



Senate

General Assembly

File No. 48

February Session, 2006

Substitute Senate Bill No. 174

Senate, March 21, 2006

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MARIJUANA FLAVORED CANDY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) No person shall sell or
2 offer for sale any candy or other food containing a cannabis-type
3 substance, as defined in subdivision (7) of section 21a-240 of the
4 general statutes, or containing any ingredient solely for the purpose of
5 simulating the flavor of a cannabis-type substance.

6 (b) A violation of subsection (a) of this section shall be deemed an
7 unfair or deceptive trade practice under subsection (a) of section 42-
8 110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	New section
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GL Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Consumer Protection, Dept.; Attorney General	Various - Revenue Gain	Potential Minimal	Potential Minimal

Municipal Impact: None

Explanation

The bill makes it an unfair trade practice to sell or offer for sale any candy or other food that contains a cannabis-type substance or any other ingredient solely to simulate the flavor of marijuana. Under the Connecticut Unfair Trade Practices Act (CUTPA), the Department of Consumer Protection (DCP) and the Attorney General can impose CUTPA fines.

In the case of settlements, depending on the negotiation terms, funds are either deposited into the DCP’s Consumer Protection Settlement Account or the unrestricted resources of the General Fund. Funds deposited into the Consumer Protection Settlement Account are used only to enhance activities that further consumer protection. In FY 05, \$92,298 in CUTPA fines were deposited into the DCP Consumer Protection Settlement Account. Additionally, in FY 05, \$356,751 in CUTPA fines were deposited into the General Fund as a result of settlements negotiated by the Office of the Attorney General (OAG). The state agencies could accommodate the workload associated with enforcement of the bill without requiring additional resources. To the extent that the bill increases the potential for future violations, the bill could result in a minimal revenue gain to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
sSB 174

AN ACT CONCERNING MARIJUANA FLAVORED CANDY.

SUMMARY:

This bill makes it an unfair trade practice to sell or offer for sale any candy or other food that contains a cannabis-type substance or any other ingredient solely to simulate the flavor of marijuana.

EFFECTIVE DATE: July 1, 2006

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. The act also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

Cannabis-Type Substances

The law defines “cannabis-type substances” to include parts of a plant or species of the genus cannabis, whether or not it is growing, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabimon, cannabiol, cannabidiol and similar compounds. It excludes a plant’s mature stalks; fiber made from the stalks; a compound, manufacture, salt,

derivative, mixture, or preparation made from the stalks; and oil or cake made from the seeds (CGS § 21a-240(7)).

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 13 Nay 3 (03/07/2006)