



House of Representatives

General Assembly

File No. 308

January Session, 2015

Substitute House Bill No. 5780

House of Representatives, March 31, 2015

The Committee on General Law reported through REP. BARAM of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT LEGALIZING INDUSTRIAL HEMP.

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

1 Section 1. Subdivision (29) of section 21a-240 of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2015*):

4 (29) "Marijuana" means all parts of any plant, or species of the genus
5 cannabis or any infra specific taxon thereof, whether growing or not;
6 the seeds thereof; the resin extracted from any part of the plant; and
7 every compound, manufacture, salt, derivative, mixture, or
8 preparation of such plant, its seeds or resin. [It] Marijuana does not
9 include the mature stalks of such plant, fiber produced from such
10 stalks, oil or cake made from the seeds of such plant, any other
11 compound, manufacture, salt, derivative, mixture or preparation of
12 such mature stalks, except the resin extracted therefrom, fiber, oil, or
13 cake, [or] the sterilized seed of such plant which is incapable of
14 germination, or industrial hemp, as defined in 7 USC 5940, as amended
15 from time to time. Included are cannabimon, cannabimol or cannabidiol

16 and chemical compounds which are similar to cannabimon, cannabinol
 17 or cannabidiol in chemical structure or which are similar thereto in
 18 physiological effect, and which show a like potential for abuse, which
 19 are controlled substances under this chapter unless modified;

20 Sec. 2. Subdivision (7) of section 21a-240 of the general statutes is
 21 repealed and the following is substituted in lieu thereof (*Effective July*
 22 *1, 2015*):

23 (7) "Cannabis-type substances" include all parts of any plant, or
 24 species of the genus cannabis or any infra specific taxon thereof
 25 whether growing or not; the seeds thereof; the resin extracted from any
 26 part of such a plant; and every compound, manufacture, salt,
 27 derivative, mixture or preparation of such plant, its seeds or resin; but
 28 shall not include the mature stalks of such plant, fiber produced from
 29 such stalks, oil or cake made from the seeds of such plant, any other
 30 compound, manufacture, salt, derivative, mixture or preparation of
 31 such mature stalks, except the resin extracted therefrom, fiber, oil or
 32 cake, [or] the sterilized seed of such plant which is incapable of
 33 germination, or industrial hemp, as defined in 7 USC 5940, as amended
 34 from time to time. Included are cannabimon, cannabinol, cannabidiol
 35 and chemical compounds which are similar to cannabimon, cannabinol
 36 or cannabidiol in chemical structure or which are similar thereto in
 37 physiological effect, and which show a like potential for abuse, which
 38 are controlled substances under this chapter unless modified;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	21a-240(29)
Sec. 2	<i>July 1, 2015</i>	21a-240(7)

Statement of Legislative Commissioners:

Section 2 was added to amend the definition of "cannabis-type substances", for accuracy and statutory consistency.

GL Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill results in no fiscal impact to the state as providing a definition for industrial hemp does not alter the duties or responsibilities of the Department of Consumer Protection.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5780*****AN ACT LEGALIZING INDUSTRIAL HEMP.*****SUMMARY:**

This bill legalizes industrial hemp by removing it from the state “marijuana” and “cannabis-type substances” definitions, thereby removing its status as a controlled substance. Thus, the bill allows industrial hemp to be grown, used, and sold under state law (see BACKGROUND).

Under current law, except for authorized medical purposes, anyone manufacturing or selling marijuana may be subject to felony penalties. Anyone possessing marijuana for non-medical purposes is subject to penalties ranging from a civil fine to a felony, depending on the amount.

The bill incorporates the definition of industrial hemp from a recent federal law. Under that law, industrial hemp means the plant *Cannabis sativa* L. and any part of the plant whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3% on a dry weight basis.

EFFECTIVE DATE: July 1, 2015

BACKGROUND***Federal Law***

The federal Controlled Substances Act defines marijuana to include all parts of the *Cannabis sativa* L. plant regardless of THC level (21 USC § 802(16)).

Under the Agricultural Act of 2014, an institution of higher education or state agriculture department may grow or cultivate

industrial hemp under a pilot program or other research programs that meet certain conditions, if allowed under state law (7 USC § 5940).

Industrial Hemp

Industrial hemp is generally differentiated from marijuana by its level of THC, with 1% THC considered the threshold for inducing intoxication or psychotropic effect.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2015)