



General Assembly

Substitute Bill No. 6734

January Session, 2023



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
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 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
9 are controlled substances under this chapter unless modified;

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

16 (b) The law enforcement officer issuing a complaint for a violation
17 of subsection (a) of this section shall seize the psilocybin and cause
18 such 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26 general statutes is repealed and the following is substituted in lieu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,
29 any person who possesses or has under such person's control any
30 quantity of any controlled substance, except (A) any quantity of
31 cannabis, as defined in section 21a-420, [and except as authorized in
32 this chapter or chapter 420f] or (B) psilocybin in an amount less than
33 one-half ounce, 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 Section 21a-267 of the general statutes is repealed and the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
38 plant, propagate, cultivate, grow, harvest, manufacture, compound,
39 convert, produce, process, prepare, test, analyze, pack, repack, store,
40 contain or conceal, or to ingest, inhale or otherwise introduce into the
41 human body, any controlled substance, as defined in subdivision (9) of
42 section 21a-240, other than cannabis in any amount or psilocybin in an
43 amount less than one-half ounce. Any person who violates any
44 provision of this subsection shall 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
48 be 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 in any amount or psilocybin in an amount less than one-half
53 ounce. Any person who violates any provision of this subsection shall
54 be guilty of a 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
61 student in such school shall be imprisoned for a term of one year
62 which shall not be suspended and shall be in addition and consecutive
63 to any term of imprisonment imposed for violation of subsection (a) or
64 (b) of this 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
80 of 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
87 or nonresident operating privilege of any person who has been
88 convicted of a violation of section 30-88a involving the misuse of an
89 operator's license and who was under the age of twenty-one at the
90 time of such 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
104 been convicted of a violation of section 30-88a or section 30-89,
105 subsection (e) of section 1-1h, subsection (a) of section 21a-279a, [or]
106 subsection (d) of section 21a-267, as amended by this act, or section 2 of
107 this act, and who was under the age of twenty-one at the time of such
108 violation until a period of one hundred fifty days has elapsed from the
109 date all applicable requirements for any such license have been
110 satisfied by such person.

111 Sec. 6. Subsection (b) of section 51-164n of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective*
113 *October 1, 2023*):

114 (b) Notwithstanding any provision of the general statutes, any
115 person who is alleged to have committed (1) a violation under the
116 provisions of section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-
117 41, subsection (c) of section 7-66, section 7-83, 7-147h, 7-148, 7-148f, 7-
118 148o, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-
119 193, 10-197, 10-198, 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b
120 or 12-170aa, subdivision (3) of subsection (e) of section 12-286, section
121 12-286a, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408,
122 subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-
123 476b, 12-476c, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-
124 117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or
125 13b-39f, subsection (f) of section 13b-42, section 13b-90 or 13b-100,
126 subsection (a) of section 13b-108, section 13b-221 or 13b-292, subsection
127 (a) or (b) of section 13b-324, section 13b-336, 13b-337, 13b-338, 13b-
128 410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
129 section 13b-414 or 14-4, subdivision (2) of subsection (a) of section 14-
130 12, subsection (d) of section 14-12, subsection (f) of section 14-12a,
131 subsection (a) of section 14-15a, section 14-16c, 14-20a or 14-27a,
132 subsection (f) of section 14-34a, subsection (d) of section 14-35, section
133 14-43, 14-44j, 14-49, 14-50a, 14-58 or 14-62a, subsection (b) of section 14-
134 66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection
135 (f) or (i) of section 14-80h, section 14-97a or 14-98, subsection (a), (b) or
136 (d) of section 14-100a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-
137 145a or 14-146, subsection (b) of section 14-147, section 14-152, 14-153,
138 14-161 or 14-163b, subsection (f) of section 14-164i, section 14-213b or
139 14-219, subdivision (1) of section 14-223a, subsection (d) of section 14-
140 224, section 14-240, 14-250, 14-253a, 14-261a, 14-262, 14-264, 14-266, 14-
141 267a, 14-269, 14-270, 14-272b, 14-274, 14-275 or 14-275a, subsection (c)
142 of section 14-275c, section 14-276, subsection (a) or (b) of section 14-277,
143 section 14-278, 14-279 or 14-280, subsection (b), (e) or (h) of section 14-
144 283, section 14-283d, 14-283e, 14-283f, 14-283g, 14-291, 14-293b, 14-
145 296aa, 14-298a, 14-300, 14-300d, 14-300f, 14-319, 14-320, 14-321, 14-325a,
146 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a,
147 section 15-15e, 15-25 or 15-33, subdivision (1) of section 15-97,
148 subsection (a) of section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-

149 278 or 16a-15, subsection (a) of section 16a-21, section 16a-22,
150 subsection (a) or (b) of section 16a-22h, section 16a-106, 17a-24, 17a-145,
151 17a-149 or 17a-152, subsection (b) of section 17a-227, section 17a-465,
152 subsection (c) of section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-
153 33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91,
154 19a-102a, 19a-102b, 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-
155 219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-
156 335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 19a-
157 565, 20-7a, 20-14, 20-153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265,
158 20-324e, 20-329c or 20-329g, subsection (b) of section 20-334, section 20-
159 341l, 20-366, 20-482, 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39,
160 21-43, 21-47, 21-48 or 21-63, subsection (d) of section 21-71, section 21-
161 76a or 21-100, subsection (c) of section 21a-2, subdivision (1) of section
162 21a-19, section 21a-20 or 21a-21, subdivision (1) of subsection (b) of
163 section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-
164 37, section 21a-46, 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or
165 (c) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of
166 subsection (a) of section 21a-159, section 21a-278b, subsection (c), (d) or
167 (e) of section 21a-279a, section 21a-421eee, 21a-421fff, 21a-421hhh,
168 subsection (a) of section 21a-430, section 22-12b, 22-13, 22-14, 22-15, 22-
169 16, 22-26g, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54,
170 22-61j or 22-61l, subdivision (1) of subsection (n) of section 22-61l,
171 subsection (f) of section 22-61m, subdivision (1) of subsection (f) of
172 section 22-61m, section 22-84, 22-89, 22-90, 22-96, 22-98, 22-99, 22-100 or
173 22-111o, subsection (d) of section 22-118l, section 22-167, subsection (c)
174 of section 22-277, section 22-278, 22-279, 22-280a, 22-318a, 22-320h, 22-
175 324a or 22-326, subsection (b), subdivision (1) or (2) of subsection (e) or
176 subsection (g) of section 22-344, subsection (a) or (b) of section 22-344b,
177 section 22-344c, subsection (d) of section 22-344d, section 22-344f, 22-
178 350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22-415c, 22a-
179 66a or 22a-246, subsection (a) of section 22a-250, section 22a-256g,
180 subsection (e) of section 22a-256h, section 22a-363 or 22a-381d,
181 subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-450,
182 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or
183 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,

184 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-
185 21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or
186 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,
187 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
188 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of
189 section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141,
190 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-
191 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231,
192 26-232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286,
193 26-287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-
194 16, 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), (g)
195 or (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
196 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
197 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a,
198 section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89,
199 subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12,
200 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
201 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b, section 31-
202 51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c) of section
203 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,
204 subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-1017,
205 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of
206 section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-
207 739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278,
208 section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-
209 713, 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-
210 230, 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section
211 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section
212 46a-54, section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a,
213 47-47 or 47-53, subsection (i) of section 47a-21, subdivision (1) of
214 subsection (k) of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or
215 52-289, subsection (j) of section 52-362, section 53-133, 53-199, 53-212a,
216 53-249a, 53-252, 53-264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-
217 314, 53-321, 53-322, 53-323 or 53-331, subsection (b) of section 53-343a,
218 section 53-344, subsection (b) or (c) of section 53-344b, subsection (b) of

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

230 Sec. 7. Subsection (i) of section 51-164n of the general statutes is
231 repealed and the following is substituted in lieu thereof (*Effective*
232 *October 1, 2023*):

233 (i) In any trial for the alleged commission of a violation specified in
234 subsection (b) of this section, the practice, procedure, rules of evidence
235 and burden of proof applicable in criminal proceedings shall apply,
236 except that in any trial for the alleged commission of a violation under
237 section 2 of this act or subsection (a) of section 21a-279a, the burden of
238 proof shall be by the preponderance of the evidence. Any person
239 found guilty at the trial or upon a plea shall be guilty of the
240 commission of a violation and shall be fined not more than the
241 statutory amount applicable to such violation.

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

245 (2) (A) A child may be adjudicated as "delinquent" who has, while
246 under sixteen years of age, (i) violated any federal or state law, except
247 a first or second offense under subdivision (1) of subsection (b) of
248 section 21a-279a or section 2 of this act, or except section 53a-172, 53a-
249 173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or violated a municipal or
250 local ordinance, except an ordinance regulating behavior of a child in a

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

258 (B) A child may be adjudicated as "delinquent" who has (i) while
259 sixteen or seventeen years of age, violated any federal or state law,
260 other than (I) an infraction, (II) a violation, (III) a motor vehicle offense
261 or violation under title 14, (IV) a violation of a municipal or local
262 ordinance, (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-222,
263 53a-222a, 53a-223 or 53a-223a, or (VI) a first or second offense under
264 subdivision (1) of subsection (b) of section 21a-279a or section 2 of this
265 act, (ii) while sixteen years of age or older, wilfully failed to appear in
266 response to a summons under section 46b-133 or at any other court
267 hearing in a delinquency proceeding of which the child had notice, (iii)
268 while sixteen years of age or older, violated any order of the Superior
269 Court in a delinquency proceeding, except as provided in section 46b-
270 148, or (iv) while sixteen years of age or older, violated conditions of
271 probation supervision or probation supervision with residential
272 placement in a delinquency proceeding as ordered by the court;

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

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

284 violation, (iii) a motor vehicle offense or violation under title 14, (iv)
 285 the violation of a municipal or local ordinance, (v) the violation of
 286 section 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-
 287 223a, or (vi) a first or second offense under subdivision (1) of
 288 subsection (b) of section 21a-279a or section 2 of this act, (C) the wilful
 289 failure of a child, including a child who has attained the age of
 290 eighteen, to appear in response to a summons under section 46b-133 or
 291 at any other court hearing in a delinquency proceeding of which the
 292 child has notice, (D) the violation of any order of the Superior Court in
 293 a delinquency proceeding by a child, including a child who has
 294 attained the age of eighteen, except as provided in section 46b-148, or
 295 (E) the violation of conditions of probation supervision or probation
 296 supervision with residential placement in a delinquency proceeding by
 297 a child, including a child who has attained the age of eighteen, as
 298 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(i)
Sec. 8	<i>October 1, 2023</i>	46b-120(2)
Sec. 9	<i>October 1, 2023</i>	46b-120(7)

Statement of Legislative Commissioners:

In Section 7, the exception for section 2 was moved from subsection (h) to subsection (i) for conformity with the treatment of violations.

JUD *Joint Favorable Subst.*