



## Agency Legislative Proposal - 2021 Session

**Document Name:** 10012020\_DMHAS\_HealthCareEntity

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: DMHAS

**Liaison:** Mary Kate Mason

**Phone:** (860) 418-6839

**E-mail:** mary.mason@ct.gov

Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Mary Kate Mason

**Title of Proposal:** An Act Designating the Department of Mental Health and Addiction Services as a Single Health Care Entity

**Statutory Reference:** 17a-450

**Proposal Summary:**

Designating DMHAS as one health care entity would allow the use of one electronic medication record with an order entry and prescribing system that all clinical staff can use for consistent documentation across all DMHAS clinics and hospitals. Digitalization of Personal Health Information in an electronic medical record has been shown to have many advantages. DMHAS patients could benefit from safe care and the Department could realize an increase in efficiency and cost savings.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Without this legislation DMHAS is unable to implement an agency wide EHR that allows holistic, efficient care. A single electronic health record (EHR) used by all DMHAS facilities would allow all DMHAS patient health information to be shared in real time. Patients at DMHAS often transfer their services between the facilities run by the agency. Currently statutory interpretation has been that DMHAS facilities are separate entities. As separate entities each facility would be required to purchase their own EHR. Individual EHR's do not allow for real time sharing of information including: diagnosis, medication trails, allergies, laboratory reports etc. A common EHR would eliminate the cost of the electronic prescribing system currently utilized by DMHAS to comply with state statute (21a-249(b)). Work flow can be streamlined by prescribers immediately placing orders or prescriptions and medical records can be



securely shared with multiple DMHAS providers throughout the system. Complete documentation can be done at point of service which can improve coding and billing. Costs can be reduced through Decreased use of paper and storage of record and employee time spent printing and filing. A single EHR would improve patient care and safety can improve by reducing errors and avoiding reduplication of tests and enhancing care coordination

◇ **Origin of Proposal**

☐ **New Proposal**

☒ **Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

This proposed legislation passed out of committee but was not taken up for a vote in the Senate due to the curtailed legislative session.

### PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:**

**Agency Contact (name, title, phone):**

**Date Contacted:**

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

**Summary of Affected Agency's Comments**

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

**Municipal** *(please include any municipal mandate that can be found within legislation)*

n/a

**State**

n/a

**Federal**

n/a

**Additional notes on fiscal impact**

n/a

**◇ POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Designating DMHAS as one health care entity would allow the use of one electronic medication record with an order entry and prescribing system that all clinical staff can use for consistent documentation across all DMHAS clinics and hospitals. Digitalization of Personal Health Information in an electronic medical record has been shown to have many advantages. DMHAS patients could benefit from safe care and the Department could realize an increase in efficiency and cost savings.

**◇ EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

N/A- this is not a program proposal.

**Insert fully drafted bill here**

**Sec. 17a-450. (Formerly Sec. 17-207b). Department of Mental Health and Addiction Services. Functions and duties.** (a) There shall be a Department of Mental Health and Addiction Services headed by a Commissioner of Mental Health and Addiction Services, appointed by the Governor with the advice of the Board of Mental Health and Addiction Services established pursuant to section 17a-456.

(b) For the purposes of chapter 48, the Department of Mental Health and Addiction Services be organized to promote comprehensive, client-based services in the areas of mental health treatment and substance abuse treatment and to ensure the programmatic integrity and clinical identity of services in each area. The department shall perform the functions of: Centralized administration, planning and program development; prevention and treatment programs and facilities, both inpatient and outpatient, for persons with psychiatric disabilities



or persons with substance use disorders, or both; community mental health centers and community or regional programs and facilities providing services for persons with psychiatric disabilities or persons with substance use disorders, or both; training and education; and research and evaluation of programs and facilities providing services for persons with psychiatric disabilities or persons with substance use disorders, or both. The department shall include, but not be limited to, the following divisions and facilities or their successor facilities: The office of the Commissioner of Mental Health and Addiction Services; Capitol Region Mental Health Center; Connecticut Valley Hospital, including the Addictions Division and the General Psychiatric Division of Connecticut Valley Hospital; the Whiting Forensic Hospital; the Connecticut Mental Health Center; Ribicoff Research Center; the Southwest Connecticut Mental Health System, including the Franklin S. DuBois Center and the Greater Bridgeport Community Mental Health Center; the Southeastern Mental Health Authority; River Valley Services; the Western Connecticut Mental Health Network; and any other state-operated facility for the treatment of persons with psychiatric disabilities or persons with substance use disorders, or both, but shall not include those portions of such facilities transferred to the Department of Children and Families for the purpose of consolidation of children's services. All department divisions and facilities shall provide their patient records to the electronic health record system established pursuant to subdivision (7) of subsection (c) of this section. Disclosures of patient information from the electronic health record system outside of the department shall be in accordance with applicable federal and state law.

(c) The Department of Mental Health and Addiction Services may

(c) The Department of Mental Health and Addiction Services may:

(1) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services or property from the federal government, the state or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(2) Keep records and engage in research and the gathering of relevant statistics;

(3) Work with public or private agencies, organizations, facilities or individuals to ensure the operation of the programs set forth in accordance with sections 17a-75 to 17a-83, inclusive, 17a-450 to ~~17a-484~~ 17a-488a, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-575, inclusive, 17a-580 to 17a-603, inclusive, and 17a-615 to 17a-618, inclusive;



(4) Hold hearings, issue subpoenas, administer oaths, compel testimony and order production of books, papers and records in the performance of its duties;

(5) Operate trustee accounts, in accordance with procedures prescribed by the Comptroller, on behalf of inpatient and outpatient department clients;

(6) Notwithstanding **[any]** the provisions of sections 4-101 and 17b-239 **[to the contrary,]** establish medical reimbursement rates for behavioral health services including, but not limited to, inpatient, outpatient and residential services purchased by the department; and

(7) Establish and utilize an electronic health record system that allows authorized department personnel to have access to patient health information, including psychiatric records from any of the department's divisions and facilities set forth in subsection (b) of this section for purposes of (A) providing diagnosis and treatment, and (B) improving the department's health care operations, as defined in 42 CFR 164.501.

**[(7)]** (8) Perform such other acts and functions as may be necessary or convenient to execute the authority expressly granted to it.

(d) The Department of Mental Health and Addiction Services is designated as the lead state agency for substance abuse prevention and treatment in this state, and as such is designated as the state methadone authority. As the designated state methadone authority, the department is authorized by the federal Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration within the United States Department of Health and Human Services to exercise responsibility and authority for the treatment of opiate addiction with an opioid medication, and specifically for: (1) Approval of exceptions to federal opioid treatment protocols in accordance with the Center for Substance Abuse Treatment, (2) monitoring all opioid treatment programs in the state, and (3) approval of Center for Substance Abuse Treatment certification of all opioid treatment programs in the state. The Commissioner of Mental Health and Addiction Services may adopt regulations in accordance with chapter 54 to carry out the provisions of this subsection.



## Agency Legislative Proposal - 2021 Session

**Document Name:** 10012020\_DMHAS\_Whiting Forensic Hospital

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

**State Agency:** CT Department of Mental Health and Addiction Services

**Liaison:** Mary Kate Mason

**Phone:** (860) 418-6839

**E-mail:** mary.mason@ct.gov

**Lead agency division requesting this proposal:** Forensic Division

**Agency Analyst/Drafter of Proposal:** Mary Kate Mason

**Title of Proposal:** An Act Concerning Whiting Forensic Hospital

**Statutory Reference:** 17a-548 and 17a-565

**Proposal Summary:**

This proposal allows patients in the maximum security building at Whiting Forensic Hospital to be present during routine searches of personal belongings. It requires the appointment of a person with lived experience to the Whiting Advisory Board.

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The DMHAS and the DMHAS Advocacy community believe strongly in patient and client rights. This proposal addresses areas where the statute does not include the voice of people with behavioral health disorders.

◇ **Origin of Proposal**

☐ **New Proposal**

☒ **Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*



This proposal was submitted last session but did not receive a hearing due to the curtailed legislative session

### **PROPOSAL IMPACT**

#### ◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** N/A

**Agency Contact** *(name, title, phone):*

**Date Contacted:**

Approve of Proposal    ☐ YES    ☐ NO    ☐ Talks Ongoing

**Summary of Affected Agency's Comments**

Will there need to be further negotiation?    ☐ YES    ☐ NO

#### ◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

**Municipal** *(please include any municipal mandate that can be found within legislation)*

**State**

Two additional FTS staff for 1 shift per day (1 to do search, 1 to observe patient and maintain safety).  
Starting FTS salary is \$51,000, two FTS would be \$102,000

**Federal**

**Additional notes on fiscal impact**

#### ◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Changes to 17a-548 may require increased staffing to allow staff to support clients during patient searches

#### ◇ **EVIDENCE BASE**



*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

N/A

### **Insert fully drafted bill here**

Section 1. Section 14a-548 is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

**Sec. 17a-548. (Formerly Sec. 17-206i). Patient's rights re clothing, possessions, money and access to records. List of rights to be posted.** (a) Any patient shall be permitted to wear his or her own clothes; to keep and use personal possessions including toilet articles; to be present during any search of his or her personal possessions, except a patient hospitalized in the maximum security service of Whiting Forensic Hospital when such search is conducted by police officers and probable cause exists that contraband or hazardous items are hidden in the patient's living area; to have access to individual storage space for such possessions; and in such manner as determined by the facility to spend a reasonable sum of his or her own money for canteen expenses and small purchases. These rights shall be denied only if the superintendent, director or his or her authorized representative determines that it is medically harmful to the patient to exercise such rights. An explanation of such denial shall be placed in the patient's permanent clinical record.

(b) In connection with any litigation related to hospitalization, or at any time following discharge from the facility, any patient or his or her attorney shall have the right, upon written request, to inspect all of such patient's hospital records, and to make copies thereof. Unless the request is made in connection with any litigation related to hospitalization, a mental health facility, as defined in subdivision (5) of section 52-146d, may refuse to disclose any portion of a patient's record which the mental health facility determines: (1) Would create a substantial risk that the patient would inflict life-threatening injury to self or to others or experience a severe deterioration in mental state; (2) would constitute an invasion of privacy of another person; or (3) would violate an assurance of confidentiality furnished to another person, provided only such portion of the record the disclosure of which would not constitute an invasion of privacy of another person or violate an assurance of confidentiality furnished to another person shall be disclosed. Any patient aggrieved by a facility's refusal to disclose under this subsection may petition the Superior Court for relief in the same manner as a patient proceeding under section 4-105, except that in addition to notice and a hearing, the court may conduct an in camera review of the record. The court shall order disclosure of the record by such facility unless the court determines that the disclosure (A) would create a substantial risk that the patient would inflict life-threatening injury to self or to others or experience a severe deterioration in mental state, or (B) would constitute an invasion of privacy of





another person, or (C) would violate an assurance of confidentiality furnished to another person, provided if the court orders disclosure of the record, only such portion of the record the disclosure of which would not constitute an invasion of privacy of another person or violate an assurance of confidentiality furnished to another person shall be disclosed.

(c) A list of all in-hospital rights shall be prominently posted in each ward where mental health services are provided. Such list shall include, but not be limited to, the right to leave, as afforded by subsection (a) of section 17a-506, the right to a hearing, as afforded by subsection (d) of section 17a-502, and the right to file a complaint, as afforded by the hospital's complaint procedure.

(d) Nothing in subsection (b) of this section shall limit a patient's right of access to his records under section 4-104.

Section 2. Section 17a-565 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

There shall be an advisory board for Whiting Forensic Hospital, constituted as follows: The Commissioner of Mental Health and Addiction Services, two people with psychiatric disabilities, at least one of whom has received inpatient services in a psychiatric hospital, three physicians licensed to practice in this state, two of whom shall be psychiatrists, two attorneys of this state, at least one of whom shall be in active practice and have at least five years' experience in the trial of criminal cases, one licensed psychologist with experience in clinical psychology, one licensed clinical social worker, and one person actively engaged in business who shall have at least ten years' experience in business management. Annually, on October first, the Governor shall appoint a member or members to replace those whose terms expire for terms of five years each. The board shall elect a chairman and a secretary, who shall keep full and accurate minutes of its meetings and preserve the same. The board shall meet at the call of the chairman at least quarterly. Members of the board shall receive no compensation for their duties as such but shall be reimbursed for their actual expenses incurred in the course of their duties. Said board shall confer with the staff of the hospital and give general consultative and advisory services on problems and matters relating to its work. On any matter relating to the work of the hospital, the board may also confer with the warden or superintendent of the affected Connecticut correctional institution.



## Agency Legislative Proposal - 2021 Session

**Document Name:** 1012020\_DMHAS\_Pretial Drug and Alcohol

(If submitting electronically, please label with date, agency, and title of proposal – 092620\_SDE\_TechRevisions)

State Agency: Mental Health and Addiction Services

**Liaison:** Mary Kate Mason

**Phone:** (860) 418-6839

**E-mail:** mary.mason@ct.gov

Lead agency division requesting this proposal: Forensics

Agency Analyst/Drafter of Proposal: Mary Kate Mason

**Title of Proposal:** An Act Concerning the Pretial Alcohol Education and Drug Education and Community Service Programs

**Statutory Reference:** 54-56i, 54-56g, 54-56k

**Proposal Summary:**

This proposal makes several changes to sections 54-56g and 54-56i, the statutory sections controlling the pretial Alcohol Education Program (AEP) and pretial Drug Education and Community Service Program (DECSP). First, the proposed language allows DMHAS to offer combined AEP and DECSP classes. This change supports the timely access to pretial education classes because often there are not enough clients to meet the minimum enrollment requirements for either program within the required 90 day period. This also allows for DMHAS to create efficiencies by ensuring each class services a greater number of clients. Additionally, this proposal makes the fees for both programs uniform and requires the same number of classes for both programs. These changes facilitate DMHAS's ability to combine classes when necessary. The bill also reduces the number of court appearances necessary for the court to grant either program from two court appearances to one court appearance; however, two court appearances may still be necessary when there is a victim who would like to be heard. This change will reduce the number of court proceedings, which creates efficiencies in the judicial system. Language has also been added to specify that program fees cannot be waived when the defendant chooses to attend an out-of-state program. The proposal funds the program via gross appropriation from the general fund and directs program revenues (fees) to the general fund, addressing the chronic budget shortfall of the Pretial Drug and Alcohol Program. Finally, the statutes have been rewritten so that they both track similarly and changes stigmatizing language.

### PROPOSAL BACKGROUND

#### Reason for Proposal



Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

If this is not enacted by law the program will not be able to meet the demand according to statutory guidelines and will not be fiscally sustainable

**Origin of Proposal**

☐ New Proposal

☒ Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

This bill was not heard in committee due to the curtailed session

**PROPOSAL IMPACT**

**AGENCIES AFFECTED** (please list for each affected agency)

**Agency Name:** Judicial Branch

**Agency Contact (name, title, phone):** Brittany Kaplan

**Date Contacted:** October 18, 2020

Approve of Proposal ☒ YES ☐ NO ☐ Talks Ongoing

**Summary of Affected Agency's Comments**

This proposal is a collaboration of DMHAS and the Judicial Branch. Judicial assisted in drafting.

Will there need to be further negotiation? ☐ YES ☒ NO

**FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)

n/a

**State**



<p>Over the past several years the Pre-Trial account has sustained increased pressure as the costs incurred are being outpaced by the dropping fee receipts and decreased carryforward funds. Over the past 5 years revenues have decreased 48%. This has been due in part to court's ruling in many cases that the fees imposed on clients deemed to be indigent be waived. At the same time costs have only decreased 16%. The COVID pandemic and the related closure of the courts across the state pushed the account to near insolvency as fees have dried up while the classes have had to continue throughout the pandemic, culminating in a \$700,000 shortfall in SFY20. Over the past 5 years the average fees collected were \$2.3M with average program costs of \$2.6M. This trajectory is not sustainable and will require an additional infusion of funding to continue serving our clients.</p>
<p><b>Federal</b> n/a</p>
<p><b>Additional notes on fiscal impact</b></p>

**POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

- Changes "abuse" to current less stigmatizing language of "use"
- Creates parameters for out of state education/treatment
- Allows for the combining of drug and alcohol education to assure timely access to programming- allowing program participants to meet statutory deadlines,
- Allows DMHAS and its providers to administer the classes in a more efficient manner, as this change will hopefully result in classes being closer to maximum capacity rather than minimum class sizes
- Standardizes number of sessions (12) for both drug and alcohol education programs
- Standardizes the number of treatment sessions (not less than 15) for both the drug and alcohol
- Adjusts fees for evaluations and education programs
- Makes technical and conforming changes
- Changes funding from program fees being credited to and the cost of operating the programs being paid from the Pretrial Account established pursuant to § 54-56k to General Fund allocation. Program fees will be deposited in the General Fund, and the cost of operating the programs will be paid by the Department of Mental Health and Addiction Services
- Reduces the number of court appearances required of the defendants to enter the programs from two to one, allowing defendants to complete the program more safely during the current pandemic.

◇ **EVIDENCE BASE**



What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

**Insert fully drafted bill here**

**Section 1.** Section 54-56g of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a)(1) There is established a pretrial alcohol intervention program for persons charged with a violation of section 14-227a, 14-227g, 14-227m, 14-227n, subsection (d) of section 15-133 or section 15-140n. The program shall consist of a twelve-session alcohol education component or a substance use treatment component of not less than fifteen sessions, and may also include a victim impact component as ordered by the court pursuant to subsection (d) of this section.

(2) The provisions of this section shall not apply to any person: (A) Who has been placed in the pretrial alcohol intervention program under this section or the pretrial alcohol education program established under the provisions of this section in effect prior to January 1, 2022, within the ten years immediately preceding the date of the application; (B) Who has been convicted of a violation of section 14-227a, 14-227g, 14-227m, 14-227n, 15-132a, subsection (d) of section 15-133, section 15-140l, 15-140n, 53a-56b or 53a-60d; (C) Who has been convicted in any other state at any time of an offense the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of this subdivision; or (D) Who is charged with a violation of section 14-227a, 14-227g, 14-227m or 14-227n, (i) and held a commercial driver's license or commercial driver's instruction permit at the time of the violation, or (ii) while operating a commercial motor vehicle, as defined in section 14-1.

(3) Unless good cause is shown, the provisions of this section shall not apply to any person whose alleged violation caused the serious physical injury, as defined in section 53a-3, of another person.

(b) Upon application for participation in the program:



- (1) The court shall, but only as to the public, order the court file sealed;
- (2) The applicant shall pay to the court a nonrefundable application fee of one hundred dollars, which shall be credited to the Criminal Injuries Compensation Fund established under section 54-215, and a nonrefundable evaluation fee of one hundred fifty dollars, which shall be deposited in the General Fund;
- (3) The applicant shall agree that, if the court grants the application and places the applicant in the program:
  - (A) The statute of limitations for any alleged violations for which the court grants the application for the program shall be tolled;
  - (B) The applicant waives the right to a speedy trial;
  - (C) The applicant will begin participation in the components of the program ordered by the court not later than ninety days after the date that the Court Support Services Division directs the applicant to attend such components pursuant to subsection (e) of this section, unless the applicant requests a later start date, and the division determines that a later start date is appropriate;
  - (D) The applicant will successfully complete any components of the program ordered by the court;
  - (E) The applicant will not engage in any conduct that would constitute a violation of: (i) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (ii) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; and
  - (F) To satisfactorily complete the program, the applicant may be required to participate in additional substance use treatment after completing the alcohol education or substance use treatment component of the program that the Court Support Services Division directs the applicant to attend pursuant to subsection (e) of this section if a program component provider recommends such additional treatment and the Court Support Services Division deems it appropriate, pursuant to



subparagraph (A) of subdivision (2) of subsection (h) of this section, or the court orders the additional treatment.

(c)(1) Immediately following application, the applicant shall send notice, by registered or certified mail on a form prescribed by the Office of the Chief Court Administrator, to any victim who sustained a serious physical injury, as defined in section 53a-3, as a result of the applicant's alleged violation. The notice shall inform each such victim that the applicant has applied to participate in the pretrial alcohol intervention program and that the victim has an opportunity to be heard by the court on the application. The court shall provide each such victim an opportunity to be heard prior to granting an application under this section.

(2) If the court determines that providing any person not entitled to notice pursuant to subdivision (1) of this subsection should be provided an opportunity to be heard on the application, the court may also require the defendant or the state's attorney, assistant state's attorney, or deputy assistant state's attorney in charge of the case to send notice of the application to any such person.

(d)(1) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney, or deputy assistant state's attorney in charge of the case and the statement of any victim and any other person required to be notified pursuant to subsection (c) of this section, may, in its discretion, grant the application for, and place the applicant in, the pretrial alcohol intervention program for a period of one year, subject to confirmation of the applicant's eligibility to participate in the program.

(2) If the court grants the application and places the applicant in the program, the court shall: (A) refer the person placed in the program to the Court Support Services Division for confirmation of eligibility to participate in the program; and (B) direct the division, (i) if it confirms that such person is eligible for the program, to refer such person to the Department of Mental Health and Addiction Services for evaluation and determination of the appropriate alcohol education or substance use treatment component of the program; or (ii) if it determines that such person is not eligible for the program, to inform the court of such determination and return such person's case to the court for further proceedings.

(3) When granting an application and placing an applicant in the program, the court (A) shall order the applicant to participate in the alcohol education or substance use treatment component of the program recommended by the evaluation conducted pursuant to clause (i) of subparagraph (B) of



subdivision (2) of this subsection, and (B) may also order the applicant to participate in a victim impact component for which the applicant must attend a victim impact panel provided by an organization approved by the Court Support Services Division pursuant to subsection (h) of this section.

(e)(1) Except as provided in subdivision (3) of this subsection, upon receipt of the evaluation of any person placed in the program conducted pursuant to clause (i) of subparagraph (B) of subdivision (2) of subsection (d) of this section, the Court Support Services Division shall (A) refer such person to the Department of Mental Health and Addiction Services or to a state-licensed substance use treatment provider with facilities that are in compliance with all state standards governing the operation of such facilities, as appropriate, for the purpose of receiving the alcohol education or substance use treatment component services recommended by such evaluation; and (B) direct such person to attend the recommended alcohol education or substance use treatment component within 90 days unless the division determines that a later start date is appropriate. In making the determination of whether a later start date is appropriate, the division may consider any relevant factors, including, but not limited to, the date upon which the suspension of such person's motor vehicle's operator's license pursuant to section 14-227b will expire.

(2) If the court has ordered any person placed in the program to participate in a victim impact component, the division shall also (A) refer such person to an organization approved to conduct victim impact panels in accordance with subsection (h) of this section; and (B) direct such person to attend an appropriate victim impact panel.

(3) The division may allow any person placed in the program whose employment, residence, or schooling makes it unreasonable to participate in any component of the program ordered by the court in this state to participate in the applicable program components in another state if (A) the out-of-state component provider has standards substantially similar to, or higher than, those of this state; (B) for any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and (C) the person allowed to participate in any components of the program in another state pays the applicable program fee and participation costs provided in this section.

(4) If the division learns that any person placed in the program has either failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of (A) any statutory provision set





forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, the division shall inform the court and return such person's case to court for further proceedings.

(f)(1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the alcohol education component, pay to the court a nonrefundable program fee of five hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and shall also pay to the treatment provider any costs associated with such treatment. All program fees shall be deposited in the General Fund.

(2) Any person directed to attend the victim impact component shall, at the time such person attends the victim impact panel, pay the organization conducting the victim impact panel the participation fee required by such organization.

(3)(A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency, and (ii) the court enters a finding of such indigency.

(B) If the court finds that a person is indigent and unable to pay for the program application or evaluation fee for the program, the court may waive all or any portion of these fees.

(C) If the court finds that a person is indigent and unable to pay for the alcohol education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in alcohol education services offered by a provider located in this state.

(D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid from by the Department of Mental Health and Addiction Services.



(E) Notwithstanding any provision of this section, in no event shall the Department of Mental Health and Addiction Services pay any fees or costs associated with education or substance use treatment provided outside of this state.

(g)(1) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has determined is not eligible for the program, and the court finds that such person is not eligible to participate in the program, the court shall revoke such person's placement in the program.

(2) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has learned has failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, and the court finds that such person is no longer eligible to continue participating in the program, the court shall terminate such person's participation in the program.

(3) If the court revokes any person's placement in the program or terminates any person's participation in the program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list unless such person is eligible for, such person requests, and the court grants such person reinstatement into the program pursuant to subsection (m) of this section.

(4)(A) If the court revokes any person's placement in the program, such person shall not be required to pay any program fee or participation costs specified in subsection (f) of this section. (B) If the court terminates any person's participation in the program, no program fees or substance use treatment costs imposed pursuant to subsection (f) of this section shall be refunded.

(h) The Court Support Services Division shall approve a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or drugs, or both, to provide victim impact panels for the victim impact component of the program. Victim impact panels shall provide a non-confrontational forum for the victims of alcohol or drug-related offenses and offenders to share experiences of the impact



of alcohol or drug-related incidents in their lives. Such organization may assess a participation fee of not more than seventy-five dollars per panel on any person ordered to participate in the victim impact component of the program, provided that such organization offers a hardship waiver of the participation fee when it determines that the imposition of the fee would pose an economic hardship for such person.

(i) The Department of Mental Health and Addiction Services shall administer the alcohol education component of the program and shall adopt regulations, in accordance with chapter 54, to establish standards for such alcohol education component. The department may contract with service providers to provide the appropriate alcohol education component in accordance with the provisions of this section. The department may combine the services for the alcohol education component of the program under the provisions of this section with the services for the drug education component of the drug intervention and community service program under the provisions of section 54-56i, as amended by this act, if necessary to ensure the appropriate and timely access to the court ordered education components. Participation by a person in any combined alcohol and drug education services provided by the department for the alcohol education component of the program under the provisions of this section shall not be deemed participation in, nor shall affect such person's eligibility for, the drug intervention and community service program under the provisions of section 54-56i.

(j)(1) All program component providers shall provide the Court Support Services Division with a certification regarding the participation of each person referred to such provider pursuant to this section in the manner required by the division. (A) If such person has successfully completed the applicable program component, the certification shall indicate such successful completion and state whether additional substance use treatment is recommended. (B) If such person has failed to successfully complete the applicable program component, the certification shall indicate the reasons for such failure, whether the person is no longer amenable to education or treatment, and whether the current referral was an initial referral under subsection (e) of this section or a reinstatement under subsection (m) of this section for the program component. The certification of failure shall also, to the extent practicable, include a recommendation as to whether an alternative alcohol education or substance use treatment component would best serve such person's needs.

(2) Except as provided in subdivision (3) of this subsection, upon receipt of a participation certification from any program component provider pursuant to this subsection, the Court Support Services Division shall provide the court with a final progress report indicating whether such person has successfully completed any components of the program ordered by the court, whether the



division required such person to participate in any additional substance use treatment in accordance with subdivision (3) of this subsection, and whether such person successfully completed any such additional substance use treatment. The final progress report shall also include any other information the division obtained during the supervision of such person relevant to such person's participation in the program, including whether the results of a criminal history record check, which the division shall complete prior to the submission of the final progress report, reveals that such person has engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section during such person's period of participation in the program.

(3) If a participation certification that indicates that a person who was placed in the program successfully completed the alcohol education or substance use treatment component ordered by the court, but the program component provider recommends additional substance use treatment for such person, the Court Support Services Division may, if it deems such additional treatment appropriate, require such person to participate in the recommended additional substance use treatment in order to satisfactorily complete the pretrial alcohol intervention program. If the division requires such additional substance use treatment, the division shall provide the court with a final progress report in accordance with subdivision (2) of this subsection upon receipt of the participation certification from the substance use treatment provider for such additional treatment.

(k)(1) If any person successfully completes all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division, such person may apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program. Upon application, the court shall review the final progress report submitted by the Court Support Services Division regarding such person and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial alcohol intervention program, the court shall dismiss the charges.

(2) If any person who has successfully completed all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division does not apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program, the court may, upon its own motion, review of the final progress report regarding such person submitted by the Court Support Services Division and any other relevant



information. If the court finds that such person has satisfactorily completed the pretrial alcohol intervention program, the court shall dismiss the charges.

(3) Upon the motion of any person placed in the program and a showing of good cause, the court may extend the program placement period for a reasonable period of time to allow such person to complete the applicable program components.

(l) If, upon review of the final progress report submitted by the Court Support Services Division or any other relevant information, the court finds that any person placed in the program has failed to successfully complete any component of the program ordered by the court, is no longer amenable to treatment, or is otherwise ineligible to continue participating in the program, the court shall terminate such person's participation in the program. No program fees or substance use treatment costs imposed pursuant to subsection (f) of this section shall be refunded to any person whose participation in the program is terminated. Unless such person requests, and the court grants, reinstatement into the program pursuant to subsection (m) of this section, the court shall order the court file of any person whose participation in the program is terminated to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list.

(m)(1) Any person whose participation in the program is terminated may ask the court to reinstate such person into the program up to two times. If a person requests reinstatement into the program, the Court Support Services Division shall verify that such person is eligible for such reinstatement. If a person requesting reinstatement into the program is eligible for reinstatement, the court may, in its discretion, grant such person reinstatement into the program. When granting such reinstatement, the court shall order the defendant to participate in an appropriate alcohol education, substance use treatment, or victim impact component of the program.

(2) Any person reinstated into the program shall, (i) if ordered to participate in the alcohol education component of the program, pay to the court a nonrefundable program fee of two hundred fifty dollars, which shall be deposited in the General Fund, or (ii) if ordered to participate in the substance use treatment component of the program, pay the costs of any substance use treatment. The court shall not waive the program fee or the costs of substance use treatment associated with reinstatement into the program unless good cause is shown and such person participates in the applicable alcohol education at a service provider located in this state or substance use treatment at a substance use treatment provider licensed by and located in this state.



(n)(1) If any person applies for both the pretrial alcohol intervention program under the provisions of this section and the pretrial drug intervention and community service program pursuant to section 54-56i, as amended by this act, for charges arising from the same arrest, and the Department of Mental Health and Addiction Services, a licensed substance use treatment provider, or the Department of Veterans Affairs or the United States Department of Veterans Affairs has already completed the required evaluation and determination of the appropriate drug education or substance use treatment component pursuant to section 54-56i, as amended by this act, the court and the Court Support Services Division may rely on such evaluation and determination for the purposes of ordering participation and directing attendance in the alcohol education or substance use treatment component of the program under the provisions of this section. If the court and the division rely on such evaluation and determination, such person shall not be required to pay the evaluation fee under the provisions of subdivision (2) of subsection (b) of this section, provided that such person has paid, or the court has waived, the evaluation fee pursuant to section 54-56i, as amended by this act.

(2) If any person is placed in both the pretrial alcohol intervention program under the provisions of this section and the pretrial drug intervention and community service program pursuant to section 54-56i, as amended by this act, for charges arising from the same arrest, the court may find that (A) such person's successful completion of the drug education component of the pretrial drug intervention and community service program pursuant to section 54-56i, as amended by this act, satisfies such person's required participation in the alcohol education component of the pretrial alcohol intervention program under the provisions of this section; or (B) such person's successful completion of the substance use treatment component of the pretrial drug intervention and community service program pursuant to section 54-56i, as amended by this act, satisfies such person's required participation in the substance use treatment component of the pretrial alcohol intervention program under the provisions of this section.

(3) Nothing in this subsection shall relieve any person placed in both the pretrial alcohol intervention program pursuant to this section and the pretrial drug intervention and community service program pursuant to section 54-56i, as amended by this act, for charges arising from the same arrest from the requirement to participate in the (A) victim impact component of the pretrial alcohol intervention program, if ordered by the court under the provisions of this section, in order to satisfactorily complete the pretrial alcohol intervention program, or (B) community service component of the pretrial drug intervention and community service program pursuant to section 54-56i, as amended by



this act, in order to satisfactorily complete the pretrial drug intervention and community service program.

(o)(1) The Court Support Services Division shall retain a record of participation in the pretrial alcohol intervention program for a period of ten years from the date the court grants the application for, and places the applicant in, the program pursuant to the provisions of this section.

(2) For any person charged with a violation of section 14-227a, 14-227g, 14-227m or 14-227n whose charges were dismissed pursuant to the provisions of this section, the division shall transmit to the Department of Motor Vehicles the record of such person's participation in the program. The Department of Motor Vehicles shall maintain the record of any person's participation in such program as part of such person's driving record for a period of ten years.

(3) For any person charged with a violation of subsection (d) of section 15-133 or section 15-140n whose charges were dismissed pursuant to the provisions of this section, the division shall transmit to the Department of Energy and Environmental Protection the record of such person's participation in the program. The Department of Energy and Environmental Protection shall maintain the record of any person's participation in such program as a part of such person's boater certification record for a period of ten years.

**Sec. 2.** Section 54-56i of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2022):

(a)(1) There is established a pretrial drug intervention and community service program for persons charged with a violation of section 21a-267, 21a-279 or 21a-279a. The program shall consist of a twelve-session drug education component or a substance use treatment program of not less than fifteen sessions, and the performance of community service as ordered by the court pursuant to subsection (c) of this section.

(2) The provisions of this section shall not apply to any person who has twice previously participated in: (A) The pretrial drug education program established under the provisions of this section in effect prior to January 1, 2022; (B) The community service labor program established under section 53a-39c; (C) The pretrial drug intervention and community service program established under this section; or (D) Any of such programs, except that the court may allow a person who has twice previously



participated in such programs to participate in the program established under the provisions of this section one additional time, for good cause shown.

(b) Upon application for participation in the program:

(1) The court shall, but only as to the public, order the court file sealed;

(2) The applicant shall pay to the court a nonrefundable application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars, both of which shall be deposited in the General Fund;

(3) The applicant shall agree that, if the court grants the application and places the applicant in the program:

(A) The statute of limitations for any alleged violations for which the court grants the application for the program shall be tolled;

(B) The applicant waives the right to a speedy trial;

(C) The applicant will begin participation in the components of the program ordered by the court not later than ninety days after the date that the Court Support Services Division directs the applicant to attend such components pursuant to subsection (d) of this section, unless the applicant requests a later start date, and the division determines that a later start date is appropriate;

(D) The applicant will successfully complete any components of the program ordered by the court;

(E) The applicant will not engage in any conduct that would constitute a violation of section 21a-267, 21a-279 or 21a-279a; and

(F) To satisfactorily complete the program, the applicant may be required to participate in additional substance use treatment after completing the drug education or substance use treatment component of the program that the Court Support Services Division directs the applicant to attend pursuant to subsection (d) of this section if a program component provider recommends such additional treatment and the Court Support Services Division deems it appropriate, pursuant to





subparagraph (A) of subdivision (2) of subsection (h) of this section, or the court orders the additional treatment.

(c)(1) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant the application for, and place the applicant in, the pretrial drug intervention and community service program for a period of one year, subject to confirmation of the applicant's eligibility to participate in the program.

(2) If the court grants the application and places the applicant in the program, the court: (A) shall refer the person placed in the program to the Court Support Services Division for confirmation of eligibility to participate in the program; and (B) shall direct the division, (i) if it confirms that such person is eligible for the program, to, except as provided in subclause (III) of this clause, refer the applicant to: (I) the Department of Mental Health and Addiction Services for evaluation and determination of the appropriate drug education or substance use treatment component of the program, for the first or second time the court has granted an application for the program established under the provisions of this section or the community service labor program established under section 53a-39c, (II) a state-licensed substance use treatment provider for evaluation and determination of the appropriate substance use treatment component of the program, for the applicant's third time the court has granted an application for the program established under the provisions of this section or the community service labor program established under section 53a-39c; or (III) if the applicant is a veteran, the court may direct the division to refer the applicant to the Department of Veterans Affairs or the United States Department of Veterans Affairs for evaluation and determination of the appropriate drug education or substance use treatment component of the program; or (ii) if it determines that such person is not eligible for the program, to inform the court of such determination and return such person's case to court for further proceedings. For the purposes of this subsection, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces, as defined in section 27-103.

(3) When granting an application and placing an applicant in the program: (A) for the first time, the court shall order the applicant to participate in (i) either the drug education or substance use treatment component of the program recommended by the evaluation conducted pursuant to clause (i) of subparagraph (B) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of five days; (B) for the second time, the court shall order the applicant to participate in (i) either the drug education or substance use treatment component of the program



recommended by the evaluation conducted pursuant to clause (i) subparagraph (B) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of fifteen days; or (C) for the third time, the court shall order the applicant to participate in (i) the substance use treatment component recommended by the evaluation conducted pursuant to clause (i) of subparagraph (B) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of thirty days.

(d)(1) Except as provided in subdivisions (2) and (3) of this subsection, upon receipt of the evaluation of any person placed in the program conducted pursuant to clause (i) of subparagraph (B) of subdivision (2) of subsection (c) of this section, the Court Support Services Division shall (A) refer such person to the Department of Mental Health and Addiction Services or to a state-licensed substance use treatment provider with facilities that are in compliance with all state standards governing the operation of such facilities, as appropriate, for the purpose of receiving the drug education or substance use treatment component services recommended by such evaluation; and (B) direct such person to attend the recommended drug education or substance use treatment component within 90 days unless the division determines that a later start date is appropriate.

(2) If any person placed in the program is a veteran, the division (A) may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs for the applicable drug education or substance use treatment component recommended by the evaluation conducted pursuant to clause (i) of subparagraph (B) of subdivision (2) of subsection (c) of this section if: (i) the division determines that services for such component will be provided in a timely manner under standards substantially similar to, or higher than, the standards for services provided by the Department of Mental Health and Addiction Services or a state-licensed substance use treatment provider, and (ii) the applicable department agrees to submit timely component participation and completion reports to the division in the manner required by the division; and (B) shall direct such person to attend the recommended drug education or substance use treatment component within 90 days unless the division determines that a later start date is appropriate.

(3) The division shall also direct such person to attend the applicable community service component ordered by the court, and supervise such person's participation in such community service component.

(4) The division may allow any person placed in the program whose employment, residence, or schooling makes it unreasonable to participate in any component of the program ordered by the



court in this state to participate in the applicable program components in another state if: (A) the out-of-state component provider has standards substantially similar to, or higher than, those of this state; (B) for any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; (C) the person allowed to participate in any the components of the program in another state pays the applicable program fee and participation costs provided in this section.

(5) If the division learns that any person placed in the program has either failed to comply with the requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of section 21a-267, 21a-279 or 21a-279a, the division shall inform the court and return such person's case to court for further proceedings.

(e)(1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the drug education component, pay to the court a nonrefundable program fee of five hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and shall also pay to the treatment provider any costs associated with such treatment. All program fees shall be deposited in the General Fund.

(2)(A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency, and (ii) the court enters a finding of such indigency.

(B) If the court finds that a person is indigent and unable to pay for the program application or the evaluation fee for the program, the court may waive all or any portion of these fees.

(C) If the court finds that a person is indigent and unable to pay for the drug education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in such drug education services offered by a provider located in this state.

(D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such



treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by the Department of Mental Health and Addiction Services.

(E) Notwithstanding any provision of this section, in no event shall the Department of Mental Health and Addiction Services pay any costs associated with education or substance use treatment provided outside of this state.

(f)(1) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has determined is not eligible for the program, and the court finds that such person is not eligible to participate in the program, the court shall revoke such person's placement in the program.

(2) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has learned has failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of section 21a-267, 21a-279 or 21a-279a, and the court finds that such person is no longer eligible to continue participating in the program, the court shall terminate such person's participation in the program.

(3) If the court revokes any person's placement in the program or terminates any person's participation in the program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list, unless such person is eligible for, such person requests, and the court grants such person reinstatement into the program pursuant to subsection (k) of this section.

(4)(A) If the court revokes any person's placement in the program, such person shall not be required to pay any program fee or participation costs specified in subsection (e) of this section. (B) If the court terminates any person's participation in the program, no program fees or substance use treatment costs imposed pursuant to subsection (e) of this section shall be refunded.

(g) The Department of Mental Health and Addiction Services shall administer the drug education component of the program and shall adopt regulations, in accordance with the provisions of chapter 54, to establish standards for such drug education component. The department may contract with service providers to provide the appropriate drug education component in accordance with the



provisions of this section. The department may combine the services for the drug education component of the program under the provisions of this section with the services for the alcohol education component of the alcohol intervention program under the provisions of section 54-56g, as amended by this act, if necessary to ensure the appropriate and timely access to the court ordered education components. Participation by a person in any combined drug and alcohol education services provided by the department for the drug education component of the program under the provisions of this section shall not be deemed participation in, nor shall affect such person's eligibility for, the alcohol intervention program under the provisions of section 54-56g.

(h)(1) All program component providers shall provide the Court Support Services Division with a certification regarding the participation of each person referred to such provider pursuant to this section in the manner required by the division. (A) If such person has successfully completed the applicable program component, the certification shall indicate such successful completion and state whether additional substance use treatment is recommended. (B) If such person has failed to successfully complete the applicable program component, the certification shall indicate the reasons for such failure, whether the person is no longer amenable to education or treatment, and whether the current referral was an initial referral under subsection (d) of this section or a reinstatement under subsection (k) of this section for the program component. The certification of failure shall also, to the extent practicable, include a recommendation as to whether an alternative drug education or substance use treatment component would best serve such person's needs.

(2) Except as provided in subdivision (3) of this subsection, upon receipt of a participation certification from any program component provider pursuant to this subsection the Court Support Services Division shall provide the court with a final progress report indicating whether such person has successfully completed any components of the program ordered by the court, whether the division required such person to participate in any additional substance use treatment in accordance with subdivision (3) of this subsection, and whether such person successfully completed any such additional substance use treatment. The final progress report shall also include any other information the division obtained during the supervision of such person relevant to such person's participation in the program, including whether the results of a criminal history record check, which the division shall complete prior to the submission of the final progress report, reveals that such person has engaged in any conduct that constitutes a violation of section 21a-267, 21a-279 or 21a-279a during such person's period of participation in the program.



(3) If a participation certification indicates that a person who was placed in the program successfully completed the drug education or substance use treatment component ordered by the court, but the program component provider recommends additional substance use treatment for such person, the Court Support Services Division may, if it deems such additional treatment appropriate, require such person to participate in the recommended additional substance use treatment in order to satisfactorily complete the pretrial drug intervention and community service program. If the division requires such additional substance use treatment, the division shall provide the court with a final progress report in accordance with subdivision (2) of this subsection upon receipt of the participation certification from the substance use treatment provider for such additional treatment.

(i)(1) If any person successfully completes all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division, such person may apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program. Upon application, the court shall review the final progress report submitted by the Court Support Services Division regarding such person and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial drug intervention and community service program, the court shall dismiss the charges.

(2) If any person who has successfully completed all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division does not apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program, the court may, upon its own motion, review of the final progress report regarding such person submitted by the Court Support Services Division and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial drug intervention and community service program, the court shall dismiss the charges.

(3) Upon the motion of any person placed in the program and a showing of good cause, the court may extend the program placement period for a reasonable period of time to allow such person to complete the applicable program components.

(j) If, upon review of the final progress report submitted by the Court Support Services Division or any other relevant information, the court finds that any person placed in the program has failed to successfully complete any component of the program ordered by the court, is no longer amenable to treatment, or is otherwise ineligible to continue participating in the program, the court shall terminate such person's participation in the program. No program fees or substance use treatment



costs imposed pursuant to subsection (e) of this section shall be refunded to any person whose participation in the program is terminated. Unless such person requests, and the court grants, reinstatement into the program pursuant to subsection (k) of this section, the court shall order the court file of any person whose participation in the program is terminated to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list.

(k)(1) Any person whose participation in the program is terminated may ask the court to reinstate such person into the program up to two times. If a person requests reinstatement into the program, the Court Support Services Division shall verify that such person is eligible for such reinstatement. If a person requesting reinstatement into the program is eligible for reinstatement, the court may, in its discretion, grant such person reinstatement into the program. When granting such reinstatement, the court shall order the defendant to participate in an appropriate drug education, substance use treatment, or community service component of the program.

(2) Any person reinstated into the program shall (i) if ordered to participate in the drug education component of the program, pay to the court a nonrefundable program fee of two hundred fifty dollars, which shall be deposited in the General Fund, or (ii) if ordered to participate in the substance use treatment component of the program pay the costs of any substance use treatment. The court shall not waive the program fee or the costs of substance use treatment associated with reinstatement into the program unless good cause is shown and such person participates in the applicable drug education at a service provider located in this state or substance use treatment at a substance use treatment provider licensed by and located in this state.

(l)(1) If any person applies for both the pretrial drug intervention and community service program under the provisions of this section and the pretrial alcohol intervention program pursuant to section 54-56g, as amended by this act, for charges arising from the same arrest, and the Department of Mental Health and Addiction Services has already completed the required evaluation and determination of the appropriate alcohol education or substance use treatment component pursuant to section 54-56g, as amended by this act, the court and the Court Support Services Division may rely on such evaluation and determination for the purposes of ordering participation and directing attendance in the drug education or substance use treatment component of the program under the provisions of this section. If the court and the division rely on such evaluation and determination, such person shall not be required to pay the evaluation fee under the provisions of subdivision (2) of subsection (b) of this section, provided that such person has paid, or the court has waived, the evaluation fee pursuant to section 54-56g, as amended by this act.



(2) If any person is placed in both the pretrial drug intervention and community service program under the provisions of this section and the pretrial alcohol intervention program pursuant to section 54-56g, as amended by this act, for charges arising from the same arrest, the court may find that: (A) Such person's successful completion of the alcohol education component of the pretrial alcohol intervention program pursuant to section 54-56g, as amended by this act, satisfies such person's required participation in the drug education component of the pretrial drug intervention and community service program under the provisions of this section; or (B) Such person's successful completion of the substance use treatment component of the pretrial alcohol intervention program pursuant to section 54-56g, as amended by this act, satisfies such person's required participation in the substance use treatment component of the pretrial drug intervention and community service program under the provisions of this section.

(3) Nothing in this subsection shall relieve any person placed in both the pretrial drug intervention and community service program pursuant to this section and the pretrial alcohol intervention program pursuant to section 54-56g, as amended by this act, for charges arising from the same arrest from the requirement to participate in the (A) community service component of the pretrial drug intervention and community service program under the provisions of this section, in order to satisfactorily complete the pretrial drug intervention and community service program, or (B) victim impact component of the pretrial alcohol intervention program, if ordered by the court pursuant to section 54-56g, as amended by this act, in order to satisfactorily complete the pretrial alcohol intervention program.

(m) The Court Support Services Division shall retain a record of participation in the pretrial drug intervention and community service program for a period of ten years from the date the court grants the application for, and places the applicant in, the program pursuant to the provisions of this section.

**Section 3.** Section 54-56k of the general statutes is repealed. (*Effective July 1, 2021*)





## Agency Legislative Proposal - 2021 Session

**Document Name:** 10012020\_DMHAS\_Harm Reduction

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

**State Agency:** DMHAS

**Liaison:** Mary Kate Mason

**Phone:** (860)418-6839

**E-mail:** mary.mason@ct.gov

**Lead agency division requesting this proposal:** Office of the Commissioner

**Agency Analyst/Drafter of Proposal:** Mary Kate Mason

**Title of Proposal:** An Act Concerning Harm Reduction

**Statutory Reference:** C.G.S. 21a-240

**Proposal Summary:**

Updates the definition of drug paraphernalia to exclude glass pipettes and legalizes distribution of drug paraphernalia in harm reduction kits

### PROPOSAL BACKGROUND

◇ **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Harm reduction is a strategy that seeks to mitigate the entire range of problems associated with unregulated drug use. Harm reduction includes a full range of tools and technologies to reduce medical and social harms of illicit drug use, including syringe service programs and the provision of harm reduction kits. This proposal pioneers legalizing glass pipes used to smoke crack cocaine, reducing the risk of physical damages caused by glass pipettes cracked from heat.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

*If this is a resubmission, please share:*

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*



Proponents of this proposal include the New Haven police chief and the staff from the High Intensity Drug Trafficking Area program

### **PROPOSAL IMPACT**

#### **◇ AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** DCP

**Agency Contact (name, title, phone):** Leslie O'Brien

**Date Contacted:** 9/30/2020

Approve of Proposal    ☐ YES    ☐ NO    ☒ Talks Ongoing

#### **Summary of Affected Agency's Comments**

Leslie will confer with her team regarding this change to DCP section of statute

Will there need to be further negotiation?    ☒ YES    ☐ NO

**Agency Name:** DPH

**Agency Contact (name, title, phone):** Brie Wolf

**Date Contacted:** 9/30/2020

Approve of Proposal    ☐ YES    ☐ NO    ☒ Talks Ongoing

#### **Summary of Affected Agency's Comments**

Brie will confer with her team regarding this change to statute. DPH is involved in funding and overseeing harm reduction programs

Will there need to be further negotiation?    ☒ YES    ☐ NO

**Agency Name:** DESSP

**Agency Contact (name, title, phone):** Scott Devico

**Date Contacted:** 9/30/2020

Approve of Proposal    ☐ YES    ☐ NO    ☒ Talks Ongoing

#### **Summary of Affected Agency's Comments**



Will there need to be further negotiation? ☒ YES ☐ NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

**Municipal** *(please include any municipal mandate that can be found within legislation)*

n/a

**State**

n/a

**Federal**

n/a

**Additional notes on fiscal impact**

n/a

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

May provide flexibility for programs providing drug abuse harm reduction

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

Two studies reveal some results that are favorable to legalized glass pipettes used to smoke crack cocaine. A study of Brazilian harm reduction programs found distribution of harm reduction kits, including crack pipes, resulted in increased access to health, social, and psychological support. Declining rates of health problems associated with crack smoking during the expansion of crack pipe distribution in Vancouver, Canada suggest that the expansion of crack pipe distribution services has likely served to reduce health problems from smoking crack in this setting.

**Insert fully drafted bill here**

Section 21a-240 (20) A is repealed and the following is substituted thereof



(20) (A) “Drug paraphernalia” refers to equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or ingesting, inhaling or otherwise introducing into the human body, any controlled substance contrary to the provisions of this chapter including, but not limited to: (i) Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived; (ii) kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances; (iii) isomerization devices used, intended for use in increasing the potency of any species of plant which is a controlled substance; (iv) testing equipment used, intended for use or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances; (v) dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances; (vi) separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; (vii) capsules and other containers used, intended for use or designed for use in packaging small quantities of controlled substances; (viii) containers and other objects used, intended for use or designed for use in storing or concealing controlled substances; (ix) objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: Metal, wooden, acrylic, [glass,] stone, plastic or ceramic pipes with screens, permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs or ice pipes or chillers, but does not include pipes made from glass or such objects as distributed by a program approved by a state agency