subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a,
217 section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a [,] or
218 section 2 of this act, or (2) a violation under the provisions of chapter
219 268, or (3) a violation of any regulation adopted in accordance with the
220 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
221 ordinance, regulation or bylaw of any town, city or borough, except
222 violations of building codes and the health code, for which the penalty
223 exceeds ninety dollars but does not exceed two hundred fifty dollars,
224 unless such town, city or borough has established a payment and
225 hearing procedure for such violation pursuant to section 7-152c, shall
226 follow the procedures set forth in this section.

227 Sec. 7. Subsection (h) of section 51-164n of the general statutes is
228 repealed and the following is substituted in lieu thereof (*Effective October*
229 *1, 2023*):

230 (h) In any trial for the alleged commission of an infraction, the
231 practice, procedure, rules of evidence and burden of proof applicable in
232 criminal proceedings shall apply, except that in any trial for the alleged
233 commission of a violation under section 2 of this act, the burden of proof
234 shall be by the preponderance of the evidence. Any person found guilty
235 at the trial or upon a plea shall be guilty of the commission of an
236 infraction and shall be fined not less than thirty-five dollars or more than
237 ninety dollars or, if the infraction is for a violation of any provision of
238 title 14, not less than fifty dollars or more than ninety dollars.

239 Sec. 8. Subdivision (2) of section 46b-120 of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective October*
241 *1, 2023*):

242 (2) (A) A child may be adjudicated as "delinquent" who has, while
243 under sixteen years of age, (i) violated any federal or state law, except a
244 first or second offense under subdivision (1) of subsection (b) of section
245 21a-279a or section 2 of this act, or except section 53a-172, 53a-173, 53a-
246 222, 53a-222a, 53a-223 or 53a-223a, or violated a municipal or local
247 ordinance, except an ordinance regulating behavior of a child in a family

248 with service needs, (ii) wilfully failed to appear in response to a
249 summons under section 46b-133 or at any other court hearing in a
250 delinquency proceeding of which the child had notice, (iii) violated any
251 order of the Superior Court in a delinquency proceeding, except as
252 provided in section 46b-148, or (iv) violated conditions of probation
253 supervision or probation supervision with residential placement in a
254 delinquency proceeding as ordered by the court;

255 (B) A child may be adjudicated as "delinquent" who has (i) while
256 sixteen or seventeen years of age, violated any federal or state law, other
257 than (I) an infraction, (II) a violation, (III) a motor vehicle offense or
258 violation under title 14, (IV) a violation of a municipal or local
259 ordinance, (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-222,
260 53a-222a, 53a-223 or 53a-223a, or (VI) a first or second offense under
261 subdivision (1) of subsection (b) of section 21a-279a or section 2 of this
262 act, (ii) while sixteen years of age or older, wilfully failed to appear in
263 response to a summons under section 46b-133 or at any other court
264 hearing in a delinquency proceeding of which the child had notice, (iii)
265 while sixteen years of age or older, violated any order of the Superior
266 Court in a delinquency proceeding, except as provided in section 46b-
267 148, or (iv) while sixteen years of age or older, violated conditions of
268 probation supervision or probation supervision with residential
269 placement in a delinquency proceeding as ordered by the court;

270 Sec. 9. Subdivision (7) of section 46b-120 of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective October*
272 *1, 2023*):

273 (7) "Delinquent act" means (A) the violation by a child under the age
274 of sixteen of any federal or state law, except a first or second offense
275 under subdivision (1) of subsection (b) of section 21a-279a or section 2
276 of this act, the violation of section 53a-172, 53a-173, 53a-222, 53a-222a,
277 53a-223 or 53a-223a, or the violation of a municipal or local ordinance,
278 except an ordinance regulating behavior of a child in a family with
279 service needs, (B) the violation by a child sixteen or seventeen years of
280 age of any federal or state law, other than (i) an infraction, (ii) a violation,

281 (iii) a motor vehicle offense or violation under title 14, (iv) the violation
 282 of a municipal or local ordinance, (v) the violation of section 51-164r,
 283 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or (vi) a first or
 284 second offense under subdivision (1) of subsection (b) of section 21a-
 285 279a or section 2 of this act, (C) the wilful failure of a child, including a
 286 child who has attained the age of eighteen, to appear in response to a
 287 summons under section 46b-133 or at any other court hearing in a
 288 delinquency proceeding of which the child has notice, (D) the violation
 289 of any order of the Superior Court in a delinquency proceeding by a
 290 child, including a child who has attained the age of eighteen, except as
 291 provided in section 46b-148, or (E) the violation of conditions of
 292 probation supervision or probation supervision with residential
 293 placement in a delinquency proceeding by a child, including a child who
 294 has attained the age of eighteen, as ordered by the court;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	21a-240(23)
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	21a-279(a)(1)
Sec. 4	<i>October 1, 2023</i>	21a-267
Sec. 5	<i>October 1, 2023</i>	14-111e
Sec. 6	<i>October 1, 2023</i>	51-164n(b)
Sec. 7	<i>October 1, 2023</i>	51-164n(h)
Sec. 8	<i>October 1, 2023</i>	46b-120(2)
Sec. 9	<i>October 1, 2023</i>	46b-120(7)

Statement of Purpose:

To decriminalize the possession of small amounts of psilocybin.

[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.]