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## OLR Bill Analysis

### sHB 5225

#### ***AN ACT PROHIBITING CERTAIN LICENSEES AND REGISTRANTS FROM SELLING, DISPENSING, TRANSFERRING OR DELIVERING ANY DRUG OR DEVICE TO EXECUTE A COURT-IMPOSED SENTENCE OF DEATH.***

#### **SUMMARY**

This bill generally prohibits manufacturing, selling, or dispensing a drug while knowing that the person receiving it intends to use it to execute a court-imposed death sentence. The bill also authorizes the Department of Consumer Protection (DCP) or the Commission of Pharmacy, depending on the credential, to take various actions when a credential holder takes certain actions involving a drug that the holder knows will be used by someone to execute a court-imposed death sentence.

EFFECTIVE DATE: October 1, 2026, except the prohibited actions related to manufacturers, wholesalers, sterile compounding pharmacies, and certain people take effect June 15, 2026.

#### **§§ 1-3 — DRUG MANUFACTURERS AND WHOLESALERS**

By law, drug manufacturers and wholesalers (distributors) must register with DCP. Currently, a retail pharmacy that supplies an emergency stock of certain drugs to a prison medical director is not a wholesaler or distributor and does not have to register. The bill requires registration when the prison has actual knowledge that a noncontrolled drug or controlled substance will be used to execute a court-imposed death sentence. (The bill does not specify how to attribute this knowledge to the prison.)

By law, the DCP commissioner can deny a registration certificate if issuing one would be inconsistent with the public interest. The law sets out a number of factors the commissioner must consider in making this determination, including certain convictions or regulatory actions, the

applicant's past experience and regulatory compliance, and having adequate controls and security. The bill also requires the commissioner to consider if the applicant manufactured, sold, or dispensed a drug or device actually knowing that the person purchasing or receiving it directly from the applicant intended to use it to execute a court-imposed death sentence.

The law specifies a number of reasons that are sufficient for the commissioner to suspend, revoke, or refuse to renew a registration, reprimand a registrant, or place a registrant on probation, such as criminal convictions related to drugs, providing false information, lack of adequate controls, or violating state or federal drug laws. The bill adds to this list manufacturing, selling, or dispensing a drug or device when actually knowing that the person purchasing or receiving it directly from the registrant intends to use it to execute a court-imposed death sentence.

The bill requires an applicant or registrant seeking renewal to attest to the commissioner in a signed written statement that the applicant or registrant will not manufacture, sell, or dispense a drug or device when actually knowing that the person purchasing or receiving it directly from the applicant or registrant intends to use it to execute a court-imposed death sentence. The DCP commissioner must set the form and manner for this statement.

The law requires a manufacturer or wholesaler to obtain a DCP license to sell and dispense controlled substances. The bill prohibits a licensed manufacturer or wholesaler from selling or dispensing a controlled drug directly to another person while actually knowing that the person intends to use it to execute a court-imposed death sentence.

### **§ 3 — CERTAIN INDIVIDUALS**

Current law allows the person in charge of a hospital, college, scientific institution, or laboratory, an employee of this or another state or their political subdivisions, or a proper officer of a ship or aircraft who obtains a controlled substance to administer it within the scope of his or her employment or duty and only for scientific or medicinal

purposes or research or analysis. The bill prohibits these individuals from obtaining, dispensing, or using a controlled drug to execute a court-imposed death sentence.

#### **§§ 4 & 5 — PHARMACISTS**

By law, the Commission of Pharmacy can (1) refuse to issue a temporary permit to practice pharmacy; (2) refuse to issue or renew a license to practice pharmacy or operate a pharmacy or registration of a pharmacy intern or technician; (3) revoke, suspend, or place conditions on any of these credentials; (4) reprimand or place on probation a credential holder; or (5) assess a civil penalty of up to \$1,000 per violation for numerous grounds. The bill adds to the permissible grounds for these actions that while holding the credential, the person dispensed or distributed a drug or device directly to someone while actually knowing that the person intended to use it to execute a court-imposed death sentence.

The bill also prohibits the commission from renewing a pharmacist license if within the calendar year before the application the person dispensed or distributed a drug or device directly to someone while actually knowing that the person intended to use it to execute a court-imposed death sentence.

#### **§§ 6 & 7 — PRESCRIPTIONS**

The bill prohibits a prescribing practitioner (a person licensed by any state or U.S. jurisdiction who is authorized to issue a prescription within the scope of the person's practice) from dispensing or transferring a drug or device directly to someone while actually knowing that the person intends to use it to execute a court-imposed death sentence.

The bill makes any request for a controlled substance to execute a court-imposed death sentence an invalid prescription and considers it outside the context of a valid practitioner-patient relationship.

#### **§ 8 — NONRESIDENT PHARMACY REGISTRATION CERTIFICATE**

Current law allows the Commission of Pharmacy to deny, revoke, or suspend a nonresident pharmacy's registration certificate for failing to

comply with state or federal laws or regulations, delivering an adulterated or misbranded legend drug or device, or disciplinary actions taken against the pharmacy by any state or federal agency. The bill adds as an additional ground for these actions by the commission that the pharmacy delivered a legend drug or device directly to someone while actually knowing that the person intends to use it to execute a court-imposed death sentence.

**§ 9 — STERILE COMPOUNDING PHARMACIES**

The bill prohibits a sterile compounding pharmacy from providing, selling, or transferring a sterile pharmaceutical directly to someone while actually knowing that the person intends to use it to execute a court-imposed death sentence.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 13    Nay 7    (03/11/2026)