

PA 11-210

HB6554

House	7031-7036A, 7037-7050	21
Judiciary	2485-2487, 2694-2697, 2759, 2933-2935	12
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H – 1112

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 21
6898 – 7240**

lg/sg/cd/gbr
HOUSE OF REPRESENTATIVES

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June 3, 2011

SPEAKER DONOVAN:

Good morning, sir.

REP. HULBURT (53rd):

Mr. Speaker, for the purposes of an
introduction?

SPEAKER DONOVAN:

Please proceed.

REP. HULBURT (53rd):

Mr. Speaker, today we are lucky to have the
fifth grade class from the Ashford School up in the
gallery. They've had a chance to meet the governor
and tour the Legislative Office Building. I ask
that everybody stand up and give them a round of
applause and warm welcome to their State Capitol
visit.

SPEAKER DONOVAN:

Will the Clerk please call Calendar Number 384.

THE CLERK:

State of Connecticut, House of Representatives
Calendar for Thursday -- sorry about that -- the
State of Connecticut, House of Representatives,
Calendar for Friday, June 3, 2011.

On page 15, Calendar Number 384, House Bill
Number 6554, AN ACT CONCERNING EMERGENCY MEDICAL

ASSISTANCE FOR PERSONS EXPERIENCING A DRUG OVERDOSE.

Favorable Report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Gerry Fox.

REP. FOX (146th):

Thank you, Mr. Speaker and good afternoon.

I move for the acceptance to the Joint Committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Question is acceptance of the Joint Committee's favorable report and Passage of the bill.

Will you remark?

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill was introduced before the Judiciary Committee and a public hearing was held, and it addresses the situation where individuals are undergoing what appears to be an overdose and what happens in those situations that sometimes those who are in a position to help or assist that person and to call the necessary medical attention to this individual are concerned about their own criminal prosecution. And what can happen in that instance

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is a tragedy can result.

Mr. Speaker, the Clerk, has an Amendment LCO Number 8046. I would ask that be called and I'd allowed to summarize?

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 8046, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 8046 House "A" offered by Representative Fox and Rebimbas.

SPEAKER DONOVAN:

Representative seeks leave of the Chamber to summarize.

Any objection?

Hearing none, Representative, you may proceed.

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill or this amendment would clarify certain questions that arose during discussions that I had with myself and Representative Rebimbas regarding this -- this underlying bill. I believe it strengthens the bill and I would move adoption.

SPEAKER DONOVAN:

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Questions on adoption.

Will you remark further?

REP. FOX (146th):

Thank you, Mr. Speaker.

What this does is it would add to those who could be sustaining an overdose also those who are under the influence of alcohol or any other substance. Also what this amendment does is it does put in a provision where one could not attempt to call authorities in the event that somebody were attempt -- law enforcement, for example, is seeking to enforce a warrant or to knock on -- knock on the doors and then attempt to use this as a defense to that sort of criminal prosecutions.

I urge adoption on the amendment.

SPEAKER DONOVAN:

Question is on adoption?

Will you remark further? Will you remark further?

If not, let me try your minds.

All those in favor of the amendment please indicate by saying aye.

REPRESENTATIVES:

Aye.

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SPEAKER DONOVAN:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Remark further?

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

Mr. Speaker, I think this is a good bill, and I would ask my colleagues to help me support it.

They're a lot of young folks who feel that they would be inadvertently arrested or accused of some kind of criminal activity if, in fact, a friend of theirs starts to go into a drug overdose. This would provide the opportunity for them to save lives and not have to worry about retaliation or going to prison. And I would wish that folks would pass it.

Thank you very much. And thank Representative Fox and Holder-Winfield for bringing this bill out.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

I urge adoption of this bill. The Bill assures us that people who are in need of emergency medical care will receive that care. And someone trying to summon assistance will not be -- not be penalized because of an incidental connection to the drug or alcohol scene. This puts a high priority on saving lives, and I would urge that it be passed.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you Representative.

Representative Rebimbas.

REP. REBIMBAS (70th):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, madam.

REP. REBIMBAS (70th):

Mr. Speaker, I just want to take this opportunity to echo the comments that were previously made by my colleagues, as well as thanking very much the Chair -- Chairman of the Judiciary and the ranking members of the Judiciary Committee for brining this out. I do also echo the comments that this is a very responsible bill.

It allows -- we don't want people to be

abandoned in their most time of need or their friends to abandon them when they may believe that they may be suffering from an overdose. And I think that the amendment that was worked out by myself and Representative Fox, in the language allows for any future chemicals that may be identified as being a drug, under Connecticut law, to allow that also to be covered under this bill.

So I want to thank Representative Fox for working in a bipartisan way to make this bill even better. And I do encourage my colleagues to support the passage of the bill.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Srinivasan.

REP. SRINIVASAN (31st):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. SRINIVASAN (31st):

Thank you.

Through you, Mr. Speaker to the proponent of the amendment and the bill.

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SPEAKER DONOVAN:

Please proceed.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

I, too, rise in support of this bill. I think it's -- it's very important for us to give help to the people in that dire situation but through you, Mr. Speaker.

The -- my question is that in the event that there's a person who is, you know, having a severe reaction, severe adverse reaction because obviously of the overdose, is there any number of people that can by this particular law go and request the support or help for that person? Or are we saying all the people in that particular room who are there at that particular time would also be exempted from any legal ramifications?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I believe it would be all of those who are working together. It would be up to law enforcement

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to determine exactly who participated but, let's say for example, there were a group of four people taking drugs and one had a severe reaction. And all three said we, you know, we want to make sure that we get the best attention possible, as fast as possible to this individual.

I would think then that all would be -- would not be subject to prosecution for drugs. And I should point out that this is going under our possession of drug statute. So it's not going under other statutes. So, you know, for example, if there's some other illegal activity going on, perhaps, prosecution could take place but the -- the possession of drugs or the use of drugs would not be a -- form a basis for prosecution.

And I believe this -- this was supported by a wide range of -- of individuals because we want to make certain that the first thing is to, you know, get somebody who is sick, potentially dying, medical care as quickly as possible.

REP. SRINIVASAN (31st):

Is it -- through you.

SPEAKER DONOVAN:

Representative Srinivasan.

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REP. SRINIVASAN (31st):

Through you, Mr. Speaker.

If I understand then, all the people in the room, when this happens, would be protected by this particular law?

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I believe it would be up to law enforcement to decide but if -- for example, if there's 25 people in the room that might be a different story but I -- I think law enforcement will have to use their judgment to determine which individuals were attempting to assist in this situation.

SPEAKER DONOVAN:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, to the proponent.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Please proceed, sir

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REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

Could you tell me if when this situation arises, and, obviously, the acute medical emergency is taken care of, would the -- would those people be then looked into their past, activities going back in time? Would they be, you know obviously their going to be high potentials, in terms of being screened, would that -- would that be a concern? Would that be a reason where people may hesitate and ask for any medical help because, yes, that particular time, that particular episode. You know, they're going to get medical attention but then, obviously, they're on the radar and because of that would they be going back and saying of other activities. Would that be -- is -- is that also kind of protected or that is separate of this particular bill?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker.

I -- I think that would be separate from this bill. We can't solve all potential situations in --

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in one piece of legislation but what this is attempted -- attempting to do and I -- I believe it does do. And would at least provide some assurance to those who are concerned about their own criminal, potential criminal liability. And they may, you know, in what -- depending upon whatever state of mind they're in, they may wrongfully think that is more important than the health of the individual who is experiencing what looks like an overdose.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker.

Just want to share an incident and -- and I'm -- I'm a strong supporter of this bill. I think I'm glad that this is coming to the floor.

A close friend of mine lost his son in a similar kind of a situation. And going back in time, you know, and questioning the parents and questioning that and the other how come help was not called? And the reason is, obviously, the worry that you know in that particular situation what

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could have happened to the other people who could have called.

So I feel that this is -- this is definitely the right step for us to take to make sure that in an acute situation and in a medical situation, the help of that that individual, the life of the individual comes first and we can always look at other issues at a later point in time.

So I do want to thank the proponent of the bill for bringing up to the floor, and I'll be definitely be supporting it.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you Representative.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has LCO Number 7973.

May he call and I'd be allowed to summarize?

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 7973, which will designated House Amendment Schedule "B."

THE CLERK:

LCO Number 7973 House "B" offered by

Representative Cafero.

SPEAKER DONOVAN:

Representative seeks leave of the Chamber to summarize the amendment.

Any objection?

Hearing none, Representative Cafero, you may summarize the amendment.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, the amendment that's before us, ladies and gentlemen, requires the Commissioner of Consumer Protection to designate Mephedrone and MDPV, the chemicals found in bath salts, as a schedule I controlled substance.

And I move adoption.

SPEAKER DONOVAN:

Question is on adoption.

Will you remark further?

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentlemen, the world is ever changing. And unfortunately, we are very well aware of synthetic drugs and things we would have never thought of to be used in a way that is addictive,

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damaging, harmful to our population.

One of the new fads, if you will, is something called bath salts. Now this isn't the bath salts that you buy at, you know, the local store and give to your grandmother on Christmas. This is stuff that contains very, very harmful chemicals. The ones I mentioned and I loathe to repeat again because I have trouble pronouncing them, one of which is Mephedrone and the other MDPV.

Another term for bath salts that are readily available, unfortunately, at some convenience stores, et cetera, is Ivory Snow, Vanilla Sky, Hurricane Charlie, Blue Silk. People smoke, snort, and inject the salts. The side effects include high blood pressure, rapid heart rate, heart attacks, psychosis, and paranoia.

The states of Alabama, Florida, Louisiana, New Jersey and North Dakota have already banned bath salts. Hawaii, Kentucky, Mississippi and West Virginia have legislation -- have legislation pending to do the same. The White House drug czar has issued a warning against these synthetic products and our own Senator Richard Blumenthal has sponsored a bill in the United States Senate to

outlaw these substances nationwide.

Ladies and gentlemen, we should, I think, be doing all we can and be ever vigilant to protect our youth and our citizenry. And there's a lot of bad stuff going on there and it's almost tough to keep up with but this is one of them and it's called bath salts. And what this amendment would do would make them -- allow the commissioner of Consumer Protection to designate the two chemical ingredients contained therein as a schedule I controlled substance, which means possession or use thereof would subject folks to criminal penalties, which they are not now subject to.

Thank you, Mr. Speaker. Again, I would move and urge the adoption.

SPEAKER DONOVAN:

Thank you Representative.

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

A question, through you, to the proponent of the amendment.

SPEAKER DONOVAN:

Please proceed, madam.

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REP. BACCHIOCHI (52nd):

Thank you.

Yes, I'd like to ask the Minority Leader if the State of Connecticut has the right to disregard the Federal Drug Administration's federal classifications and make the State's own decision on what schedule or category a drug should be placed in.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Through you.

I believe our state statute Section 21a-243 does give the power to the state, which we assign to the commissioner of Consumer Protections to move substances on or off our state list of controlled substances.

SPEAKER DONOVAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

And I thank the proponent of the amendment for

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that answer.

SPEAKER DONOVAN:

Representative Sayers.

REP. SAYERS (60th):

Thank you, Mr. Speaker.

I rise in support of this amendment. On the federal level, the -- the DEA is looking into this drug and is moving towards making this a schedule I substance. And drug enforcement in Connecticut actually has been studying this and would like to make it a schedule I drug, as well.

So I thank the Minority Leader for bringing this to our attention and offering this amendment today.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further?

Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker.

I also rise in support of the amendment. You just can't keep up with the new things on the market that are designed to get our young people into trouble. And my daughter happens to be a

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psychiatrist with a specialty in treating people with substance abuse, and it's just unbelievable what keeps coming forward.

I think it's an important education issue for parents and all of us to know that these things are out there and to be aware and to -- I think this is a positive step forward in protecting, especially our children, in the State of Connecticut. And I thank the Minority Leader for brining this forward.

Thank you.

SPEAKER DONOVAN:

Thank you Representative.

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

And I, too, would like to thank the Minority Leader for bringing this to our attention. He did approach me several days ago with the proposal of placing this amendment on this bill. And I'd also like to thank Representative Sayers for assisting me in my own research because as -- as it's been said here, these drugs do come a long quickly and it's hard to keep up. And the devastating effects that -- that this drug can have on individuals is one

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that we all should seek to avoid.

So I would urge adoption of this amendment.

SPEAKER DONOVAN:

Thank you Representative.

Care to remark further? Care to remark
further?

If not, let me try your minds?

All those in favor of the amendment, please
signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?
Will you remark further on the bill as amended?

If not, staff and guests, please come to the
well of the House, Members take their seats. The
machine will be open.

THE CLERK:

The House of Representatives is voting by roll
call, members to the Chamber. The House is voting
by roll call, members to the Chamber, please.

SPEAKER DONOVAN:

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If all the members have voted, please check the roll call board to make sure your votes were properly cast. If all the members have voted, the machine will be locked.

The Clerk will please take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill Number 6554 as amended by House Amendment Schedules "A" and "B".

Total Number Voting	133
Necessary for Passage	67
Those voting Yea	132
Those voting Nay	1
Those absent and not voting	18

SPEAKER DONOVAN:

The bill as amended is passed.

Are any announcements or introductions?

Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker. Good afternoon.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. RIGBY (63rd):

Mr. Speaker, myself and Representative Bill

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 8
2304 – 2639**

2011

situations, and believe that the change would more effectively achieve the intent of the statute.

Then the other two bills regarding medical marijuana, Senate Bill 1015, AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA; and House Bill 6566, AN ACT CONCERNING THE COMPASSIONATE USE OF MARIJUANA would, of course, legalize the use of marijuana for medical purposes for our citizens with debilitating medical conditions. And these citizens deserve compassion rather than arrest, fines, court cost, property forfeiture, incarceration, probation, criminal records and an atmosphere of fear and worry.

Ideally, I believe that research should be done to compare the effects of marijuana relative to other available treatments. But this provision in the two bills represented here would provide a way toward having Connecticut join the other states that have already adopted this provision which, of course, passed in 2007, but was vetoed then by the governor. I believe that public opinion and -- and support for it for this compassionate approach has only grown since then and would urge the committee to approve this concept as well.

Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you, Senator.

Are there questions for Senator Looney?

Seeing none, thank you for your time.

SENATOR LOONEY: Thank you very much, Mr. Chairman.

SENATOR COLEMAN: Nicholas Payne?

NICHOLAS PAYNE: Good afternoon, members of the -- Mr.

SB452 SB1015
SB6554 HB6566
HB6390

Chair and members of the committee.

My name is Nicholas Payne from New Milford.

I was here three weeks ago to speak in favor of the bill to register gun offenders. After our daughter Rebecca, who was in Northeastern Boston was murdered by mistake. It is not a great leap for me to consider that people who go and murder people they don't know is a hallmark of organized crime and the current climate drugs are almost certainly involved somewhere.

Last year, I ran on the Green Party ticket for the state representative in the 67th District. I took the premise that much as we would like it to be otherwise current drug policy does little to reduce the availability of drugs but much to create violence. And I don't want other parents to keep having to go through what we are going through.

I proposed the legalization of marijuana and treating it like alcohol. Portuguese-style dissuasion commissions for hard drug users and Swiss-style provision of heroin, as necessary, to addicts in treatment. I am given to understand that the Portuguese dissuasion commissions are evoking some interest at DMHAS at present.

Of the hundreds and hundreds of doorsteps I campaigned on I must have had about a hundred "about times." Only two people argued for the status quo. One said he was a heroin dealer, and I can see how what I proposed would play havoc with his business model. Another was one of my daughter's contemporaries at high school and by repute, at least, dealt drugs during his high school career. Of course, you might be thinking that I might come across as a nice guy who people would decline to argue with, but I can tell you if I start to talk about gun control, that is not

the case.

So, basically, we talk about SB 952 and changing those limits. Reality is it's not very cost-effective to jail drug dealers. It's much -- the money's much better spent on more police patrols, keep them moving on, make it hard for them to do business. On no doorstep in New Milford did I hear people say drug dealers should be jailed just that they should be driven out of our local park.

Now so SB 105 -- 1015, 6554, HB 6566 are steps in the right direction.

I also support HB 6391. Since 30 years ago, there were 3500 prisoners and now there're around 17,500. Unfortunately, this means that in some neighborhoods so many men are taken out of circulation that it upsets the natural balance. This destroys family cohesion and gives rise to a new generation of criminals in the next decade that perhaps sometime after lax -- last taxpayer has left the state.

Ladies and gentlemen of the committee, thank you very much for your time and forbearance.

And this is Rebecca who was killed three years ago in her apartment in Boston. Just peacefully sleeping, those idiots went to the wrong apartment.

SENATOR COLEMAN: Thank you, Mr. Payne --

NICHOLAS PAYNE: Thank you.

SENATOR COLEMAN: -- for your testimony and thank you for being patient today, too.

Are there questions or comments for Mr. Payne?

**JOINT
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**JUDICIARY
PART 9
2640 – 2950**

2011

SENATOR COLEMAN: Mary Marcuccio.

MARY MARCUCCIO: Good evening.

SENATOR COLEMAN: Good evening.

MARY MARCUCCIO: I'm here to speak with you briefly about House Bill 6554, which I call the overdose and arrest bill.

My name is Mary Marcuccio. I live in Southington. I am a parent, and I have a 21-year-old drug addicted son. It happens in my case that IV heroin is my son's drug of choice. We have been dealing with this for a number of years.

I'm here tonight, basically, to admonish you to support this bill because I believe that it absolutely needs to happen.

A little bit of my story. I believe that the current laws around substance abuse, treatment and criminality are absolutely broken, and I speak of this from the inside of the process. I believe that the current laws discourage, if not absolutely outright disable a person from calling for help when it is most needed at that time when they are literally clinging to life or death. Too many times, for example, the girlfriend or the best friend of the used doesn't call 911 in order to revive that blue, not breathing, overdosing person because we all know that the chances are that someone is going to leave that room or that car or that scene with an arrest. Instead, Johnny or Suzy leaves Billy on the floor of the apartment and runs away, literally. Or even in worse cases yet, they pull the car over that they're in and they will dump Billy on the side of the road or onto his own front lawn and then they speed off and, again, I speak from personal experience.

You may be thinking to yourself that can't possibly happen. Well, I'm here to tell you that it does. It happens more often than you can imagine and it's frightening. We need to encourage a drug user and his associate to call for help, ask for help, please, get help because in the bigger picture every overdosing junkie is somebody's somebody. It is my son; it is your daughter; it is your very best friend. This is a valuable human being that matters. I am not asking you to support the avoidance of accountability as some people perceive this issue -- and I've been told that very thing -- rather I am asking you to allow for an opportunity for life. I'm asking you for an opportunity for change. For this reason, a very dear friend of mine who's in long-term recovery said to me -- and he taught me this -- he said, dead people don't go into treatment.

In the bigger picture, this is personal for me, not just because my family has dealt with numerous overdoses and numerous arrests but because right now we are dealing with this situation. We have the overdose. We have the arrest. I have the open court case. I have the pending felony charge, possible felony conviction, changing my 21-year-old's life. That's what we're dealing with right now. So I ask you please, very simply, hear my plea for good common sense legislation, which is what I think this is. This is literally life-saving legislation and please give your support to this bill.

Thank you.

SENATOR COLEMAN: Thank you and I apologize for mispronouncing your last name.

MARY MARCUCCIO: That's okay, Marcuccio.

SENATOR COLEMAN: We got it straight. Thank you.

Any questions? Representative Fox.

REP. FOX: Thank you, Mr. Chairman.

And thank you, Ms. Marcuccio, for being here all day. We haven't heard that much about this bill today. It's kind of been overshadowed by -- by the other bills but -- but your story is also important to us, and it does put a -- put a face on -- on why this proposal could have an impact on someone's life.

I do have a question. Have you looked at other states in terms of how they handle this?

MARY MARCUCCIO: I'm not a professional so I'd have to speak from experience.

REP. FOX: That's all -- that's all I ask.

MARY MARCUCCIO: But I can honestly tell you that I do work with other groups, both in Connecticut and out of Connecticut that do some national data. And what I have learned is that most cases overdoses occur from opiate use, you know, leaning toward opiate abuse. And this is a problem within the entire nation. It's not just here; it's not just Connecticut. It is a problem where you have an overdose situation -- 911 is called, police come, EMTs come, that overdosed person is taken to the hospital, presumably, but then there's -- in most cases drugs or drug paraphernalia found at the scene, law enforcement then goes ahead and makes an arrest, either at that time or they put a warrant out for that arrest. And this is something that happens very much across the board. I know it's a very big concern for the people that I work with.

REP. FOX: And have you heard of other states enacting legislation that would --

MARY MARCUCCIO: I know that there is, but I actually don't know the numbers on that.

REP. FOX: Okay. Well, we can find out.

MARY MARCUCCIO: But I do know that there is other -- other states that have taken a very proactive step in doing exactly what we're doing right now, which is why I wanted to share this with you because I do know that there are other states that have gone ahead and made, I guess, we're calling it part of a Good Samaritan, bigger picture, that if you do call for 911 and request medical help that that's the first piece thing you need to be concerned with, not the arrest piece.

REP. FOX: Okay. Well, thank you very much once again.

MARY MARCUCCIO: Thank you.

REP. FOX: Thank you, Mr. Chairman.

SENATOR COLEMAN: Anyone else for questions?

If not, thank you very much.

Steven Purdy.

STEVEN PURDY: Good evening.

SENATOR COLEMAN: Good evening.

STEVEN PURDY: I wondering if it's okay to ask permission if my friend Joseph Abamaitis could also speak with me. He's on the list. He's just way down at the very end. He's with Students for Sensible Drug Policy, SSDP.

Judiciary Committee Hearing Monday 14th March 2011.
 Nicholas Payne speaking against SB 952, SB953, SB1014, SB1098 but in favor of
SB1015 HB6391, HB6554, HB6566 nwpayne@earthlink.net, 203 417 3978

Madame Chair, Mr Chairman and members of the Committee

I was here three weeks ago to speak in favor of the bill the register gun offenders. After out daughter Rebecca was murdered by mistake, it was not a great leap for me to consider that people who go and murder people they don't know is the hallmark of organized crime and in the current climate, drugs are almost certainly involved somewhere.

Last year I ran on the Green Party ticket for State Representative in the 67th District. I took the premise that much as we would like it to be otherwise, current drug policy does little to reduce the availability of drugs, but much to create violence and I don't want other parents to keep having to go through what we are going through. I proposed the legalization of marijuana and treating it like alcohol, Portuguese style dissuasion commissions for hard drug users and Swiss style provision of heroin as necessary to addicts in treatment. I am given to understand that the Portuguese Dissuasion Commissions are evoking some interest at DMHAS. Of the hundreds and hundreds of doorsteps I campaigned on, I must have had about a hundred "about times". Only two people argued for the status quo. One said he was a heroin dealer and I can see how what I proposed would play havoc with his business model and another was one of my daughter's contemporaries at High School and by repute at least, dealt drugs during his High School career. Of course you might be thinking that I might come over as a nice guy that people would declined to argue with, but I can tell you that that was not the case if I spoke about gun control.

Therefore I think SB952 is drug dealer heaven and taxpayer hell, because the smart dealers don't get caught anyway and are happy that the State is incarcerating their wannabe competition. Also I am not sure that kids buy their drugs anyway from scary drug dealers hanging around school yards but from kids they know in school. In truth it is not cost effective to jail such people anyway, the money is better spent on police patrols to keep moving them on and make it hard to do business. On no doorstep in New Milford did I hear people say drug dealers should be jailed, just that they should be driven out of the local parks.

SB1015, HB6554 and HB6566 however are steps in the right direction

I also support HB6391 since 30 years ago there were 3,500 prisoners and now there are around 18,000. Unfortunately this means that in certain neighborhoods there are enough men taken out of circulation to upset the natural balance. This destroys family cohesion and gives rise to likely a new generation of criminals in the next decade, that is perhaps sometime after the last taxpayer has left the State.

Ladies and Gentlemen of the Committee thank you for your time and forbearance.



CONNECTICUT POLICE CHIEFS ASSOCIATION

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Testimony Submitted to the Judiciary Committee

March 14, 2011

Chiefs Anthony Salvatore & James Strillacci, Connecticut Police Chiefs Association

The Connecticut chiefs support **Governor's Bill # 6391, AAC Penalties for Certain DUI Offenses**. The bill would allow the use of ignition interlock devices, house arrest with global-position-satellite monitoring, and drug-monitoring devices instead of incarceration in appropriate cases. Its use of technology would have multiple benefits: to reduce correctional costs, to prevent additional offenses, and to hasten an offender's return to a productive life.

We understand the rationale behind **SB #952** and **SB #1014**, which concern **Nonviolent Drug Offenses**. We don't want our judicial and penal systems overloaded by minor possession cases, either. But we'd like to call attention to a side effect of this proposal, possibly unintended.

Like many minor crimes, simple possession of marijuana is often a clue to more serious crimes. It's a common occurrence for a police officer to stop a car for a traffic violation, approach the car, and see a marijuana cigarette or smell its pungent smoke, which gives the officer probable cause to search the smoker and the car. It is also common for that search to uncover evidence of other offenses. Discovery of larger quantities of drugs, cash, scales and packaging may indicate a dealer rather than a mere user; a gun and a ski mask indicate a robber; tools, gloves, and loot are signs of a burglar.

Lest those criminals go undetected, we ask the Committee to add language clarifying that despite its infraction status, simple possession constitutes grounds for a search.

Likewise, we are sympathetic to **SB #1015** and **HB #6566**, which concern **Palliative or Compassionate Use of Marijuana**. We have no desire to add to the suffering of people with cancer, MS, or AIDS. However, we cannot endorse decriminalization of marijuana for the general population--we've seen too many people committing crimes or operating vehicles under its influence--and we are concerned that unless carefully regulated, palliative use will legalize general use *de facto*.

California's experience has been instructive. Pliable doctors have prescribed marijuana for conditions of dubious medical necessity. Certificates have proliferated due to lax controls. Demand has increased, and criminal gangs continue to profit by meeting it. Police despair at enforcing the marijuana laws which remain.

If this body wants to legalize pot, there should be honest debate on the subject. If it truly wishes to limit its use to the seriously ill, Consumer Protection must be given the resources to enforce the limits.

We have similar concerns about **HB #6554, AAC Emergency Medical Service for Drug Overdoses**. It is hard to argue against encouraging people to seek emergency aid, as long as this measure doesn't become a get-out-of-jail-free pass for dopers. We can visualize our dispatchers getting a 911 call for an ambulance whenever a drug dealer hears a knock at the door and the greeting, "Police with a search warrant," but perhaps our experience has made us suspicious.

In Support of Raised HB 6554 AN ACT CONCERNING EMERGENCY MEDICAL ASSISTANCE FOR PERSONS EXPERIENCING A DRUG OVERDOSE.

Dear Judiciary Committee

I write to you as a concerned parent who is in support of Raised HB #6554. My family has been through much turmoil since my son was arrested on 8/22/09 after I called 911 because I found him unresponsive on my bathroom floor due to a drug overdose. My only thought on that dreadful day was that I needed to save my son's life. I never even considered the thought that he could possibly be arrested for this. The police arrived at my house and treated him like a criminal.

Luckily, he came to on his own without needing medical assistance; however, the police immediately said that he was going to be arrested. Had I known this, I would have not allowed the police into my home, only the EMT's.

After many trips to court, my son did in fact get a felony conviction along with a 7 year suspended sentence with 2 years probation. Needless to say, my family is distraught over this conviction. Something needs to be done to change this existing law, and therefore I am in support of this new bill.

Thank you very much.

Sincerely,
Lynn Gambardella
North Haven, CT

RE: IN SUPPORT OF RAISED HB 6554 AN ACT CONCERNING EMERGENCY MEDICAL ASSISTANCE FOR PERSONS EXPERIENCING A DRUG OVERDOSE.

PAGE 39
LINE 13

Dear Judiciary Committee

My name is Mary Marcuccio; I live in Southington, I'm a parent, and I have a 21 yr old drug addicted son - iv heroin is his drug of choice. I'm writing to admonish you to support HB #6554 because IT NEEDS TO HAPPEN. Current laws around substance abuse/treatment/criminality ---- ARE BROKEN.

The current laws discourage, if not outright disable, a person from calling for help when it is MOST NEEDED....TOO MANY TIMES the girlfriend or best friend of the user doesn't call 911 to revive the *blue, not breathing* overdosed person because the chances ARE that someone will be leaving that scene with an arrest...

Instead,, Johnny or Suzy leaves him on the floor of the apartment and runs away or worse yet, they pull the car over and DUMP Billy onto the side of the road or onto his front lawn, and then they speed off "THAT CAN'T POSSIBLY HAPPEN" you say --- well, it can and it DOES --- BEEN THERE, DONE THAT.

We need to ENCOURAGE a drug user/his associate to CALL FOR HELP, ASK FOR HELP, GET HELP!!!!...because EVERY OVERDOSED JUNKIE IS SOMEBODY'S SOMEBODY --- MY son, YOUR daughter, YOUR dearest friend.

I am not asking you to support the AVOIDANCE of accountability, as some perceive this issue..... rather, I'm asking you to ALLOW for an opportunity for life, an opportunity for CHANGE.... Because, as a very dear friend in grateful recovery taught me: **DEAD PEOPLE DON'T GO INTO TREATMENT.**

This is personal for me, not just because we've dealt with overdoses and arrests, but because RIGHT NOW we're dealing with **THE** overdose, **THE** arrest ----- the potential of the *destroy-your-future* felony CONVICTION

Please -- hear my plea for good common sense legislation, and give your support to this bill .

THANK YOU,

MARY MARCUCCIO
Southington CT 06489

S - 633

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 22
6915-7208**

cd/lg/sg/mhr/gbr
SENATE

585
June 8, 2011

back as amended by the House of Representatives. Just wanted to verify which -- it is on Agenda Number 2. Thank you, Madam President.

From Agenda -- yeah, from Agenda Number 2, would like to place Calendar 115, Senate Bill 18 on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you. Thank you, Madam President.

Additional items to place on the second Consent Calendar, Madam President.

The first item appears on Calendar page 9, Calendar 473, House Bill 6514; would move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 19, Calendar 639, Senate Bill 6554; Madam President, move to place the item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

cd/lg/sg/mhr/gbr
SENATE

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June 8, 2011

(Chamber at ease.)

SENATOR LOONEY:

Madam President, if the Clerk might now call the items on the second Consent Calendar, so that we might proceed to a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate on the second Consent Calendar. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate on the second Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the second -- the second Consent Calendar -- the second Consent Calendar begins on Senate Agenda Number 2, substitute for Senate Bill 18. Senate Agenda Number 3, House Bill 6215.

Calendar page 9, Calendar 473, House Bill 6514.

Calendar page 19, Calendar Number 639, House Bill 6554.

Calendar page 20, Calendar 641, substitute for House Bill 6591; Calendar 644, House Bill 5567.

Calendar page 21, Calendar 649, substitute for
House Bill 6552.

Calendar page 22, Calendar 653, substitute for
House Bill 6612; Calendar 654, House Bill 6515.

Madam President, I believe that completes that
items placed on Consent Calendar Number 2.

THE CHAIR:

Thank you.

Senator Looney.

SENATOR LOONEY:

Hmm.

A VOICE:

What's the matter?

SENATOR LOONEY:

Yes.

THE CHAIR:

(Inaudible.)

SENATOR LOONEY:

Thank you, Madam President.

If we might move to a vote on that second Consent
Calendar.

THE CHAIR:

Yes; thank you.

Mr. Clerk, will you call for another roll call vote?

And the machine will be open.

THE CLERK:

Senate is now voting by roll call on the second Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the second Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

All members have voted? If all members voted, the machine will be closed.

And, Mr. Clerk, will you call the tally, please?

THE CLERK:

The motion -- motion is on adoption of Consent Calendar Number 2.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar passed.

We'll stand at ease a moment.