

SUBSTITUTE FOR HOUSE BILL NO. 3123.

PUBLIC ACT NO. 555

AN ACT REVISING THE LAWS RELATING TO DEPENDENCY-PRODUCING DRUGS AND TREATMENT OF DRUG DEPENDENT PERSONS.

SECTION 1. The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires: (1) "Abuse of drugs" means the use of controlled drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent prescribed in the course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist; (2) "amphetamine-type drugs" include amphetamine, optical isomers thereof, salts of amphetamine and its isomers, and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse; (3) "barbiturate-type drugs" include barbituric acid and its salts, derivatives thereof and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse; (4) "cannabis-type drugs" include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such a plant; and every compound manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Included are cannabimon, cannabimol and chemical compounds which are similar to cannabimon or cannabimol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse; (5) "cocaine-type drugs" include cocoa leaves, cocaine, ecgonine, and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse; (6) "controlled drugs" are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to

federal food and drug laws, or which has been designated by the public health council and commissioner of consumer protection pursuant to section 7 of this act as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine and caffeine; (7) "dentist" means a person authorized by law to practice dentistry in this state; (8) "dispense" includes distribute, leave with, give away, dispose of or deliver; (9) "drug dependence" means a state of physical or psychic dependence, or both, upon a drug following administration of that drug upon a repeated periodic or continuous basis except (A) upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder, other than produced by the use of the drug itself, or (B) upon amphetamine-type, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than produced by the drug itself; (10) "drug-dependent person" means any person who has developed a state of psychic or physical dependence, or both, upon a controlled drug following administration of that drug upon a repeated periodic or continuous basis. No person shall be classified as drug dependent who is dependent (A) upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence; (11) "federal food and drug laws" means the federal food, drug and cosmetic act, as amended, Title 21 USC 301 et seq.; (12) "federal narcotic laws" means the laws of the United States relating to opium, cocoa leaves and other narcotic drugs; (13) "hallucinogenic drugs" are psychodysleptic drugs which assert a confusional or disorganizing effect upon mental processes or behavior and mimic acute psychotic disturbances. Exemplary of such drugs are mescaline, peyote, psilocyn and d-lysergic acid diethylamide; (14) "intern" means a person who holds a degree of doctor of medicine or doctor of dental surgery or medicine and whose period of service has been recorded with the state department of health and who has been accepted and is participating in training by a hospital

or institution in this state; (15) "laboratory" means a laboratory approved by the state department of health as proper to be entrusted with the custody of controlled drugs and the use of controlled drugs for scientific and medical purposes and for purposes of instruction, research or analysis; (16) "manufacturer" means a person who, by compounding, mixing, cultivating, growing or other process, produces or prepares controlled drugs, but shall not include a pharmacist who compounds controlled drugs to be sold or dispensed on prescriptions; (17) "morphine-type drugs" includes morphine and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse; (18) "narcotic drugs" includes cannabis-type, cocaine-type and morphine-type drugs, and other drugs regulated under the federal narcotic laws; (19) "nurse" means a person performing nursing as defined in section 20-87 of the general statutes; (20) "official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics under the laws of the United States making provision therefor, if such order forms are authorized and required by federal law, or conforming to the requirements of such a form and provided by the state department of health, or, if no such order form is provided, on an official form provided for that purpose by the state department of health; (21) "osteopath" means a person authorized by law to practice osteopathy under section 20-17 of the 1965 supplement to the general statutes; (22) "other stimulant and depressant drugs" means controlled drugs other than amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenics and morphine-type which are found to exert a stimulant and depressant effect upon the higher functions of the central nervous system and which are found to have a potential for abuse; (23) "person" includes any corporation, association or partnership, or one or more individuals; (24) "pharmacist" means a person authorized by law to practice pharmacy pursuant to section 20-170 of the 1965 supplement to the general statutes; (25) "pharmacy" means an establishment licensed pursuant to section 20-168 of said supplement; (26) "physician" means a person authorized by law to practice medicine in this state pursuant to sections 20-9 and 20-21 of said supplement; (27) "practitioner" means any person who is lawfully entitled to prescribe, administer, dispense or distribute controlled drugs to patients; (28) "prescribe" means order or designate a remedy or any preparation containing controlled drugs; (29) "prescription" means a written or oral order for any controlled drug or preparation from a licensed practitioner to a pharmacist for a patient; (30) "registrant" means a person assigned a current

narcotic registry number under federal narcotic laws; (31) "registry number" means the number assigned to each person registered under the federal narcotic laws; (32) "restricted drugs" are narcotic drugs and certain additional controlled drugs evidencing exceptional danger to health or potential for abuse as provided in section 17 of this act; (33) "sale" includes barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant or employee; (34) "state food, drug and cosmetic laws" means the uniform food, drug and cosmetic act, sections 19-221 et seq.; (35) "veterinarian" means a person authorized by law to practice veterinary medicine in this state; (36) "wholesaler" means a person who supplies controlled drugs that he himself has not produced or prepared to hospitals, practitioners, pharmacies, other wholesalers, manufacturers and federal, state and municipal agencies. Words importing the plural number may include the singular; words importing the masculine gender may be applied to females.

SEC. 2. There shall be a drug advisory council consisting of the commissioner of health, the commissioner of mental health, the welfare commissioner, the commissioner of state police, the commissioner of consumer protection, the director of adult probation and the following persons appointed by the governor; a state's attorney, two physicians representing the Connecticut State Medical Society, one representative from the Connecticut District Branch of the American Psychiatric Association, one representative from the Connecticut Hospital Association, two pharmacists representing the Connecticut Pharmaceutical Association, one pharmacologist and four electors of the state. Of the members first appointed by the governor, four shall be appointed for terms of one year each, four for terms of two years each and three for terms of three years each. Annually thereafter the governor shall appoint members to said council to succeed those whose terms expire to serve for terms of three years each and until their successors are appointed and have qualified. In each year when representatives of the Connecticut State Medical Society, the Connecticut District Branch of the American Psychiatric Association, The Connecticut Hospital Association or the Connecticut Pharmaceutical Association are to be appointed, said society or association, as the case may be, shall submit a list of nominees for appointment to the governor. Members of the council shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties. The commissioner of health shall be the chairman of the council and shall provide within his

department such fiscal and clerical services as the council may require.

SEC. 3. The council shall engage in a study of laws relating to controlled drugs and particularly the control of traffic therein and the laws and facilities respecting the handling and treatment of drug-dependent persons. It shall, on or before January thirty-first, annually, report to the governor, and in the odd-numbered years also to the general assembly, the results of its studies and recommendations for such executive and legislative action as it finds beneficial to the public interest. The council may engage expert advisers and assistants for making its studies and formulating its recommendations who may serve without compensation or, to the extent that funds may be made available by appropriation or allocation by the state department of health, the council may pay for such expert advisers and assistance.

SEC. 4. The council shall meet at least quarterly and shall have the responsibility for insuring effective coordination between the affected departments in their activities relating to controlled drugs. Said departments shall advise the members of the council of the proposed changes in policy and of proposed regulations relating to such drugs, and the council shall be available to said departments for coordination of matters relating to such drugs. The several departments represented by the commissioners and the director of adult probation shall report to the council annually, not later than the first day of October, concerning their activities in the area of controlled drugs.

SEC. 5. In the performance of its duties the council may hold hearings, issue subpoenas, administer oaths, compel testimony and order the production of books, papers and records.

SEC. 6. As used in sections 7 to 41, inclusive, of this act, "hospital" means an institution for the care and treatment of the sick and injured, approved by the state department of health or state department of mental health as proper to be entrusted with the custody of controlled drugs and the professional use of controlled drugs under the direction of a physician, dentist or veterinarian.

SEC. 7. (a) The public health council shall adopt and promulgate regulations for the efficient enforcement and operation of sections 7 to 35, inclusive, of this act, provided regulations relating to controlled drugs other than narcotic drugs directed to pharmacists, wholesalers and manufacturers shall be jointly adopted and promulgated by the public health

council and the commissioner of consumer protection. (b) Said public health council may, so far as may be consistent with said sections 7 to 35, inclusive, of this act, adopt and promulgate the regulations existing under the federal narcotics laws and pertinent regulations existing under the federal food and drug laws and conform regulations promulgated hereunder with those existing under such federal narcotic laws and federal food and drug laws, provided such action shall be taken jointly with the commissioner of consumer protection to the extent set forth in subsection (a) hereof. (c) Said public health council, together with the commissioner of consumer protection acting upon the advice of the commission of pharmacy as to controlled drugs other than narcotic drugs, may by regulation designate, after investigation, as a controlled drug, a drug which has been found to contain any quantity of a substance having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and having a tendency to promote abuse or physiological or psychological dependence or both. Such drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs, and specifically exclude alcohol, caffeine and nicotine. (d) A new or amended regulation under this act shall be adopted after a public hearing, notice of the time and place of which shall be given in the Connecticut Law Journal not fewer than ten days prior to such hearing, except in the case of an emergency found by the public health council. When a regulation is required to be adopted jointly by the public health council and the commissioner of consumer protection, said public hearing shall be jointly held. No regulation promulgated under this section issued after such hearing shall take effect prior to the thirtieth day after the publication thereof in the Connecticut Law Journal, except in the case of an emergency found by the public health council.

SEC. 8. No person shall manufacture, possess, have under his control, sell, prescribe, dispense, compound, process, deliver or administer to another person any controlled drug, except as authorized in this act.

SEC. 9. (a) No person within this state shall manufacture, wholesale, repackage, supply, compound, mix, cultivate or grow, or by other process produce or prepare, controlled drugs without first obtaining a license to do so from the commissioner of consumer protection with respect to controlled drugs other than narcotic drugs and from the commissioner of health with respect to narcotic drugs and no person within this state shall

operate a laboratory for the purpose of research or analysis of controlled drugs without first obtaining a license to do so from the commissioner of health; provided such activities by pharmacists or pharmacies in the filling of prescriptions or activities incident thereto or by dentists, osteopaths, physicians, veterinarians, or other persons acting under their supervision, in the treatment of patients shall not be subject to the provisions of this section, and provided laboratories for instruction in dentistry, medicine, nursing, pharmacy, pharmacology and pharmacognosy in institutions duly licensed for such purposes in this state shall not be subject to the provisions of this section except with respect to restricted drugs. With respect to licenses issued by the commissioner of consumer protection to manufacturers and wholesalers as to controlled drugs other than narcotic drugs, the commissioners of consumer protection and health shall consult on the application forms and the conditions and restrictions of such licenses. No person without this state shall sell or supply controlled drugs within the state without first obtaining a license to do so from the appropriate licensing authority. (b) Such licenses shall expire on July first of each year and may be renewed by application to the licensing authority. The commissioner of consumer protection or the commissioner of health, as the case may be, following a hearing as prescribed in section 34 of this act, may revoke or suspend any license granted by him pursuant to this section for violation of the provisions of any statute relative to controlled drugs or of any regulation made hereunder. A licensing authority, upon application of any person whose license has been suspended or revoked, may reinstate such license upon a showing of good cause.

SEC. 10. No license shall be issued under section 9 of this act until the applicant therefor has furnished proof satisfactory to the licensing authority (1) that the applicant is of good moral character or, if the applicant is an association or corporation, that the managing officers are of good moral character and (2) that the applicant is equipped as to facilities and apparatus properly to carry on the business described in his application and (3) that the applicant conforms to regulations adopted and promulgated pursuant to section 7 of this act. No license shall be granted to any person who has, within five years of the date of application, been convicted of a violation of any law of the United States, or of any state, relating to a controlled drug.

SEC. 11. On or before February first, annually, each person licensed under section 9 hereof shall submit an accurate inven-

tory of all narcotic drugs which he has on hand as of December thirty-first of the preceding year to the commissioner of health.

SEC. 12. (a) A licensed manufacturer or wholesaler may sell and dispense controlled drugs to any of the following-named persons, but in the case of narcotic drugs only on official written order: (1) To a manufacturer, wholesaler or pharmacist; (2) to a physician, dentist or veterinarian; (3) to a person in charge of a hospital, incorporated college or scientific institution, but only for use by or in that hospital, incorporated college or scientific institution for medical or scientific purposes; (4) to a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(b) A licensed manufacturer or wholesaler may sell controlled drugs to any of the following-named persons: (1) On official written orders on such forms as may be required by the federal narcotics laws, commissioner of health or commissioner of consumer protection, as the case may be, and accompanied by a certificate of exemption when required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial district, county, municipal or insular government, purchasing, receiving, possessing or dispensing controlled drugs by reason of his official duties; (2) to a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port; provided such controlled drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of an order form approved by a commissioned medical officer or other authorized person in the United States public health service when required by the federal narcotic laws; (3) to a person in a foreign country if the provisions of any applicable federal narcotic laws and federal food and drug laws are complied with.

(c) An official written order for any narcotic drug shall be signed in triplicate by the person giving such order or by his authorized agent and the original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein as provided by federal narcotic laws. If such order is accepted by such person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act.

(d) The manufacturer or wholesaler shall keep records of all sales and dispensing of controlled drugs and shall comply fully with applicable provisions of the federal narcotics laws



and the federal food and drug laws, and the state food, drug and cosmetic laws in such sale or dispensing of controlled drugs.

(e) Possession or control of controlled drugs obtained as authorized by this section shall be lawful only if obtained in the regular course of the business, occupation, profession, employment or duty of the possessor.

(f) A person in charge of a hospital, incorporated college or scientific institution, or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled drugs under the provisions of this section or otherwise, shall not administer, or dispense, or otherwise use such drugs within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes or for the purposes of research or analysis and subject to the provisions of this act.

SEC. 13. (a) All prescriptions for controlled drugs shall include (1) the name and address of the patient, or the name and address of the owner of an animal and the species of the animal, (2) whether the patient is an adult or a child, or his specific age, (3) the compound or preparation prescribed and the amount thereof, (4) directions for use of the medication, (5) the name and address of the prescribing practitioner and (6) the date of issuance.

(b) Prescriptions when written shall be written in ink or in indelible pencil or by typewriter. No duplicate, carbon or photographic copies and no printed or rubber-stamped orders shall be considered valid prescriptions within the meaning of this act.

(c) Prescriptions for narcotic drugs designated "Class A" under federal narcotic laws shall be signed by the prescribing practitioner at the time of issuance and previously signed orders for such narcotic drugs shall not be considered valid prescriptions within the meaning of this act.

(d) As to controlled drugs other than "Class A" narcotic drugs, a prescribing practitioner may issue an oral order and such oral order shall be promptly reduced to writing on a prescription blank and filed by the pharmacist filling it.

(e) To the extent permitted by the federal narcotics laws, in an emergency the dispensing of "Class A" narcotic drugs may be made upon the oral order of a prescribing registrant known to or confirmed by the filling pharmacist who shall promptly reduce the oral order to writing on a prescription blank, provided in such cases such oral order shall be confirmed by the proper completion and mailing or delivery of a

prescription prepared by the prescribing registrant to the pharmacist filling such oral order within seventy-two hours after the oral order has been given. Such prescription of the registrant shall be affixed to the temporary prescription prepared by the pharmacist and both prescriptions shall be maintained on file as required in this act.

(f) All prescriptions for controlled drugs shall comply fully with any additional requirements of federal narcotics laws and the federal food and drug laws and the state food, drug and cosmetic laws and the regulations adopted under this act.

SEC. 14. (a) A pharmacist, in good faith, may sell and dispense controlled drugs to any person upon a prescription of a physician or of an osteopath, dentist or veterinarian to the extent that they are authorized to prescribe such controlled drugs. The person filling or refilling the prescription shall write the date of filling and his signature on the face of any prescription for narcotic drugs or his signature or initials on any prescription for controlled drugs other than narcotic drugs. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of three years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. The prescription shall not be filled or refilled unless permitted by federal food and drug laws, federal narcotic laws and regulations adopted under this act.

(b) The legal owner of any stock of controlled drugs in a pharmacy, upon discontinuance of dealing in such drugs, may sell such stock to a manufacturer, wholesaler or pharmacist, but only on such written order as is required by federal narcotic laws or federal food and drug laws, or by the commissioners of health or consumer protection acting within their respective jurisdictions as set forth in section 23 of this act.

(c) A pharmacist, only upon an official written order, may sell to a registrant the kinds and quantities of narcotic drugs permitted by federal narcotic laws.

SEC. 15. (a) No controlled drugs shall be dispensed or administered by hospitals except upon written order signed or initialed by the prescribing practitioner or upon an oral order of a prescribing practitioner which shall be confirmed by a written order which shall be signed or initialed by such prescribing practitioner within seventy-two hours after the giving of such oral order.

(b) Continuing orders for narcotic drugs shall be limited to a period not exceeding seventy-two hours from the time of entering the order but may be extended for further periods of

seventy-two hours each by the signing or initialing thereof by a prescribing practitioner.

SEC. 16. (a) A physician, in good faith and in the course of his professional practice only, may prescribe, administer and dispense controlled drugs or he may cause the same to be administered by a nurse or intern under his direction and supervision, for demonstrable physical or mental disorders but not for drug dependence except in accordance with sections 42 to 60, inclusive, of this act.

(b) An osteopath, in good faith and in the course of his professional practice only, may prescribe, administer or dispense narcotic drugs or he may cause the same to be administered by a nurse under his direction and supervision, for relief of pain to the extent permitted by federal narcotic laws and state regulations relating to osteopathy.

(c) A dentist, in good faith and in the course of his professional practice only, may prescribe, administer or dispense controlled drugs or he may cause the same to be administered by a nurse under his direction and supervision, to the extent permitted by federal narcotic laws, federal food and drug laws and state regulations relating to dentistry.

(d) A veterinarian, in good faith in the course of his professional practice only, and not for use by a human being, may prescribe, administer and dispense controlled drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

(e) Any person who has obtained directly from a physician, osteopath, dentist or veterinarian any narcotic drug for administration to himself or to a patient during the absence of such physician, osteopath, dentist or veterinarian, shall return to such physician, osteopath, dentist or veterinarian any unused portion of such drug, when it is no longer required by him or the patient, or he may surrender such drugs to the state department of health for proper disposition.

SEC. 17. (a) The public health council and the commissioner of consumer protection, after investigation and hearing, may by regulation designate certain controlled drugs in addition to narcotic drugs as restricted drugs by reason of their exceptional danger to health or exceptional potential for abuse so as to require written records of receipt, use and dispensation.

(b) Each physician, dentist, veterinarian or other person who is authorized to administer or professionally use restricted drugs shall keep a record of such restricted drugs received by him and a record of all such restricted drugs administered, dispensed or professionally used by him. Issuance of a written

or oral prescription to a pharmacist shall be deemed compliance with this section through the record made by such pharmacist. The record of restricted drugs received shall in each case show the date of receipt, the name and address of the person from whom received and the kind and quantity of restricted drugs received. The record of all restricted drugs administered, dispensed or otherwise disposed of shall show the date of administering or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which, the drugs were administered or dispensed and the kind and quantity of drugs.

(c) Practitioners regularly engaged in dispensing controlled drugs for which they charge either separately or together with charges for other professional services shall keep a record of all controlled drugs, received and dispensed by them in accordance with the provisions of subsection (f) of this section.

(d) Manufacturers and wholesalers shall keep records of all controlled drugs, compounded, mixed, cultivated or grown, or by any other process produced or prepared, and of all controlled drugs received and disposed of by them in accordance with the provisions of subsection (f) of this section.

(e) Pharmacies, hospitals and laboratories shall keep records of all controlled drugs, whether restricted or not, received and disposed of by them in accordance with the provisions of subsection (f) of this section.

(f) The form of record to be kept under subsection (c), (d) or (e) of this section shall in each case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of controlled drugs received, or, when applicable, the kind and quantity of controlled drugs produced or removed from process of manufacture and the date of such production or removal from process of manufacture; and the record shall in each case show the proportion of controlled drugs. The record of all restricted drugs sold, administered, dispensed or otherwise disposed of shall show the date of selling, administering or dispensing, the name of the person to whom or for whose use, or the owner and species of animal for which, the drugs were sold, administered or dispensed, the address of such person or owner in the instance of records of other than hospitals, and the kind and quantity of drugs. In addition, hospital records shall show the time of administering or dispensing, the prescribing physician and the nurse administering or dispensing the drug. Each such record shall be kept for a period of three years from the date of the transaction recorded. Upon the effective date of this act, a complete and accurate record of all stocks of controlled drugs on hand shall be prepared and kept on file for three years; ex-

cept that if this record has already been prepared in accordance with section 511 (d) of the federal food and drug laws, no additional record shall be required, provided all records prepared thereunder shall be retained for said three-year period and shall be made available to the inspecting commissioner. The keeping of a record required by or under the federal narcotic laws, or federal food and drug laws, containing substantially the same information as is specified above, shall constitute compliance with this section, provided each record shall in addition contain a detailed list of any restricted drugs lost, destroyed or stolen, the kind and quantity of such drugs and the date of the discovery of such loss, destruction or theft and provided such record shall be made available to the inspecting commissioner or his authorized agents. The public health council by regulation pursuant to section 7 may waive the kinds and forms of record keeping required of hospitals or practitioners under this section where such kinds and forms are found unnecessary for effective control under this act or where substantially the same information is equally available through other kinds and forms of record-keeping pursuant to state or federal law.

(g) Whenever any record is removed by a person authorized to enforce the provisions of this act or the provisions of the state food, drug and cosmetic laws for the purpose of investigation or as evidence, such person shall tender a receipt in lieu thereof and the receipt shall be kept for a period of three years.

SEC. 18. (a) Any person who, either as principal or agent, fails to keep any record required by sections 6 to 35, inclusive, of this act for the first offense shall be fined not more than five hundred dollars and for each subsequent offense shall be fined not more than one thousand dollars or imprisoned not more than thirty days or both, (b) any person who fails to keep any record required by said sections 6 to 35, inclusive, with an intent to defeat the purpose of this act or any person who violates any other provision of said sections 6 to 35, inclusive, except as to such violations for which penalties are specifically provided in sections 36 and 37 of this act, shall, for the first offense, be fined not more than one thousand dollars or be imprisoned for not more than two years or both; and for the second and each subsequent offense shall be fined not more than ten thousand dollars and be imprisoned not more than ten years.

SEC. 19. (a) When a manufacturer sells or dispenses a controlled drug and when a wholesaler sells and dispenses a controlled drug in a package prepared by him, he shall se-

curely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind and form of controlled drug contained therein and any additional information required under the federal food and drug laws and the state food, drug and cosmetic laws. No person, except a practitioner dispensing a controlled drug under this act shall alter, deface or remove any label so affixed. (b) When a pharmacist sells or dispenses any controlled drug on prescription issued by a physician, osteopath, dentist or veterinarian, he shall affix, to the container in which such drug is sold or dispensed, a label showing his own name and address, or the name and address of the pharmacy for which he is lawfully acting, the name of the patient, or, if the patient is an animal, the name of the owner of the animal and the species of the animal, the name of the physician, osteopath, dentist or veterinarian by whom the prescription was written, and such directions as may be stated on the prescription. When the drug sold or dispensed is a narcotic drug, in addition the label shall set forth the registry numbers under federal narcotic laws of both the pharmacy and the prescribing practitioner, and the address of the patient or owner of the animal and of the prescribing practitioner. (c) When preparations are sold under subsection (c) of section 14 of this act, a label shall be affixed to the container containing the preparation which bears the name, address and registry number of the vendor and vendee, the date of sale, the kind and quantity of drug sold and the serial number of the official written order. No person shall alter, deface or remove any label affixed pursuant to subsection (b) or this subsection.

SEC. 20. A person to whom or for whose use any controlled drug has been prescribed, sold or dispensed by a physician, osteopath, dentist, pharmacist or other person authorized under the provisions of section 12 of this act, and the owner of any animal for which any such drug has been prescribed, sold or dispensed may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same except as may be authorized by regulations adopted hereunder.

SEC. 21. The provisions of section 6 to 41, inclusive, of this act restricting the possession and control of controlled drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or employees in the performance of their official duties requiring possession or control of

controlled drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

SEC. 22. Any store, shop, warehouse, dwelling, house, building, vehicle, boat, aircraft or any place whatever, other than as authorized by law, which is frequently resorted to by drug-dependent persons for the purpose of using controlled drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance.

SEC. 23. The respective responsibility and authority of the commissioners of health and consumer protection for the administration and enforcement of the provisions of sections 6 to 35, inclusive, of this act is as follows: (a) The commissioner of health shall enforce and administer the provisions of said sections with respect to narcotic drugs, including licensure of laboratories, manufacturers and wholesalers as to such drugs pursuant to section 9 of this act. (b) The commissioner of health shall enforce and administer the provisions of said sections with respect to controlled drugs as such provisions apply to dentists, hospitals, interns, laboratories, nurses, osteopaths, physicians, veterinarians and any other practitioners except pharmacists and shall license laboratories as to such drugs. (c) The commissioner of consumer protection shall license wholesalers and manufacturers of controlled drugs other than narcotic drugs pursuant to section 9 hereof, and the commissioner of consumer protection shall have the primary responsibility for the administration of the provisions of said sections as they apply to pharmacists, wholesalers and manufacturers with respect to controlled drugs other than narcotic drugs except as set forth in subsection (d) hereof. (d) The public health council and the commissioner of consumer protection shall jointly adopt and promulgate regulations directed to pharmacists, wholesalers and manufacturers with respect to controlled drugs other than narcotic drugs pursuant to section 7 hereof, and they shall jointly designate drugs other than narcotic drugs as controlled drugs or as restricted drugs. (e) With respect to controlled drugs other than narcotic drugs, the commissioner of health and the commissioner of consumer protection each shall have the authority to administer and enforce the provisions of said sections as they apply to pharmacists, wholesalers and manufacturers except as limited by subsections (c) and (d) above. (f) The commissioners of health and consumer protection shall cooperate in the administration and enforcement of the provisions of said sections with respect to pharmacists, wholesalers and manufacturers and the drug advisory

council shall assist the commissioners in determining guidelines for cooperation and in avoiding conflicts in policy and duplication of effort.

SEC. 24. (a) Every person required by section 17 of this act to prepare or obtain and keep records, and any carrier maintaining records with respect to any shipment containing any controlled drug, and every person in charge, or having custody, of such records shall, upon request of the commissioner of health or of consumer protection and their authorized agents, in their respective jurisdictions as established in section 23 of this act, permit such commissioner and his authorized agents at reasonable times to have access to and copy such records. (b) For the purposes of verification of such records and of the enforcement of sections 6 to 41, inclusive, of this act, said commissioners and their agents, within their respective jurisdictions as set forth in section 23 of this act, are authorized to enter, at reasonable times, any office, hospital, laboratory, factory, warehouse, establishment or vehicle in which any controlled drug is held, manufactured, compounded, processed, sold, delivered or otherwise disposed of and to inspect, within reasonable limits and in a reasonable manner, such office, hospital, laboratory, factory, warehouse, establishment or vehicle, and all pertinent equipment, finished and unfinished material, containers and labeling, and all things therein including records, files, papers, processes, controls and facilities, and to inventory any stock of any such controlled drug therein and obtain samples of any such drug, any labels or containers for such drug and of any finished and unfinished material. (c) No inspection authorized by subsection (b) shall extend to (1) financial data, (2) sales data other than shipment data, (3) pricing data, (4) personnel data or (5) research data and secret processes or apparatus. (d) The commissioners of health and consumer protection within their respective jurisdictions, as set forth in section 23 of this act, and their authorized agents, are authorized and empowered to obtain and serve search warrants and arrest warrants; to seize contraband controlled drugs; and to make arrests without warrant for offenses under sections 6 to 37, inclusive, of this act if the offense is committed in their presence or, in the case of a felony, if they have probable cause to believe that the person so arrested has committed, or is committing, such offense.

SEC. 25. The commissioner of health may receive, take into custody or destroy excess or undesired controlled drugs and may in his discretion deliver, upon application, to any hospital, laboratory, incorporated college, scientific institution or any state or municipal institution not operated for private gain, any



controlled drugs that have come into his custody by authority of this section. The commissioner of consumer protection may receive and take into custody excess or undesired controlled drugs from pharmacists, manufacturers and wholesalers and deliver such drugs to the commissioner of health to be dealt with as provided in this section. Said commissioners shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities and forms of such drugs, the persons from whom received and to whom delivered, by whose authority received, delivered and destroyed, and the dates of the receipt, disposal or destruction. Controlled drugs and preparations shall at all times be properly safeguarded and securely kept. Minimum security and safeguard standards for the storage, manufacture, sale or distribution of all controlled drugs shall be established by regulations adopted hereunder.

SEC. 26. On the conviction of any person of the violation of any provision of sections 6 to 41, inclusive, of this act, a copy of the judgment and sentence and of the opinion of the court, if any opinion is filed, shall be sent by the clerk of the court, or by the judge, to the board or officer, if any, by whom such person has been licensed or registered to practice his profession or to carry on his business and the court may, in its discretion, recommend to the licensing or registering board or officer that the license or registration of such person to practice his profession or to carry on his business be suspended or revoked. On the application of any person whose license or registration has been so suspended or revoked, such board or officer may, for good cause shown, reinstate such license or registration.

SEC. 27. Prescriptions, orders and records required by sections 6 to 35, inclusive, of this act and stocks of controlled drugs shall be open for inspection only to federal, state, county and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to controlled drugs. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders or records relate is a party.

SEC. 28. (a) No person shall obtain or attempt to obtain a controlled drug or procure or attempt to procure the administration of a controlled drug (1) by fraud, deceit, misrepresentation or subterfuge, or (2) by the forgery or alteration

of a prescription or of any written order, or (3) by the concealment of a material fact, or (4) by the use of a false name or the giving of a false address. (b) Information communicated to a practitioner in an effort unlawfully to procure a controlled drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication. (c) No person shall wilfully make a false statement in any prescription, order, report or record required by sections 6 to 41, inclusive, of this act. (d) No person shall, for the purpose of obtaining a controlled drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, osteopath, veterinarian or other authorized person. (e) No person shall make or utter any false or forged prescription or false or forged written order. (f) No person shall affix any false or forged label to a package or receptacle containing controlled drugs. (g) No person shall alter an otherwise valid written order or prescription except upon express authorization of the issuing practitioner. (h) No person who, in the course of treatment, is supplied with controlled drugs or a prescription therefor by one practitioner shall, knowingly, without disclosing such fact, accept during such treatment controlled drugs or a prescription therefor from another practitioner with intent to obtain a quantity of controlled drugs for abuse of such drugs. (i) The provisions of subsections (a), (d) and (e) shall not apply to manufacturers of controlled drugs, or their agents or employees, when such manufacturers or their authorized agents or employees are actually engaged in investigative activities directed toward safeguarding of the manufacturer's trade-mark.

SEC. 29. The sale, barter, exchange, giving, administration or dispensing of any liquid or substance represented to be a controlled drug which is not a controlled drug, when not authorized by a physician, shall be a violation of this act.

SEC. 30. In any complaint, information or indictment, and in any action or proceeding brought for the enforcement of any provision of sections 6 to 41, inclusive, of this act, it shall not be necessary to negative any exception, excuse, proviso or exemption contained in said section, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

SEC. 31. (a) The following preparations may be sold at retail in pharmacies and dispensed by hospitals, dentists, veterinarians and physicians without a prescription or written order, in quantities of not more than the amounts stated to

any one person, or for the use of any one person or animal within forty-eight consecutive hours: (1) Four fluid ounces of Stokes expectorant, (2) four fluid ounces of Brown mixture, (3) one-half ounce of camphorated tincture of opium commonly known as paregoric, (4) four fluid ounces of any medicinal preparation that contains in one fluid ounce not more than two grains of noscapine, or any of its salts, (5) four fluid ounces of any medicinal preparation that contains in one fluid ounce not more than two grains of papaverine or any of its salts.

(b) The exceptions authorized by this section shall be subject to the following conditions: (1) That the medicinal preparation administered, dispensed or sold shall contain, in addition to the morphine-type drug in it some drug or drugs conferring upon it medicinal qualities other than those possessed by the morphine-type drug alone; and (2) that such preparation shall be administered, dispensed and sold in good faith as a medicine and not for the purpose of evading the provisions of sections 6 to 41, inclusive, of this act; and (3) that the purchaser of such preparations shall not purchase or attempt to obtain such preparations for the purpose of sustaining or satisfying a dependency upon controlled drugs; provided no vendor shall be deemed to have violated this subdivision unless he knew or should have known of such improper purpose; and (4) that the seller keep records, as required by the public health council, of the full name and address of the person purchasing the medicinal preparation, in the handwriting of the purchaser, the name and quantity of the preparation sold and the time and date of sale; and (5) that whenever a pharmacist sells or dispenses any morphine-type drug which, under the provisions of this section, is excepted from prescriptions or written orders, the pharmacist shall securely affix to each package in which such drug is contained a label showing the name and address of the pharmacy. No person shall alter, deface or remove any label so affixed and no person shall have under his control or in his possession any such drug if not so labeled; and (6) that no provisions of this section shall be construed to permit the purchase, within any forty-eight hour period by any one person or for use of any one person or animal of more than one excepted morphine-type preparation specified in subsection (a) or in more than the maximum amounts allowed under subsection (a) except as authorized by other provisions of sections 6 to 41, inclusive, of this act.

(c) (1) The public health council may, by regulation, exempt from the application of said sections to such extent as it determines to be consistent with the public welfare,

pharmaceutical preparations containing morphine-type drugs found by said department, after due notice and opportunity for hearing: (A) To possess no liability for drug abuse and dependency sufficient to warrant imposition of all of the requirements of said sections, and (B) not to permit recovery of a controlled drug having such liability for drug abuse and dependence with such relative technical simplicity and degree of yield as to create a risk of improper use. (2) In exercising the authority granted in subdivision (1) the public health council, by regulation pursuant to section 7 of this act and without special findings, may grant exempt status to such pharmaceutical preparations as are determined to be exempt under the federal narcotics law and regulations and permit the administering, dispensing or selling of such preparations under the same conditions as permitted by the federal regulations dealing therewith.

(d) After due notice and hearing, the public health council may determine that a pharmaceutical preparation exempted from the oral or written prescription requirement under the provisions of this section does possess a potential for drug abuse and dependence and may, by regulation pursuant to section 7 of this act, withdraw the prior exemption. Such determination shall be final, and, after the expiration of a period of six months from the date of issuance of the regulation, the exempt status shall cease to apply to the particular pharmaceutical preparation.

SEC. 32. (a) No prescription or written order shall be required for those controlled drugs and preparations which are permitted by federal food and drug laws to be sold or dispensed without a prescription or written order to the extent that the person selling or dispensing such controlled drugs and preparations is authorized by licensure of the state of Connecticut to so sell or dispense.

(b) If, after due notice and hearing, the public health council determines that any pharmaceutical preparation exempted from the oral or written prescription requirement under the provisions of subsection (a) of this section does possess a degree of liability for drug abuse or dependence that, in its opinion is likely to result in abuse, it shall, by regulation pursuant to section 7 of this act, so state. The determination shall be final and, after the expiration of a period of six months from the date of publication of the regulation, the exempt status shall cease to apply to the particular pharmaceutical preparation.

SEC. 33. The commissioners of health and consumer protection and their authorized agents, police officers within their respective jurisdictions and all state's attorneys and prosecuting

attorneys shall cooperate with each other and with other agencies charged with the enforcement of the laws of the United States, of this state and all other jurisdictions relative to controlled drugs.

SEC. 34. (a) If the commissioner of consumer protection has reasonable cause to believe that a person licensed by him under section 9 of this act, or a pharmacist, is violating or has violated any provision of sections 6 to 37, inclusive, of this act relative to controlled drugs other than narcotic drugs, or if the commissioner of health has reasonable cause to believe that a person licensed by him under section 9 of this act, or a practitioner is violating or has violated any provision of sections 6 to 37, inclusive, of this act, he may hold a hearing as to such violation upon reasonable notice and give opportunity to be heard to such licensee or practitioner. The commissioners of health and consumer protection shall, to the fullest extent feasible, cooperate to avoid duplication of hearings as to pharmacists, wholesalers and manufacturers. (b) The commissioners may subpoena witnesses and papers on their own behalf and, if requested by the practitioner or licensee, may subpoena witnesses and papers in his behalf, may administer oaths, may compel the testimony of witnesses, may examine witnesses and may issue commissions to take testimony and testimony so taken and sworn to shall be admissible at such hearing. At such hearing the practitioner or licensee shall be entitled to representation by counsel. (c) If a commissioner after a hearing finds that a person is violating or has violated any provision of sections 6 to 37, inclusive, of this act, he may revoke or suspend any license issued by him and forward his findings and the record upon which it is based to any other authority licensing such person with a recommendation that disciplinary action be taken.

SEC. 35. Nothing in sections 6 to 37, inclusive, of this act shall be construed as requiring the commissioner of health or of consumer protection to institute criminal or administrative action pursuant to said sections for violations hereof. In lieu of instituting criminal or administrative action pursuant to said sections, said commissioners may protect the public interest by serving suitable written notice or warning to the offending party or parties.

SEC. 36. (a) Any person who manufactures, sells, prescribes, dispenses, compounds, transports with the intent to sell or dispense, offers, gives or administers to another person any narcotic drug, except as authorized in this act, for a first offense, shall be imprisoned not less than five years nor more than ten

years and may be fined not more than three thousand dollars; and for the second offense, shall be imprisoned not less than ten nor more than fifteen years, and may be fined not more than five thousand dollars; and for any subsequent offense shall be imprisoned for twenty-five years.

(b) Any person who manufactures, sells, prescribes, dispenses, compounds, transports with intent to sell or dispense, offers, gives or administers to another person any controlled drug other than a narcotic drug, except as authorized in this act, shall for the first offense, be fined not more than one thousand dollars or be imprisoned not more than two years or be both fined and imprisoned, and, for each subsequent offense, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

SEC. 37. (a) Any person who possesses or has under his control any quantity of any narcotic drug, except as authorized in this act, for a first offense, shall be imprisoned not more than ten years and may be fined not more than three thousand dollars; and for a second offense, shall be imprisoned not more than fifteen years, and may be fined not more than five thousand dollars; and for any subsequent offense shall be imprisoned not more than twenty-five years.

(b) Any person who possesses or has under his control any quantity of any controlled drug other than a narcotic drug, except as authorized in this act, shall be fined not more than one thousand dollars, or be imprisoned not more than one year, or both.

SEC. 38. In the case of any person charged with a violation of any provision of sections 6 to 37, inclusive, of this act who has been previously convicted of a violation of the laws of the United States or of any other state, territory or the District of Columbia, relating to controlled drugs, such previous conviction shall, for the purpose of sections 34 and 35 hereof, be deemed a prior offense.

SEC. 39. No person shall be prosecuted for a violation of any provision of sections 6 to 39, inclusive, of this act if such person has been acquitted or convicted under the federal narcotic laws or under the federal food and drug laws for the same act or omission which, it is alleged, constitutes a violation of said sections.

SEC. 40. (a) If a prosecutor or judge of any court before whom a criminal charge is pending has reason to believe that a person accused of a violation of this act is a drug-dependent person, such prosecutor may apply to the court for appointment of, or the court on its own motion may appoint, one or

more physicians to examine such accused person to determine if he is drug dependent. If the accused person is reported to be drug dependent by such physician or physicians, upon agreement between the prosecutor and the accused person, the court may enter an order suspending prosecution for the crime for a period not to exceed one year for a misdemeanor and two years for a felony and release the accused person to the custody of the commission on adult probation for treatment by the commissioner of mental health pursuant to sections 42 to 60, inclusive, of this act. The statute of limitations shall be tolled during the period of suspension.

(b) The commission on adult probation periodically shall report to the court concerning the progress and behavior of the accused person and shall report fully not later than one month prior to the termination of the period of such suspension, including a recommendation as to whether the charge should be dismissed.

(c) If such accused person complies with the requirements of the commission on adult probation and commissioner of mental health and demonstrates reasonable likelihood that he will not engage in criminal behavior, the court may dismiss the charges against him.

(d) If such accused person does not comply with the requirements of the commission on adult probation and commissioner of mental health or does not demonstrate reasonable likelihood that he will not engage in criminal behavior, the suspension of prosecution may be terminated and the person brought to trial for the crime. If the person thereafter is convicted of the crime and sentenced to imprisonment, he shall be credited with the amount of time hospitalized in an inpatient facility.

SEC. 41. (a) Notwithstanding any provision of this act to the contrary, if a court by which a person has been convicted of a violation of this act finds that the convicted person is drug dependent and that his violation was committed for the primary purpose of sustaining his drug dependence or because he was drug dependent it may, in addition to the penalties provided herein, issue an order committing such person to the commissioner of mental health for a period not to exceed twenty-four months. If sentence has not been imposed, the court shall first proceed upon the conviction, impose sentence, order commitment to the commissioner of mental health and suspend execution of such sentence during the period of such commitment. The court may order such person into an inpatient treatment program or may permit him to enroll in a community treatment program upon recommendation of the

commissioner of mental health as described in sections 42 to 60, inclusive, of this act.

(b) If such convicted person is enrolled in a community treatment program, the commissioner of mental health may request the committing court to order, and the court may order, such person into an in-patient treatment facility upon a verified showing of the necessity therefor during the period of commitment.

(c) If such convicted person is hospitalized in an in-patient treatment program and the commissioner of mental health finds it desirable to release him to the community treatment program, he shall advise the committing court and the commission on adult probation, and the court may enter an order releasing him to such community treatment program. If the commissioner of mental health thereafter determines that the released person should be returned to an in-patient treatment program, he may request the committing court to issue such an order upon a verified showing of the necessity therefor, and the court may enter such an order.

(d) During the period of commitment, the commission on adult probation and commissioner of mental health shall maintain liaison. When such convicted person is not hospitalized in an in-patient treatment facility, he shall also report to the commission on adult probation which shall have primary responsibility for the control of the convicted person.

SEC. 42. As used in sections 43 to 60, inclusive, of this act, "hospital" means an establishment for the lodging, care and treatment of persons suffering from disease or other abnormal physical or mental conditions, and includes in-patient psychiatric services in general hospitals, and which establishment is operated by the state or federal government or licensed by the state department of health or state department of mental health, or both.

SEC. 43. It is specifically recognized that the treatment of drug-dependent persons is a medical problem although the control of illicit traffic in controlled drugs is a regulatory problem. Accordingly, it is the intent of sections 42 to 60, inclusive, of this act to provide the commissioner of mental health with authorization to approach the problem of drug-dependent persons from a medical standpoint, subject to the regulatory activity of the commissioners of health and consumer protection, the courts and state's and prosecuting attorneys and police authorities in dealing with illicit activity.

SEC. 44. (a) After consultation with the commissioner of health and the drug advisory council, the commissioner of



mental health shall adopt and promulgate standards for certification of hospitals for treatment of drug-dependent persons in a community treatment program established in accordance with section 45 of this act.

(b) Facilities eligible for certification may include state medical and mental health hospitals and clinics and community and privately owned medical and mental health hospitals. The operation of an otherwise suitable hospital for profit shall not render it ineligible hereunder.

(c) As a condition for certification, the hospital or clinic shall be required to provide and maintain personnel adequately trained in the problems of treatment and care of drug-dependent persons and in administration under the provisions of this act.

(d) Applications for certification pursuant to sections 42 to 60, inclusive, of this act or for renewal of certification shall be made to the commissioner of mental health on forms prescribed by the commissioner.

(e) Upon finding that the applying facility meets the promulgated standards, the commissioner may certify the facility for a period of twelve months subject to renewal as herein provided, and such facilities shall be known herein as certified treatment facilities.

(f) Certified treatment facilities shall comply with standards adopted by the commissioner of mental health and shall cooperate with inspecting personnel of the state and federal governments and shall promptly file all reports required by such state and federal governments relating to controlled drugs. Failure to comply with such standards or with regulations promulgated by the public health council and sections 6 to 35, inclusive, of this act shall be grounds for revocation of certification after due notice and hearing.

SEC. 45. (a) In consultation with the commissioner of health and the drug advisory council, the commissioner of mental health may establish a program for the treatment of drug-dependent persons while they reside in the community, herein known as the community treatment program.

(b) Only certified treatment facilities may receive and treat drug-dependent persons as patients in a community treatment program, in accordance with sections 42 to 60, inclusive, of this act except as herein specifically provided. Nothing herein shall be construed to limit the authority of physicians to prescribe and administer controlled drugs to drug-dependent persons for purposes of treating conditions other than drug dependence, or to persons other than drug-dependent persons in accordance with law.

(c) In consultation with the drug advisory council, the com-

missioner of mental health shall adopt and promulgate standards for persons to be enrolled in and continuance of persons within the community treatment program, and a person enrolled in the program shall herein be known as an enrolled patient. An enrolled patient may be required to submit to laboratory analyses and medical examinations as a condition for continued enrolment.

(d) A record of all applicants for enrolment and enrolled patients shall be promptly furnished by the certified treatment facility to the commissioner of mental health for informational purposes only. Such reports shall also be available to the commissioner of health for informational and statistical purposes only. No such report or the information therein shall be admissible in any criminal prosecution or used for other than rehabilitation, statistical or medical purposes, and each such report shall be held confidential by the commissioners, except that such reports may be utilized in a criminal proceeding for establishing fraudulent efforts to enroll at two or more facilities, or under one or more assumed names as provided in section 58 of this act.

(e) In addition to medical and psychiatric treatment the community treatment program may also include community, family and occupational assistance, and, the commissioner of mental health may provide state personnel to work with community and private facilities and organizations to ensure operation of the program in any community. The commissioner of mental health may also receive assistance from other state departments in operation of the program including the departments of health, welfare and adult probation, and from various community organizations and local governmental agencies.

(f) In operation of the community treatment program, the commissioner of mental health may establish or utilize suitable facilities other than certified treatment facilities for the temporary hospitalization of enrolled patients or of persons applying for enrolment.

SEC. 46. (a) To the fullest extent feasible, controlled drugs shall be administered to enrolled patients only at certified treatment facilities in the operation of the community treatment program except as hereinafter provided.

(b) Under regulations adopted by the commissioner of mental health, the staff of a certified treatment facility may authorize the administration of controlled drugs to an enrolled patient by a physician or nurse at other than a certified treatment facility.

SEC. 47. Probationers and parolees may be enrolled in the community treatment program. In the case of enrolled patients

who are probationers and parolees, the staff of the certified treatment facility shall recognize the primary responsibility of the parole board and probation department for the control of the enrolled patient. The staff shall consult with and advise the representative of the parole board or probation department concerning such enrolled patients. The probation department or parole board may request reports from the staff of a certified treatment facility with respect to any enrolled patient who is a parolee or a probationer.

SEC. 48. Notwithstanding the provisions of sections 42 to 47, inclusive, of this act, the commissioner of mental health may, in the interest of continuing research and advances in treatment programs, authorize the treatment of drug-dependent persons by individual physicians or facilities which are not certified. Such authorization shall be for research and evaluation only and after consultation with the drug advisory council.

SEC. 49. (a) The commissioner of mental health shall establish and maintain at one or more institutions within his department facilities for in-patient medical care, treatment and supervision of drug-dependent persons. He may receive and cause medical care and treatment to be administered to any person who believes himself to be a drug-dependent person. He shall receive all persons committed to his custody for in-patient medical care under the provisions of this act, hold them under supervision for not more than twenty-four months and cause medical care and treatment to be administered to them. Such a treatment program shall be known as an in-patient treatment program.

(b) The provisions of sections 53-155 to 53-163, inclusive, of the 1965 supplement to the general statutes shall apply to all persons involuntarily committed to the custody of the commissioner of mental health in accordance with this act.

(c) Hospitals licensed by the commissioner of health or commissioner of mental health, or both, may also receive drug-dependent persons as hospitalized patients for treatment of drug dependence, subject to regulations adopted and promulgated by the commissioner of mental health after consultation with the drug advisory council.

SEC. 50. (a) Any person who believes himself to be drug dependent may apply to the commissioner of mental health for informal admission to treatment in an in-patient treatment facility established under the provisions of section 49 of this act.

(b) Any person who believes himself to be a drug-dependent person may apply to the commissioner of mental health for voluntary admission, pursuant to the provisions of section

17-187 of the 1965 supplement to the general statutes, to an in-patient treatment facility established under the provisions of section 49 of this act.

(c) The commissioner of mental health may prescribe requirements for informal admission and for voluntary admission to an in-patient facility as outlined in subsections (a) and (b) above.

(d) A person who believes himself to be drug dependent may also informally or voluntarily admit himself to a hospital licensed by the commissioner of health or commissioner of mental health, or both, for treatment of his drug dependence, subject to regulations adopted and promulgated by the commissioner of mental health after consultation with the drug advisory council.

SEC. 51. (a) If the staff of a certified treatment facility finds that an enrolled patient requires confinement in an in-patient facility because of lack of cooperation, or repeated violation of regulations promulgated by the commissioner of mental health with respect to the community treatment program, or pronounced danger to himself or to the community, the administrative head or his designated representative on behalf of the staff of the facility may make written application to the superior court for commitment of such patient to an in-patient treatment facility. Upon receipt of such an application, the judge shall forthwith inquire into the facts of the case and may order that such patient be examined by one or more independent physicians.

(b) If, after hearing, such judge finds that such patient should be confined in an in-patient treatment facility, he may commit such person to the commissioner of mental health for confinement in such a facility for a period of not more than twenty-four months and may require the treatment facility to submit periodic reports.

(c) An order of commitment pursuant to this section may be reviewed by writ of habeas corpus and the in-patient treatment facility shall forward all requests for release to the committing court. On receipt of such a writ, the court may require a full report from the staff of the facility and may obtain reports from one or more independent physicians.

(d) At a hearing pursuant to this section, the court shall provide counsel for an indigent person upon request.

SEC. 52. (a) Any person who has reasonable cause to believe that another person is a drug-dependent person dependent upon narcotic drugs may make written civil complaint thereof to the superior court. Upon receipt of any such complaint and after written notice to the person named therein,

the court may inquire into the facts of the case and order examination by one or more physicians. If, after hearing, the court finds that such person is a drug-dependent person dependent upon narcotic drugs and should be given medical treatment by the commissioner of mental health, it may commit such person to the commissioner of mental health for treatment for a period not to exceed twenty-four months. The court may order such person into an in-patient treatment facility or may permit him to enter into a community treatment program upon recommendation of the commissioner of mental health.

(b) An order of commitment pursuant to this section may be reviewed by writ of habeas corpus and the in-patient treatment facility shall forward all requests for release to the committing court. On receipt of such a writ, the court may require a full report from the staff of the facility and may obtain reports from one or more independent physicians.

(c) At a hearing pursuant to this section, the court shall provide counsel for an indigent person upon request.

SEC. 53. (a) If a prosecutor or judge of any court before whom a criminal charge is pending has reason to believe that a person accused of a crime other than those arising under this act or those specified in section 57 of this act is a drug-dependent person, the prosecutor may apply to the court for appointment of, or the court on its own motion may appoint, one or more physicians to examine such accused person to determine if he is drug dependent. If the accused person is reported to be drug dependent by such physician or physicians and upon agreement between the prosecutor and accused person, the court may enter an order suspending prosecution for the crime for a period not to exceed one year for a misdemeanor and two years for a felony and release the accused person to the custody of the commission on adult probation for treatment by the commissioner of mental health. The statute of limitations shall be tolled during the period of suspension.

(b) The commission on adult probation periodically shall report to the court concerning the progress and behavior of the accused person and shall report fully not later than one month prior to the termination of the period of such suspension, including a recommendation as to whether the charge should be dismissed.

(c) If such accused person complies with the requirements of the commission on adult probation and commissioner of mental health and demonstrates reasonable likelihood that he will not engage in criminal behavior, the court may dismiss the charges against him.

(d) If such accused person does not comply with the

requirements of the commission on adult probation and commissioner of mental health or does not demonstrate reasonable likelihood that he will not engage in criminal behavior, the suspension of prosecution may be terminated and the person brought to trial for the crime. If the person is thereafter convicted of the crime and sentenced to imprisonment, he shall be credited with the amount of time hospitalized in an in-patient treatment facility.

SEC. 54. (a) If the court by which a person has been convicted of a crime other than those arising under this act or those specified in section 57 of this act finds that the convicted person is drug dependent and that his violation was for the primary purpose of sustaining his drug dependence or was because he was drug dependent, it may in addition to imposing the penalties provided for the crime of which he was convicted issue an order committing the convicted person to the commissioner of mental health for a period not to exceed twenty-four months and shall suspend execution of the sentence during the period of such commitment. If sentence has not been imposed, the court shall first proceed upon the conviction, impose sentence, order commitment to the commissioner of mental health and suspend execution of such sentence during the period of such commitment. The court may order such person into an in-patient treatment program or may permit him to enter into a community treatment program upon recommendation of the commissioner of mental health.

(b) If such convicted person is enrolled in a community treatment program, the commissioner of mental health may request the committing court to order, and the court may order, such person into an in-patient treatment facility upon a verified showing of the necessity therefor during the period of commitment.

(c) If such convicted person is hospitalized in an in-patient treatment program and the commissioner of mental health finds it desirable to release him to the community treatment program, he shall advise the committing court and the commission on adult probation, and the court may enter an order releasing him to such community treatment program. If the commissioner of mental health thereafter determines that the released person should be returned to an in-patient treatment program, he may request the committing court to issue such an order upon a verified showing of the necessity therefor, and the court may enter such an order.

(d) During the period of commitment, the commission on adult probation and the commissioner of mental health shall maintain liaison. When such a person is not hospitalized in an

in-patient facility, he shall also report to the commission on adult probation which shall have primary responsibility for the control of the convicted person.

SEC. 55. (a) If the commissioner of mental health finds at any time that any person committed to his custody for the in-patient treatment program or a community treatment program, other than a person committed following conviction of crime, is no longer a drug-dependent person or no longer needs medical or psychiatric treatment in an in-patient treatment program, he may notify the committing court and cause such person to be discharged from commitment to him or from an in-patient treatment facility.

(b) If the commissioner of mental health finds that any person committed to his custody following conviction for a crime pursuant to sections 41 and 54 of this act is no longer a drug-dependent person or is favorably responding to treatment at the expiration of the period of commitment, he shall notify the prosecuting officer of the committing court, who shall cause such person to be returned for review of sentence. The court may order execution of the original sentence, modify the original sentence or place the person on probation for not more than five years. In the execution of any sentence of imprisonment, the person shall be given full credit for all time spent in an in-patient treatment program under the provisions of sections 42 to 60, inclusive, of this act.

(c) If the commissioner of mental health finds at any time that any drug-dependent person committed to his custody pursuant to sections 41 and 54 of this act is not a fit subject for treatment, he shall notify the committing court and cause such person to be returned for such further proceedings as the court may deem appropriate.

SEC. 56. (a) Every person released by a court to the supervision of the commission on adult probation under the provisions of sections 40 to 60, inclusive, of this act shall be subject to the probation laws and regulations of the state. From time to time, the commission, without prior warning thereof, may test each such person under its supervision for illicit use of controlled drugs. If the commission finds that such person has resumed the unlawful use of controlled drugs, it may apply to the court for an order committing him to the commissioner of mental health for treatment in an in-patient treatment facility.

(b) When any drug-dependent person has been under the supervision of the commission on adult probation for at least two years, and has abstained from the unlawful use of controlled drugs for at least two consecutive years, the commis-

sion may call the matter to the attention of the committing court and recommend the termination of probation. After a hearing and for good cause shown, the court may terminate the probation and discharge the probationer.

SEC. 57. Sections 53 and 54 of this act shall not apply to (1) any person who has been convicted of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, robbery with violence, any felony involving bodily harm or attempt to inflict bodily harm or who has been twice convicted subsequent to the effective date of this act of any offenses for each of which the maximum term prescribed by law is imprisonment for at least ten years or (2) any person who has been committed or released under sections 53 and 54 of this act on three previous occasions.

SEC. 58. Any person who fraudulently makes application for enrolment as a drug-dependent person, or who makes more than one application for such enrolment with the intent of obtaining controlled drugs in excess of that provided for an enrolled patient or to conceal or thwart a prior treatment program at another or the same treatment facility, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. In a prosecution for violation of this section, reports pursuant to subsection (c) of section 45 of this act shall be admissible.

SEC. 59. Any person who wilfully or maliciously causes or attempts to cause any person not a drug-dependent person dependent upon narcotic drugs to be committed to the commissioner of mental health pursuant to section 52 of this act, or any person who knowingly makes a false statement of fact or belief in any certificate or report required in sections 42 to 60, inclusive, of this act, and any person who wilfully or maliciously reports falsely to any court, judge, prosecutor or law-enforcement officer that any person is a drug-dependent person dependent upon narcotic drugs, shall be imprisoned not more than one year or be fined not more than one thousand dollars, or both.

SEC. 60. The commissioner of mental health shall study the problems of drug dependence, including methods and facilities available or required for the proper care, custody, detention, treatment, employment and rehabilitation of drug-dependent persons. He shall conduct studies on the extent, manifestations and prevention of drug dependence in the state, disseminate information on the subject of drug dependence for the assistance and guidance of its residents and agencies and train personnel for work in the field of drug dependence.



SEC. 61. Section 10-19 of the 1965 supplement to the general statutes is repealed and the following is substituted in lieu thereof: The effect of alcohol and **[narcotics]** *controlled drugs, as defined in section 1 of this act*, on health, character, citizenship and personality development shall be taught to pupils above the fifth grade in the public schools; and, in teaching such subjects, textbooks and such other materials as are necessary shall be used. This section shall apply to classes in ungraded schools corresponding to the grade designated herein. State colleges shall give instruction on the subject prescribed in this section and concerning the best methods of teaching the same.

SEC. 62. Section 10-146 of said supplement is repealed and the following is substituted in lieu thereof: The state board of education may, in accordance with such regulations as it prescribes, grant a certificate of qualification to teach or to supervise in any public school in the state and may revoke the same. The certificate of qualification issued under this section shall be accepted by boards of education in lieu of any other certificate, provided additional qualifications may be required by a board of education, in which case the state certificate shall be accepted for such subjects as it includes. No certificate to teach in grades above the fifth in graded schools or in classes corresponding to such grades in ungraded schools shall be granted to any person who has not passed a satisfactory examination, or been legally exempted therefrom, in hygiene, including the effects of alcohol and **[narcotics]** *controlled drugs, as defined in section 1 of this act*, on health, character and personality development.

SEC. 63. Section 17-155a of said supplement is repealed and the following is substituted in lieu thereof: There shall be an **[alcoholism]** *alcohol and drug dependence* division within the department of mental health. The facilities and personnel of the commission on alcoholism are transferred to said **[alcoholism]** *alcohol and drug dependence* division. **[The alcoholism]** *Said* division may accept or refuse to accept for examination, diagnosis, guidance or treatment at any facility under its control any person who requests such assistance, under such rules as may be prescribed by the division with the approval of the commissioner of mental health and the board of mental health. The **[alcoholism]** *alcohol and drug dependence* division shall study the problems of alcoholism *and drug dependence*, including methods and facilities available or required for the proper care, custody, detention, treatment, employment and rehabilitation of persons addicted to or involved with the intemperate use of alcoholic beverages *or controlled drugs, as defined in section 1*

*of this act.* It shall conduct studies on the extent, manifestations and prevention of problem drinking and alcoholism and of excessive use of controlled drugs in the state, disseminate information on the subject of [alcoholism] alcohol and drug dependence for the assistance and guidance of its residents and agencies and train personnel for work in the field of [alcoholism] alcohol and drug dependence. The division shall establish and maintain facilities and services essential to fulfilling its duties and responsibilities as described in this section.

SEC. 64. Section 17-155b of said supplement is repealed and the following is substituted in lieu thereof: The commissioner of mental health shall, with the approval of the board of mental health, appoint an administrative head of the [alcoholism] alcohol and drug dependence division, whose title shall be chief, [alcoholism] alcohol and drug dependence division. Under the supervision and direction of the commissioner, the chief of the [alcoholism] alcohol and drug dependence division shall be in charge of its program and activities.

SEC. 65. Section 17-155d of said supplement is repealed and the following is substituted in lieu thereof: The commissioner of mental health shall, with the approval of the board of mental health, appoint an advisory council on [alcoholism,] alcohol and drug dependence, consisting of [seven] nine members, for terms of two years each. The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in performing their duties. The chief of the [alcoholism] alcohol and drug dependence division shall be an ex-officio member of the council without vote and shall attend its meetings. The council shall appoint annually, from among its members, a chairman, vice chairman and secretary. The council shall meet at least bi-monthly and at other times upon the call of the chair or the written request of any two members.

SEC. 66. Section 17-176 of said supplement is repealed and the following is substituted in lieu thereof: In this chapter the words and expressions following have the several meanings assigned to them, unless there is something in the subject or context repugnant to such construction: "Drug-dependent person" is as defined in section 1 of this act; "hospital for mental illness" means any public or private hospital, retreat, institution, house or place in which any mentally ill or drug-dependent person is received or detained as a patient for compensation, but shall not include any state prison, state jail or almshouse, nor any public reformatory or penal institution of this state; "mentally ill person" includes each person afflicted by mental disease to such extent that he requires care and treatment for

his own welfare or the welfare of others or of the community, *and specifically excludes a person whose sole psychiatric disorder is drug dependence* [and each person addicted to any drug defined in section 19-244]; "patient" means any person detained and taken care of as a mentally ill person; "keeper of a hospital for mental illness" means any person, body of persons or corporation which has the immediate superintendence, management and control of a hospital for mental illness and the patients therein; "support" includes all necessary food, clothing and medicine and all general expenses of maintaining state institutions for the mentally ill *or drug dependent*; "indigent person" means any person having an estate insufficient, in the judgment of the court of probate, to provide for his support in a private institution or hospital for mental illness during the probable period of his detention there and for the support of those necessarily dependent upon him during such period, any person having no estate for whose support there are persons legally liable and able to contribute or any person having no estate whose friends, though not legally liable, are willing to contribute to this support.

SEC. 67. Section 17-179 of said supplement is repealed and the following is substituted in lieu thereof: All proceedings of the court of probate, upon application made under the provisions of this chapter, shall be in writing and filed in such court, and, whenever a court passes an order for the admission of any person to any state hospital for mental illness, it shall record the same and give a certified copy of such order and of the reports of the physicians to the person by whom such person is to be taken to the hospital, as the warrant for such taking and commitment, and shall also forthwith transmit a like copy to the commissioner of mental health. All orders of commitment and commitment papers issued *by any court* in committing mentally ill persons *or drug-dependent persons* to public or private hospitals for mental illness shall be in accordance with a form prescribed by the attorney general, which form shall be uniform throughout the state. For all such commitments, the commissioner of mental health shall cause suitable blanks, in accordance with said form, to be printed and furnished at the expense of the state. State hospitals and other hospitals for the mentally ill shall, so far as they are able, upon reasonable request of any officer of a court having the power of commitment, send one or more trained attendants or nurses to attend any hearing concerning the commitment of any mentally ill person and any such attendant or nurse, when present, shall be designated by the court as the authority to serve commitment process issued under the provisions of this chapter.

SEC. 68. Section 17-183 of said supplement to the general statutes is repealed and the following is substituted in lieu thereof: Any person who has suddenly become in need of care and treatment in a hospital for mental illness *for a psychiatric disorder other than drug dependence or for drug dependence when his condition is acute and creates pronounced danger to himself or to the community* may be confined in such a hospital, either public or private, under an emergency certificate as hereinafter provided, for not more than thirty days without order of any court, provided, if a written complaint for commitment of such person has been filed in a probate court prior to the expiration of such thirty days, such confinement shall be continued under the emergency certificate for an additional thirty days, without further order, not more than sixty days in all, until the completion of the probate court proceedings, and provided the superintendent of such hospital shall immediately discharge any patient found not to be mentally ill *or acutely drug dependent*, or any person recovered from mental illness *or acute drug dependence*. At the time of delivery of such person to such hospital, there shall be left, with the person in charge thereof, a certificate, signed by a physician licensed to practice medicine or surgery in Connecticut and dated not more than three days prior to its delivery to the person in charge of the hospital. Such certificate shall state the date of personal examination of the person to be confined, which shall be not more than three days prior to the date of signature of the certificate, shall state the findings of the physician relative to the physical and mental condition of the person and the history of the case, if known, and shall state that it is the opinion of the physician that the person examined by him is in need of immediate care in a hospital for mental illness. Prior to hospitalization under the provisions of this section any person shall have the right to be examined by a physician of his own choosing, and if such physician concludes from his examination that such person is not mentally ill *or acutely drug dependent*, such person shall not be admitted to or detained in a hospital for mental illness under the provisions of this section. If [such] *a mentally ill* person has been admitted to any state hospital for mental illness, the person in charge thereof shall cause proceedings to be instituted for the commitment of such person in the court of probate having jurisdiction in the town where such hospital is located. Any irregularity in the temporary confinement of such person shall be deemed cured by the adjudication of the court of probate ordering his commitment, and no such commitment shall be deemed invalid by reason of such irregularity. Except for voluntary admissions, if any person has been admitted to a private hospital for mental illness, the per-

son in charge thereof shall, immediately upon delivery of such *mentally ill* person to such hospital, notify the commissioner of mental health, in writing. Said commissioner shall also be notified of the discharge of such patient before or at the termination of thirty days or of the pending or completed commitment of such person to such hospital by a court of probate. Except as provided above or when otherwise provided by statute, no person shall be committed or admitted to or detained in a hospital for mental illness without an order of a court of probate provided any person in need of care and treatment in a mental hospital may be received and detained therein for not more than thirty days as provided in this section.

SEC. 69. Section 17-190 of the general statutes is repealed and the following is substituted in lieu thereof: All persons detained as mentally ill *or as drug dependent* shall at all times be furnished with materials for communicating under seal with any suitable person outside the hospital for mental illness, and such communications shall be stamped and mailed daily. If the patient desires it, all rational communications shall be written at his dictation and mailed to any relative or person named by the patient.

SEC. 70. Section 17-198 of the 1965 supplement to the general statutes is repealed and the following is substituted in lieu thereof: The superintendent or keeper of any institution used wholly or in part for the care of the mentally ill *or drug dependent* may, under such provisions or agreements as he deems advisable for psychiatric supervision, permit any patient thereof temporarily to leave such institution, in charge of his guardian, relatives or friends, or by himself. In the case of committed persons, the original order of commitment shall remain in force and effect until such patient is officially discharged by the authorities of such institution. If it appears to be for the best interest of the public or for the interest and benefit of such patient, he may return or be returned by his guardian, relatives or friends or he may be recalled by the authorities of such institution, at any time during such temporary absence and prior to his official discharge. State or local police shall, on the request of the authorities of any such institution, assist in the rehospitalization of such patient if, in the opinion of such authorities, the patient's condition warrants such assistance. The expense, if any, of such recall or return shall, in the case of an indigent, be paid by those responsible for his support or, in the case of a pauper, by the state; but nothing herein contained shall be construed to apply to the criminally mentally ill, nor those against whom criminal proceedings are pending.

SEC. 71. Section 17-199 of the general statutes is repealed

and the following is substituted in lieu thereof: The name of any person who has escaped from any institution for the mentally ill *or drug dependent* and has not been returned to such institution within one year thereafter shall be stricken from the records of such institution and such person shall not thereafter be returned to such institution except upon further commitment by some court of competent jurisdiction.

SEC. 72. Section 17-201 of the 1965 supplement to the general statutes is repealed and the following is substituted in lieu thereof: Each [mentally ill] person confined in a hospital for mental illness in this state shall be entitled to the benefit of the writ of habeas corpus, and the question of mental illness *or drug dependence* or the legality of the commitment shall be determined by the court or judge issuing such writ. Such writ shall be directed to the superintendent of the hospital and, if illegality or invalidity of the [probate court] commitment is alleged in such writ, a copy shall also be directed to the judge of the committing court as to such claim, and such judge shall be represented by the state's attorney for the county wherein such committing court is located. If the court or judge before whom such case is brought decides that the person is mentally ill *or drug dependent*, such decision shall be no bar to the issuing of such writ a second time, if it is claimed that such person has been restored to reason *or to freedom from drug dependence*. Such writ may be applied for by such [mentally ill] confined person or on his behalf by any relative, friend or person interested in his welfare. No court fees shall be charged against the superintendent of the hospital or the [probate] judge.

SEC. 73. Section 17-209 of said supplement is repealed and the following is substituted in lieu thereof: The Connecticut Valley Hospital, Norwich Hospital, Fairfield Hills Hospital, High Meadows and Undercliff Mental Health Center and the boards of trustees thereof, the [alcoholism] *alcohol and drug dependence* division, the Connecticut Mental Health Center, the division of community services, the office of the commissioner of mental health and the security treatment center and the advisory and review board thereof shall be a part of the department of mental health and shall, for the purposes of chapter 50, constitute one budgeted agency whose executive head shall be the commissioner of mental health. He shall prepare a consolidated budget request for such agency and shall, after consultation with the board of mental health, present it to the governor and the budget director. Undercliff Mental Health Center shall be a public hospital for mental illness in the department of mental health

and shall be maintained for the purpose of treating patients who have been transferred under the provisions of sections 17-193 and 17-211 or admitted or committed from a geographical district as established by the commissioner of mental health with the approval of the board of mental health as set forth in section 17-211.

SEC. 74. Section 17-360 of said supplement to the general statutes is repealed and the following is substituted in lieu thereof: Women over sixteen years of age belonging to any of the following classes may be committed by any court of criminal jurisdiction to said institution: First, persons convicted of, or who plead guilty to, the commission of felonies; second, persons convicted of, or who plead guilty to, the commission of misdemeanors, including prostitution, intoxication, **[drug-using]** *illicit traffic or possession of controlled drugs, as defined in section 1 of this act*, and disorderly conduct; third, unmarried girls between the ages of sixteen and twenty-one years who are in manifest danger of falling into habits of vice or who are leading vicious lives, and who are convicted thereof in accordance with the provisions of section 17-379; fourth, women sentenced to jails. Only such offenders may be committed to said institution as in the opinion of the trial court will be benefited physically, mentally or morally by such commitment, and, immediately upon commitment, a careful physical and mental examination, by a competent physician, shall be made of each person committed. The court imposing a sentence on offenders of any class shall not fix the term of such commitment. Commitment to said institution shall be made within one week after sentence is imposed, but no offender shall be committed to said institution without being accompanied by a woman in addition to the officer. The trial court shall cause a record of the case to be sent with the commitment papers on blanks furnished by the institution. The duration of such commitment, including the time spent on parole, shall not exceed three years, except when the maximum term specified by law for the crime for which the offender was sentenced exceeds that period, in which event such maximum term shall be the limit of detention under the provisions of this chapter, and, in such cases, the trial court shall specify the maximum term for which the offender may be held under such commitment.

SEC. 75. Section 19-48a of said supplement is repealed and the following is substituted in lieu thereof: Each practitioner of the healing arts shall report to the commissioner of health the full name, address and date of birth of every person who, in his opinion, is **[an habitual user of narcotic drugs, unless**

such person is authorized to use narcotic drugs under the provisions of chapter 344 or section 17-185] *a drug-dependent person dependent upon controlled drugs, as defined in section 1 of this act.* Practitioners making such reports in good faith shall be immune from any civil or criminal liability that otherwise might be incurred from the making of such report. No such report or the information therein shall be admissible in any criminal prosecution or used for other than rehabilitation, statistical or medical purposes and each such report shall be held confidential by the commissioner.

SEC. 76. To the extent that the provisions of the state food, drug and cosmetic laws and sections 6 to 41, inclusive, of this act may overlap with respect to regulation of controlled drugs as defined in section 1 of this act, the commissioners of health and consumer protection shall cooperate in their efforts at administration and enforcement and the drug advisory council shall assist said commissioners in determining guidelines for cooperation and in avoiding conflicts in policy and duplication of effort.

SEC. 77. Section 3 of number 109 of the public acts of 1967 is repealed and the following is substituted in lieu thereof: No drug, medicine, poison or chemical used in compounding any medicine shall be sold at retail except in a store under the supervision of a licensed pharmacist and in a licensed pharmacy; but, in a store not a licensed pharmacy, proprietary and patent medicinal compounds or preparations put up separately in sealed containers and labeled and accompanied with directions for use and with the name and address of the manufacturer or distributor thereof may be sold in the original unbroken containers in which the article is offered to the public for consumption, provided a permit shall be obtained from the commission of pharmacy, covering such sales, and provided such patent or proprietary medicinal compounds or preparations, if intended for internal use, shall not contain alcohol in excess of the amount necessary to be used as a solvent or preservative and shall be incapable of being used as intoxicating beverages [ , and provided such preparations and compounds shall contain not more than two grains of opium nor more than one-fourth of a grain of morphine or one grain of codeine, or any salt or derivative of any such drug, in one fluid ounce or, if a solid or semi-solid preparation, in one avoirdupois ounce]. No provision of this section shall be construed to permit the sale of any proprietary or patent compound or preparation, either for external or internal use, containing [cocaine, or eucaine, or any salt thereof, or any synthetic substitute therefor] *any controlled drug, as*



*defined in section 1 of this act, except as permitted in sections 20-180 and 6 to 41, inclusive, of this act.* Any store, not licensed as a pharmacy, may sell, in original packages put up by a licensed pharmacist, whose name and business address shall be displayed upon the package, any drugs, chemicals or medicinal compounds or preparations, when a permit to do so has been obtained from said commission. Said commission may, in accordance with its regulations, grant such permit for one year to any competent person of good moral character who is a citizen of the United States, upon payment of a permit fee of ten dollars in towns having a population of less than five thousand as shown by the last-preceding United States census and a permit fee of twenty dollars in towns having a population of five thousand or more as shown by said census, provided any renewal application not filed on or before the expiration date of the permit shall be subject to a penalty of fifty per cent of the permit fee. No such renewal permit shall be issued until such fee and penalty have been paid. Any person to whom such a permit is refused shall have the same right to appeal from the decision of the commission as is granted to a licensed pharmacist under the provisions of section 20-176. No provision of this chapter shall be construed to prohibit the compounding of prescriptions or the dispensing of medicine by any physician or dentist in the course of his practice, or to prohibit the sale of hellebore, Paris green, arsenate of lead or other spraying materials sold under registered trade-marks elsewhere than in stores licensed as pharmacies and under the supervision of licensed pharmacists. Nothing herein contained shall be construed to permit the acceptance by owners or employees of stores or shops not licensed as pharmacies of any physician's or dentist's prescription for compounding, whether such prescription is to be compounded by such owner or employee or by a licensed pharmacist, nor shall any owner or employee of such shop or store keep, sell or offer for sale any of the following: Barbituric acid, its salts, compounds and derivatives; antibiotics; injectable biologicals; sulfonamides and their compounds which are designed to be taken into the stomach for systemic action; chloral hydrate; paraldehyde; amino-pyrene; ergot; corticosteroids; mild silver protein; or camphorated tincture of opium, commonly known as paragoric or other controlled drug, as defined in section 1 of this act. Any person who violates any provision of this section shall be fined not less than one hundred dollars nor more than five hundred dollars.

SEC. 78. Section 5 of said act is repealed and the following is substituted in lieu thereof: Nothing herein shall prevent a practicing physician or dentist from compounding or dispensing

his own prescriptions; or prevent the sale of insecticides; or prevent such sale of patent or proprietary medicines as shall not conflict with the provisions of [chapter 344] *sections 6 to 41, inclusive of this act*; or prevent the sale of any drugs, medicines or poisons at wholesale; or prevent any person from becoming a partner in or the owner of a pharmacy conducted by a licensed pharmacist; or prevent any keeper of a [country] store *granted a permit under section 77 of this act* from keeping for sale and selling such domestic remedies as are usually kept and sold in such stores, except the following: [Opium, morphine and all other derivatives of opium, preparations containing opium in excess of two grains per ounce or morphine in excess of one-fourth grain per ounce,] Carbolic acid stronger than a ten per cent solution, prussic acid, oxalic acid, strychnine arsenic, cyanide of potassium, chloral hydrate, chloroform, cobalt, sugar of lead, mercury in any form, belladonna and its preparations for internal use and nux vomica and its preparations; but such keeper shall not compound medicines and, when sold in such stores, all medical preparations recognized by the United States pharmacopoeia and national formulary shall be of standard strength and shall be prepared by a licensed pharmacist and shall be sold only in original packages bearing the label of a licensed pharmacist.

SEC. 79. Chapter 344 of the general statutes, as amended, chapters 344a and 344b of the 1965 supplement thereto and number 329 of the public acts of 1967 are repealed. Regulations promulgated under any of said chapters and in effect on the effective date of this act shall, unless clearly in conflict with the provisions of this act, continue in effect until superseded by regulations hereunder.

SEC. 80. This act shall take effect October 1, 1967, except that sections 1 to 5, inclusive, 63 to 65, inclusive, and 73 of this act shall take effect from their passage and the respective state agencies shall take such administrative action as may be necessary to provide for the effective administration of this act on and after October 1, 1967.

Approved June 21, 1967.