



House of Representatives

General Assembly

File No. 441

February Session, 2024

Substitute House Bill No. 5297

House of Representatives, April 11, 2024

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 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 2024 supplement
2 to the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024*):

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, 2024*) (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 Sec. 3. Subdivision (1) of subsection (a) of section 21a-279 of the
20 general statutes is repealed and the following is substituted in lieu
21 thereof (*Effective October 1, 2024*):

22 (a) (1) [Any] Except as authorized in this chapter or chapter 420f, any
23 person who possesses or has under such person's control any quantity
24 of any controlled substance [, except any quantity of cannabis, as
25 defined in section 21a-420, and except as authorized in this chapter or
26 chapter 420f] shall be guilty of a class A misdemeanor. As used in this
27 section, "controlled substance" does not include (A) any quantity of
28 cannabis, as defined in section 21a-420, or (B) psilocybin in an amount
29 less than one-half ounce.

30 Sec. 4. Section 21a-267 of the 2024 supplement to the general statutes
31 is repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2024*):

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

42 (b) No person shall deliver, possess with intent to deliver or
43 manufacture with intent to deliver drug paraphernalia knowing, or
44 under circumstances where one reasonably should know, that it will be

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

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

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

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

80 Sec. 5. Section 14-111e of the 2024 supplement to the general statutes
81 is repealed and the following is substituted in lieu thereof (*Effective*
82 *October 1, 2024*):

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

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

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

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

108 Sec. 6. Subsection (b) of section 51-164n of the 2024 supplement to the

109 general statutes is repealed and the following is substituted in lieu
110 thereof (*Effective October 1, 2024*):

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

144 section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15,
145 subsection (a) of section 16a-21, section 16a-22, subsection (a) or (b) of
146 section 16a-22h, section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152,
147 subsection (b) of section 17a-227, section 17a-465, subsection (c) of
148 section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-
149 87, subsection (b) of section 19a-87a, section 19a-91, 19a-102a, 19a-102b,
150 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224,
151 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
152 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-
153 153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or
154 20-329g, subsection (b) of section 20-334, section 20-341l, 20-366, 20-482,
155 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or
156 21-63, subsection (d) of section 21-71, section 21-76a or 21-100,
157 subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section
158 21a-20 or 21a-21, subdivision (1) of subsection (b) of section 21a-25,
159 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46,
160 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or (c) of section 21a-79,
161 section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-
162 159, section 21a-278b, subsection (c), (d) or (e) of section 21a-279a,
163 section 21a-421eee, 21a-421fff, 21a-421hhh, subsection (a) of section 21a-
164 430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35,
165 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1)
166 of subsection (n) of section 22-61l, subsection (f) of section 22-61m,
167 subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89,
168 22-90, 22-96, 22-98, 22-99, 22-100 or 22-111o, subsection (d) of section 22-
169 118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-
170 279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b),
171 subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344,
172 subsection (a) or (b) of section 22-344b, subsection (d) of section 22-344d,
173 section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414,
174 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250,
175 section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or
176 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
177 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or
178 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,

179 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-
180 21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or
181 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,
182 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,
183 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of
184 section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141,
185 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-
186 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-
187 232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-
188 287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16,
189 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), (g) or
190 (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
191 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
192 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a,
193 section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89,
194 subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12,
195 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-47 or
196 31-48, subsection (b) of section 31-48b, section 31-51, 31-51g, 31-52, 31-
197 52a, 31-53 or 31-54, subsection (a) or (c) of section 31-69, section 31-70,
198 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-
199 273, section 31-288, 31-348, 33-624, 33-1017, 34-13d or 34-412,
200 subdivision (1) of section 35-20, subsection (a) of section 36a-57,
201 subsection (b) of section 36a-665, section 36a-699, 36a-739, 36a-787, 38a-
202 2 or 38a-140, subsection (a) or (b) of section 38a-278, section 38a-479qq,
203 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713, 38a-733, 38a-764,
204 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230, 42-470 or 42-480,
205 subsection (a) or (c) of section 43-16q, section 45a-283, 45a-450, 45a-634
206 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46a-
207 81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or 47-53, subsection
208 (i) of section 47a-21, subdivision (1) of subsection (k) of section 47a-21,
209 section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection (j) of section 52-
210 362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-
211 290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-323 or 53-331,
212 subsection (b) of section 53-343a, section 53-344, subsection (b) or (c) of
213 section 53-344b, subsection (b) of section 53-345a, section 53-377, 53-422

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

224 Sec. 7. Subsection (i) of section 51-164n of the 2024 supplement to the
225 general statutes is repealed and the following is substituted in lieu
226 thereof (*Effective October 1, 2024*):

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

236 Sec. 8. Subdivision (2) of section 46b-120 of the 2024 supplement to
237 the general statutes is repealed and the following is substituted in lieu
238 thereof (*Effective October 1, 2024*):

239 (2) (A) A child may be adjudicated as "delinquent" who has, while
240 under sixteen years of age, (i) violated any federal or state law, except a
241 first or second offense under subdivision (1) of subsection (b) of section
242 21a-279a or section 2 of this act, or except section 53a-172, 53a-173, 53a-
243 222, 53a-222a, 53a-223 or 53a-223a, or violated a municipal or local
244 ordinance, (ii) wilfully failed to appear in response to a summons under
245 section 46b-133 or at any other court hearing in a delinquency
246 proceeding of which the child had notice, (iii) violated any order of the

247 Superior Court in a delinquency proceeding, or (iv) violated conditions
248 of probation supervision or probation supervision with residential
249 placement in a delinquency proceeding as ordered by the court;

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

265 Sec. 9. Subdivision (7) of section 46b-120 of the 2024 supplement to
266 the general statutes is repealed and the following is substituted in lieu
267 thereof (*Effective October 1, 2024*):

268 (7) "Delinquent act" means (A) the violation by a child under the age
269 of sixteen of any federal or state law, except a first or second offense
270 under subdivision (1) of subsection (b) of section 21a-279a or section 2
271 of this act, the violation of section 53a-172, 53a-173, 53a-222, 53a-222a,
272 53a-223 or 53a-223a, or the violation of a municipal or local ordinance,
273 (B) the violation by a child sixteen or seventeen years of age of any
274 federal or state law, other than (i) an infraction, (ii) a violation, (iii) a
275 motor vehicle offense or violation under title 14, (iv) the violation of a
276 municipal or local ordinance, (v) the violation of section 51-164r, 53a-
277 172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or (vi) a first or
278 second offense under subdivision (1) of subsection (b) of section 21a-
279 279a or section 2 of this act, (C) the wilful failure of a child, including a

280 child who has attained the age of eighteen, to appear in response to a
 281 summons under section 46b-133 or at any other court hearing in a
 282 delinquency proceeding of which the child has notice, (D) the violation
 283 of any order of the Superior Court in a delinquency proceeding by a
 284 child, including a child who has attained the age of eighteen, or (E) the
 285 violation of conditions of probation supervision or probation
 286 supervision with residential placement in a delinquency proceeding by
 287 a child, including a child who has attained the age of eighteen, as
 288 ordered by the court;

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	21a-240(23)
Sec. 2	October 1, 2024	New section
Sec. 3	October 1, 2024	21a-279(a)(1)
Sec. 4	October 1, 2024	21a-267
Sec. 5	October 1, 2024	14-111e
Sec. 6	October 1, 2024	51-164n(b)
Sec. 7	October 1, 2024	51-164n(i)
Sec. 8	October 1, 2024	46b-120(2)
Sec. 9	October 1, 2024	46b-120(7)

Statement of Legislative Commissioners:

Section 3 was rewritten for clarity.

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 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Savings	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill reduces the penalty for possession of small amounts of psilocybin¹ resulting in a potential savings to the Department of Correction and to the Judicial Department for reductions in incarceration and probation, and a potential revenue loss to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300² while the average marginal cost for supervision in the community is less than \$800³ each year for adults and \$1,000 each year for juveniles.

¹Under current law, this is a class A misdemeanor, which is punishable by up to one year of imprisonment and up to \$2,000 in fines. The bill imposes a fine of \$150 for the first offense of the possession of a small amount of psilocybin. Each subsequent offense may be fined not less than \$200 and not more than \$500.

²Inmate 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.

³Probation 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.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sHB 5297*****AN ACT CONCERNING THE DECRIMINALIZATION OF POSSESSION OF SMALL AMOUNTS OF PSILOCYBIN.*****SUMMARY**

This bill reduces the penalty for possessing less than half an ounce of psilocybin from a crime that carries a possible prison term to a (1) \$150 fine for a first offense and (2) \$200 to \$500 fine for a subsequent offense. (Psilocybin is the chemical compound obtained from certain types of hallucinogenic mushrooms.)

Under the bill, people fined for this possession must follow the procedures set by law for infractions. For example, they can pay the fine by mail without making a court appearance. But the bill provides a lower burden of proof than is generally required for infractions or other violations that follow infraction procedures.

It requires a law enforcement officer who issues a complaint for this violation to seize the psilocybin and have it destroyed as contraband according to law.

The bill prohibits minors from being adjudicated delinquent for a first or second offense of possessing less than half an ounce of psilocybin. Currently, because possession is a crime, they may be adjudicated delinquent for possession of any amount. (Under existing law, 16- and 17-year-olds may not be adjudicated delinquent for non-criminal violations.)

It requires a 60-day suspension of the driver's license of anyone under age 21 who is convicted of a violation under the bill.

The bill also eliminates criminal penalties for specified actions involving drug paraphernalia relating to less than half an ounce of

psilocybin.

Lastly, the bill specifically includes psilocybin as an example of a “hallucinogenic substance” under the state’s controlled substances law. (Existing Department of Consumer Protection regulations already classify psilocybin as a schedule I controlled substance.)

EFFECTIVE DATE: October 1, 2024

PSILOCYBIN POSSESSION

The bill makes the first offense of possessing less than half an ounce of psilocybin punishable by a \$150 fine. A second or subsequent offense is punishable by a fine of \$200 to \$500.

Currently, it is a crime to illegally possess any amount of psilocybin, the same as for any controlled substances other than cannabis. The current penalties are shown in the following table. (These penalties continue to apply to the possession of one-half ounce or more of psilocybin.)

Table: Penalties for Psilocybin Possession Under Current Law

<i>Brief Description</i>	<i>Authorized Penalties</i>
Possession	<p>First offense: Class A misdemeanor, punishable by up to 364 days in prison, up to a \$2,000 fine, or both</p> <p>Second offense: The court must evaluate the defendant and may suspend prosecution and order substance abuse treatment if it determines that the person is drug dependent</p> <p>Subsequent offenses: The court may find the person to be a persistent offender for controlled substance possession and impose the prison term that applies to class E felonies (i.e., up to three years)</p>
Possession within 200 feet of the property of a (1) K-12 school by a non-student or (2) licensed child care center identified by a sign in a conspicuous place	<p>Class A misdemeanor</p> <p>The court must sentence the person to a term of imprisonment and probation. The conditions of probation must include community service</p>

The law imposes certain other restrictions on people who are convicted of criminal drug possession. For example, they (1) may be

denied licensure in certain areas, such as a family child care home (CGS § 19a-87e); (2) are prohibited from getting licensed in certain others, such as bail enforcement agents (CGS § 29-152f); and (3) are ineligible for various firearm credentials. Under the bill, these restrictions do not apply to people convicted of possessing less than half an ounce of psilocybin.

Burden of Proof (§ 7)

Current law generally extends to trials for violations that follow infraction procedures the same rules of evidence, procedure, burden of proof, and practice that apply to criminal proceedings. The bill provides an exception for trials involving the possession of less than half an ounce of psilocybin. For these trials, the bill lowers the burden of proof from beyond a reasonable doubt to a preponderance of the evidence.

Driver's License Penalties for People Under Age 21 (§ 5)

The bill sets driver's license penalties for people who are convicted of possessing less than half an ounce of psilocybin and were under 21 at the time of the violation. It requires the motor vehicles commissioner to suspend the person's driver's license or nonresident operating privilege for 60 days. If someone under age 21 commits this violation but does not have a driver's license, they are ineligible for one for 150 days after meeting all licensing requirements.

§ 3 — DRUG PARAPHERNALIA RELATED TO PSILOCYBIN USE

Current law has criminal penalties for drug paraphernalia-related actions involving all controlled substances other than cannabis. The bill eliminates these penalties for actions involving less than half an ounce of psilocybin.

The current penalties are as follows:

1. a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$500, or both) to use or possess with intent to use drug paraphernalia for various drug-related purposes (e.g., planting, preparing, or ingesting);

2. a class A misdemeanor to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where the person should know, it will be used for these purposes; and
3. a specified mandatory minimum for offenses near schools by non-students (although the court can depart from this under certain conditions).

Under the bill, these penalties continue to apply to the listed actions involving one-half ounce or more of psilocybin.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 13 (03/26/2024)