



General Assembly

February Session, 2018

Raised Bill No. 487

LCO No. 2458



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE LEGALIZATION, TAXATION AND
REGULATION OF THE RETAIL SALE AND RECREATIONAL USE OF
MARIJUANA AND CONCERNING THE PRODUCTION AND
REGULATION OF HEMP.***

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

1 Section 1. (NEW) (*Effective from passage*) As used in this section, and
2 sections 2 to 24, inclusive, of this act, unless the context otherwise
3 requires:

4 (1) "Approved producer" means a producer licensed pursuant to
5 section 21a-408i of the general statutes, that receives permission
6 pursuant to section 9 of this act to sell and distribute marijuana to
7 approved dispensaries;

8 (2) "Approved dispensary" means a dispensary that receives
9 permission pursuant to section 10 of this act to sell, distribute, and
10 dispense marijuana to consumers who are not qualifying patients or
11 primary caregivers;

12 (3) "Consumer" means an individual twenty-one years of age or

13 older;

14 (4) "Cultivation" means cultivation, as defined in section 21a-408 of
15 the general statutes;

16 (5) "Dispensary" means a person who is licensed as a dispensary
17 pursuant to section 21a-408h of the general statutes;

18 (6) "Laboratory" means a laboratory located in the state that is
19 licensed to provide analysis of controlled substances pursuant to
20 section 21a-246 or 21a-408 of the general statutes or section 14 of this
21 act;

22 (7) "Laboratory employee" means a person who is (A) licensed as a
23 laboratory employee pursuant to section 21a-408r of the general
24 statutes or section 14 of this act, or (B) holds a temporary license issued
25 pursuant to section 21a-408r of the general statutes or section 14 of this
26 act;

27 (8) "Marijuana" means marijuana, as defined in section 21a-240 of
28 the general statutes;

29 (9) "Marijuana concentrate" includes tinctures and extracts;

30 (10) "Marijuana cultivation facility" means a person licensed to
31 cultivate, prepare and package marijuana and sell marijuana to
32 dispensaries, marijuana lounges, marijuana product manufacturing
33 facilities, marijuana retailers and other marijuana cultivation facilities.
34 "Marijuana cultivation facility" does not include the residence or
35 dwelling of a person who engages in home cultivation for personal use
36 pursuant to section 8 of this act;

37 (11) "Marijuana establishment" means a marijuana cultivation
38 facility, marijuana lounge, marijuana product manufacturing facility or
39 marijuana retailer;

40 (12) "Marijuana lounge" means a person licensed to sell marijuana or

41 marijuana products to consumers for on-site consumption by means
42 other than smoking;

43 (13) "Marijuana product" means a product that is comprised of
44 marijuana or marijuana concentrates and other ingredients and is
45 intended for use or consumption, including, but not limited to, edible
46 products and ointments;

47 (14) "Marijuana product manufacturing facility" means a person
48 licensed to purchase marijuana, manufacture, prepare and package
49 marijuana products, and sell marijuana and marijuana products to
50 marijuana product manufacturing facilities, marijuana lounges and
51 retail marijuana stores;

52 (15) "Marijuana retailer" means a person licensed to purchase
53 marijuana from marijuana cultivation facilities and marijuana and
54 marijuana products from marijuana product manufacturing facilities in
55 order to sell marijuana and marijuana products to consumers;

56 (16) "Paraphernalia" means drug paraphernalia, as defined in
57 section 21a-240 of the general statutes;

58 (17) "Person" means a person, as defined in section 21a-240 of the
59 general statutes;

60 (18) "Possession limit" means the possession limit, as set forth in
61 section 2 of this act;

62 (19) "Primary caregiver" means primary caregiver, as defined in
63 section 21a-408h of the general statutes; and

64 (20) "Qualifying patient" means qualifying patient, as defined in
65 section 21a-408h of the general statutes.

66 Sec. 2. (NEW) (*Effective from passage*) (a) (1) A consumer may
67 purchase or possess usable marijuana or marijuana products, provided
68 no such consumer possesses (A) any such usable marijuana or

69 marijuana product in a manner that is not secure from unauthorized
70 access, including access by any person under twenty-one years of age,
71 or (B) any such usable marijuana or marijuana product in an amount
72 that exceeds such consumer's possession limit pursuant to subdivision
73 (2) of this subsection.

74 (2) (A) On and after the effective date of this section and until
75 January 1, 2020, a consumer pursuant to subdivision (1) of this
76 subsection may possess one ounce of usable marijuana, except that
77 such consumer may not possess marijuana concentrates or marijuana
78 products.

79 (B) On and after January 1, 2020, a consumer pursuant to
80 subdivision (1) of this subsection may possess one ounce of usable
81 marijuana, not including marijuana concentrates; five grams of
82 marijuana concentrates; marijuana products containing no more than
83 five hundred milligrams of delta-9-tetrahydrocannabinol; six
84 marijuana plants and any additional marijuana produced by the
85 person's marijuana plants; provided any amount of marijuana in
86 excess of one ounce in plant form and five grams of concentrated
87 marijuana may only be possessed at the same residential location
88 where the plants were cultivated pursuant to section 8 of this act.

89 (b) Except as provided in chapter 420b or 420f of the general
90 statutes, no person may purchase marijuana or marijuana products,
91 except from an approved dispensary, a marijuana lounge or marijuana
92 retailer.

93 (c) No approved dispensary, marijuana lounge or marijuana retailer
94 may sell any marijuana or marijuana product to any individual under
95 twenty-one years of age. Each approved dispensary, marijuana retailer
96 and marijuana lounge shall ensure that any sale pursuant to this
97 section is conducted in accordance with section 30-86 of the general
98 statutes, as amended by this act.

99 (d) Any sales transaction made pursuant to this section shall be

100 subject to the tax under chapter 219 of the general statutes.

101 Sec. 3. (NEW) (*Effective January 1, 2020*) Notwithstanding any
102 provision of the general statutes, no operator of a marijuana
103 establishment, employee of any such establishment or consumer may
104 be subject to arrest or prosecution, penalized in any manner, including,
105 but not limited to, being subject to any civil penalty, or denied any
106 right or privilege for the acquisition, distribution, possession, use or
107 transportation of marijuana, marijuana products or paraphernalia
108 related to marijuana in accordance with the provisions of sections 2 to
109 24, inclusive, of this act.

110 Sec. 4. (NEW) (*Effective from passage*) Any marijuana, marijuana
111 products or paraphernalia relating to marijuana or other property
112 seized by law enforcement officials from a consumer or marijuana
113 establishment in connection with the claimed use of marijuana under
114 sections 2 to 24, inclusive, of this act, shall be returned to the consumer
115 or marijuana establishment immediately upon the determination by a
116 court that the consumer or marijuana establishment is in compliance
117 with the provisions of sections 2 to 24, inclusive, of this act, as
118 evidenced by a decision not to prosecute, a dismissal of charges or an
119 acquittal. The provisions of this section do not apply to any person that
120 fails to comply with the provisions of sections 2 to 24, inclusive, of this
121 act.

122 Sec. 5. (NEW) (*Effective from passage*) (a) Except as provided in
123 chapter 420b or 420f of the general statutes and subsection (b) of this
124 section, no person, other than an approved dispensary, may distribute,
125 sell or dispense marijuana to a consumer.

126 (b) Any consumer may offer to give or give no more than fifteen
127 grams of usable marijuana, none of which may be marijuana
128 concentrate or marijuana products, to another consumer.

129 Sec. 6. (NEW) (*Effective January 1, 2020*) (a) Except as provided in
130 chapter 420b or 420f of the general statutes and subsection (b) of this

131 section, no person, other than a marijuana lounge or marijuana retailer,
132 as provided in section 11 of this act, may sell usable marijuana or
133 marijuana products to a consumer.

134 (b) Any consumer may offer to give or give no more than an ounce
135 of usable marijuana to another consumer, no more than five grams of
136 which may be concentrate.

137 (c) Any consumer may offer to give or give usable marijuana
138 products containing no more than five hundred milligrams of delta-9-
139 tetrahydrocannabinol to another consumer.

140 Sec. 7. (NEW) (*Effective from passage*) Notwithstanding any provision
141 of chapter 420b of the general statutes, a consumer may manufacture,
142 possess or purchase paraphernalia related to marijuana or distribute or
143 sell paraphernalia related to marijuana to another consumer.

144 Sec. 8. (NEW) (*Effective January 1, 2020*) (a) No individual not
145 licensed pursuant to section 10 of this act may cultivate more than six
146 marijuana plants at any one time.

147 (b) No such individual may cultivate marijuana plants, unless:

148 (1) Such individual is twenty-one years of age or older;

149 (2) Such individual takes reasonable precautions to ensure that the
150 plants are secure from unauthorized access or access by any individual
151 under twenty-one years of age; and

152 (3) Any such cultivation is in a location where the plants are not
153 subject to public view, including to view from another property,
154 without the use of binoculars, aircraft or other optical aids.

155 (c) No such individual may cultivate a marijuana plant on any
156 property not lawfully in the person's possession. No more than twelve
157 marijuana plants may be cultivated at any one time at a single
158 residence.

159 (d) Any individual who violates any provision of this section shall
160 be subject to a civil penalty of not more than seven hundred fifty
161 dollars.

162 Sec. 9. (NEW) (*Effective from passage*) (a) Not later than thirty days
163 after the effective date of this section, the Department of Consumer
164 Protection shall accept applications from licensed producers, as
165 defined in section 21a-408 of the general statutes, to become approved
166 producers for the purposes of distributing marijuana to approved
167 dispensaries for sale to consumers who are not qualifying patients or
168 primary caregivers. Each application to be an approved producer shall
169 be accompanied by a fee of fifteen thousand dollars.

170 (b) The Department of Consumer Protection shall grant a producer's
171 application to produce and distribute marijuana to approved
172 dispensaries not later than thirty business days after receiving the
173 completed application, unless:

174 (1) The producer's license under section 21a-408i of the general
175 statutes has been suspended or revoked;

176 (2) The applicant failed to pay the application fee; or

177 (3) The municipality in which the producer is located prohibited
178 producers from operating as approved producers, pursuant to section
179 17 of this act.

180 (c) The Liquor and Marijuana Control Commission, established
181 under section 30-2 of the general statutes, as amended by this act, may
182 suspend or terminate a producer's approval to sell marijuana to
183 approved dispensaries for consumers if any of the following occur:

184 (1) The approved producer fails to maintain an adequate supply of
185 cannabis to serve the state's qualifying patients;

186 (2) The approved producer raises its prices for cannabis for medical
187 cannabis by more than the equivalent of inflation, based on the

188 consumer price index for urban consumers; or

189 (3) The approved producer violates any regulation adopted by the
190 Department of Consumer Protection.

191 (d) On or after one year from the effective date of this section, no
192 approved producer may sell marijuana to a dispensary unless the
193 approved producer has been granted a marijuana cultivator facility
194 license under section 12 of this act, or a marijuana product
195 manufacturing facility license under section 13 of this act.

196 (e) The Commissioner of Consumer Protection may adopt
197 regulations, in accordance with chapter 54 of the general statutes, to
198 provide for standards for approved producers.

199 Sec. 10. (NEW) (*Effective from passage*) (a) Not later than sixty days
200 after the effective date of this section, the Department of Consumer
201 Protection shall accept applications from dispensaries to distribute
202 marijuana to consumers who are not qualifying patients or primary
203 caregivers. Each application to be an approved dispensary shall be
204 accompanied by a fee of fifteen thousand dollars.

205 (b) The department shall grant a dispensary's application to
206 distribute marijuana to consumers not later than thirty business days
207 after receiving a completed application, unless:

208 (1) The dispensary's license under section 21a-408h of the general
209 statutes has been suspended or revoked;

210 (2) The applicant failed to pay the application fee; or

211 (3) The municipality in which the dispensary is located prohibited
212 dispensaries from operating as approved dispensaries, pursuant to
213 section 17 of this act.

214 (c) The Liquor and Marijuana Control Commission, established
215 under section 30-2 of the general statutes, as amended by this act, may

216 suspend or terminate a dispensary's approval to sell to marijuana to
217 consumers if any of the following occur:

218 (1) The approved dispensary fails to maintain an adequate supply of
219 cannabis to serve the dispensary's qualifying patients;

220 (2) The approved dispensary raises its prices for medical cannabis
221 for qualifying patients by more than the equivalent of inflation, based
222 on the consumer price index for urban consumers;

223 (3) The approved dispensary fails to collect the surcharge as
224 required by section 27 of this act;

225 (4) The approved dispensary sells marijuana products or marijuana
226 concentrate to consumers who are not qualifying patients or primary
227 caregivers; or

228 (5) The approved dispensary violates regulations adopted by the
229 department.

230 (d) On or after one year from the effective date of this section, no
231 approved dispensary may sell to consumers who are not qualifying
232 patients or primary caregivers, unless the dispensary has been granted
233 a marijuana retailer license under section 11 of this act, or a marijuana
234 lounge license under section 11 of this act.

235 (e) The Commissioner of Consumer Protection may adopt
236 regulations, in accordance with chapter 54 of the general statutes, to
237 provide for standards for approved dispensaries.

238 Sec. 11. (NEW) (*Effective from passage*) (a) Not later than January 1,
239 2020, the Department of Consumer Protection shall begin issuing and
240 renewing licenses for persons applying to be a marijuana lounge or
241 marijuana retailer. No person may act as a marijuana lounge or
242 marijuana retailer or represent that such person is a licensed retailer or
243 lounge, unless such person has obtained a license from the department
244 pursuant to this section.

245 (b) The Commissioner of Consumer Protection shall determine the
246 number of marijuana lounges and marijuana retailers appropriate to
247 meet the needs of consumers and shall adopt regulations, in
248 accordance with chapter 54 of the general statutes, to provide for the
249 licensure and standards for marijuana lounges and marijuana retailers.
250 On and after the effective date of such regulations, the commissioner
251 may license any person that applies for a license in accordance with
252 such regulations, provided the commissioner deems such applicant
253 qualified to acquire, possess, distribute and dispense marijuana
254 pursuant to sections 2 to 24, inclusive, of this act and the number of
255 licenses issued does not exceed the number of marijuana lounges and
256 marijuana retailers appropriate to meet the needs of consumers, as
257 determined by the commissioner pursuant to this subsection. At a
258 minimum, such regulations shall:

259 (1) Indicate the maximum number of marijuana lounges and
260 marijuana retailers that may be licensed in this state;

261 (2) Provide that no marijuana or marijuana product may be
262 dispensed from, obtained from or transferred to a location outside of
263 this state;

264 (3) Establish a nonrefundable application fee of not more than five
265 thousand dollars for each application;

266 (4) Establish a licensing fee and renewal fee for each licensed
267 marijuana lounge or marijuana retailer, provided the aggregate
268 amount of such fees and application fee shall be in an amount that is
269 reasonably necessary to cover the direct and indirect cost of licensing
270 and regulating marijuana retailers and marijuana lounges pursuant to
271 sections 2 to 24, inclusive, of this act;

272 (5) Provide for renewal of such marijuana lounge or marijuana
273 retailer licenses at least every two years;

274 (6) Describe any area in this state where licensed marijuana lounges

275 or marijuana retailers may not be located, after considering the criteria
276 for the location of retail liquor permit premises set forth in subsection
277 (a) of section 30-46 of the general statutes;

278 (7) Establish health, safety and security requirements for licensed
279 marijuana lounge and marijuana retailers, which may include, but
280 need not be limited to: (A) The ability to maintain adequate control
281 against the diversion, theft and loss of marijuana acquired or
282 possessed by the licensed marijuana lounge or marijuana retailer, and
283 (B) the ability to maintain the knowledge, understanding, judgment,
284 procedures, security controls and ethical standards to ensure optimal
285 safety and accuracy in the distributing, dispensing and use of
286 marijuana;

287 (8) Establish standards and procedures for revocation, suspension,
288 summary suspension and nonrenewal of marijuana lounge or
289 marijuana retailer licenses, provided such standards and procedures
290 are consistent with the provisions of subsection (c) of section 4-182 of
291 the general statutes; and

292 (9) Establish other licensing, renewal and operational standards
293 deemed necessary by the commission.

294 (c) Any fees collected by the commission under this section shall be
295 paid to the State Treasurer and credited to the General Fund.

296 Sec. 12. (NEW) (*Effective from passage*) (a) Not later than July 1, 2019,
297 the Department of Consumer Protection shall begin issuing and
298 renewing licenses for persons applying to be a marijuana cultivation
299 facility. No person may act as a marijuana cultivation facility or
300 represent that such person is a licensed marijuana cultivation facility
301 unless such person has obtained a license from the commission
302 pursuant to this section.

303 (b) Not later than January 1, 2019, the Commissioner of Consumer
304 Protection shall adopt regulations, in accordance with chapter 54 of the

305 general statutes, to provide for the licensure, standards and locations
306 for marijuana cultivation facilities and specify the maximum number
307 of such facilities that may be licensed in this state at any time. On and
308 after the effective date of such regulations, the commissioner may
309 license any person who applies for a license in accordance with such
310 regulations, provided (1) such applicant is organized for the purpose
311 of cultivating marijuana in this state, and (2) the commissioner finds
312 that such applicant has appropriate expertise in agriculture and that
313 such applicant is qualified to cultivate marijuana and sell, deliver,
314 transport or distribute marijuana solely within this state pursuant to
315 sections 2 to 24, inclusive, of this act. At a minimum, such regulations
316 shall:

317 (A) Create at least three tiers of cultivation facilities based on the
318 size of the facility or the number of plants cultivated, provided
319 applicants for outdoor cultivation shall be allowed to cultivate at least
320 three times as large a canopy as indoor cultivators of the same tier;

321 (B) Indicate the maximum number of marijuana cultivation facilities
322 in the largest of the tiers that may be licensed at any time;

323 (C) Provide that no marijuana may be sold, delivered, transported
324 or distributed by a marijuana cultivation facility from or to a location
325 outside of this state or directly to any consumer in this state;

326 (D) Establish a nonrefundable application fee of not more than five
327 thousand dollars for each application submitted for a marijuana
328 cultivation facility license, provided the fee is not more than one
329 thousand dollars for the smallest tier;

330 (E) Establish a license fee and renewal fee for each licensed
331 marijuana cultivation facility, provided the aggregate amount of
332 application, licensing and renewal fees shall be less than an amount
333 that is reasonably necessary to cover the direct and indirect cost of
334 licensing and regulating marijuana cultivation facilities pursuant to
335 sections 2 to 24, inclusive, of this act;

336 (F) Provide for renewal of such marijuana cultivation facility
337 licenses at least every two years;

338 (G) Provide that no marijuana cultivation facility may cultivate
339 marijuana for use outside of this state and designate permissible
340 locations for licensed marijuana cultivation facilities in this state;

341 (H) Establish financial requirements for the largest tier of marijuana
342 cultivation facilities, under which each applicant demonstrates the
343 financial capacity to build and operate a marijuana cultivation facility;

344 (I) Establish health, safety and security requirements for licensed
345 marijuana cultivation facilities, which shall include, but need not be
346 limited to, a requirement that each applicant or licensed marijuana
347 cultivation facility demonstrate: (i) The ability to maintain adequate
348 control against the diversion, theft and loss of marijuana cultivated by
349 the marijuana cultivation facility, and (ii) the ability to cultivate such
350 marijuana in a secure manner;

351 (J) Establish standards for revocation, suspension, summary
352 suspension and nonrenewal of indoor and outdoor marijuana
353 cultivation facility licenses, provided such standards and procedures
354 are consistent with the provisions of subsection (c) of section 4-182;
355 and

356 (K) Establish other licensing, renewal and operational standards
357 deemed necessary by the commission.

358 (c) Any fees collected by the commission under this section shall be
359 paid to the State Treasurer and credited to the General Fund.

360 Sec. 13. (NEW) (*Effective from passage*) (a) Not later than October 1,
361 2019, the Department of Consumer Protection shall begin issuing and
362 renewing marijuana product manufacturing licenses to persons
363 applying for such licenses pursuant to this section. No person may act
364 as a marijuana product manufacturing facility or represent that such

365 person is a licensed marijuana product manufacturing facility unless
366 such person has obtained a license from the commission pursuant to
367 this section.

368 (b) Not later than March 1, 2019, the Commissioner of Consumer
369 Protection shall adopt regulations, in accordance with chapter 54 of the
370 general statutes, to provide for the licensure, standards and locations
371 for marijuana product manufacturing facilities. On and after the
372 effective date of such regulations, the commissioner may license any
373 person who applies for a license in accordance with such regulations,
374 provided (1) such person is organized for the purpose of
375 manufacturing marijuana products in this state, and (2) the
376 commissioner finds that such applicant is qualified to manufacture
377 marijuana products and sell, deliver, transport or distribute such
378 products solely within this state pursuant to sections 2 to 24, inclusive,
379 of this act. At a minimum, such regulations shall:

380 (A) Provide that no marijuana products may be sold, delivered,
381 transported or distributed by a marijuana product manufacturing
382 facility from or to a location outside of this state or directly to any
383 consumer in this state;

384 (B) Establish a nonrefundable application fee for each application
385 submitted for a marijuana product manufacturing facility license, in an
386 amount no greater than five thousand dollars;

387 (C) Establish a license fee and renewal fee for each licensed
388 marijuana product manufacturing facility, provided the aggregate
389 amount of application, licensing and renewal fees shall be an amount
390 that is reasonably necessary to cover the direct and indirect cost of
391 licensing and regulating marijuana product manufacturing facilities
392 pursuant to sections 2 to 24, inclusive, of this act;

393 (D) Provide for renewal of marijuana product manufacturing facility
394 licenses at least every two years;

395 (E) Provide that no marijuana product manufacturing facility may
396 manufacture products for distribution outside of this state and
397 designate permissible locations for a licensed marijuana product
398 manufacturing facility in this state;

399 (F) Establish financial requirements for a marijuana product
400 manufacturing facility, under which each applicant demonstrates the
401 financial capacity to build and operate a marijuana product
402 manufacturing facility;

403 (G) Establish health and safety standards for the manufacture of
404 marijuana products; and

405 (H) Establish requirements for marijuana products' labels and
406 packaging requirements, including, but not limited to, the following:

407 (i) A disclosure concerning length of time it typically takes for the
408 marijuana product to affect an individual;

409 (ii) A list of ingredients and possible allergens;

410 (iii) A nutritional fact panel, if such marijuana product is edible;

411 (iv) An opaque, child-resistant packaging, which is designed or
412 constructed to be significantly difficult for children under five years of
413 age to open and not difficult for adults to use properly as defined by 16
414 CFR 1700.20, as amended from time to time;

415 (v) Identification of edible marijuana products, when practicable,
416 with a standard symbol indicating that it contains marijuana;

417 (vi) The license number of the marijuana cultivation facility;

418 (vii) The license number of the marijuana product manufacturer;

419 (viii) The batch number of the marijuana or marijuana product;

420 (ix) A net weight statement;

421 (x) Warning labels;

422 (xi) A disclosure of any solvent used in the extraction process, if
423 applicable; and

424 (xii) A recommended use by or expiration date for marijuana or
425 marijuana products.

426 (I) Establish a definition of the amount of delta-9-
427 tetrahydrocannabinol that constitutes a single serving in a marijuana
428 product;

429 (J) Establish standards for the safe manufacture of marijuana
430 concentrates; and

431 (K) Establish other licensing, renewal and operational standards
432 deemed necessary by the commission.

433 (c) Any fees collected by the commissioner under this section shall
434 be paid to the State Treasurer and credited to the General Fund.

435 Sec. 14. (NEW) (*Effective from passage*) (a) Except as provided in
436 subsection (b) of this section, no person may act as a laboratory or a
437 laboratory employee or represent that such person is a licensed
438 laboratory or laboratory employee unless such person has obtained a
439 license from the Commissioner of Consumer Protection pursuant to
440 this section or section 21a-408r or 21a-246 of the general statutes.

441 (b) Prior to the effective date of regulations adopted under this
442 section, the Commissioner of Consumer Protection may issue a
443 temporary license to a laboratory or a laboratory employee. The
444 commissioner shall prescribe the standards, procedures and fees for
445 obtaining a temporary license as a laboratory or a laboratory
446 employee.

447 (c) Not later than January 1, 2019, the Commissioner of Consumer
448 Protection shall adopt regulations, in accordance with chapter 54 of the

449 general statutes, to:

450 (1) Establish standards for the operation of laboratories, including
451 requirements for equipment and qualifications for personnel;

452 (2) Provide for the licensure of laboratories and laboratory
453 employees;

454 (3) Establish standards and procedures for the revocation,
455 suspension, summary suspension, and nonrenewal of laboratory and
456 laboratory employee licenses, provided such standards and
457 procedures are consistent with the provisions of subsection (c) of
458 section 4-182 of the general statutes;

459 (4) Establish a license and renewal fee for each licensed laboratory
460 and licensed laboratory employee, provided the aggregate amount of
461 such application, license, and renewal fee shall be an amount
462 reasonably necessary to cover the direct and indirect costs of licensing
463 and regulating laboratories and laboratory employees in accordance
464 with the provisions of this chapter, and establish other licensing,
465 renewal and operational standards deemed necessary by the
466 commissioner;

467 (5) Establish protocol for random sample testing and requirements
468 for reporting results; testing shall include testing for residual solvents,
469 poisons, toxins, harmful chemicals, dangerous molds or mildew, filth,
470 harmful microbials such as E. Coli or salmonella and pesticides; and

471 (6) Establish other licensing, renewal and operational standards
472 deemed necessary by the commissioner.

473 (d) Not later than July 1, 2019, the Department of Consumer
474 Protection shall begin licensing laboratories and laboratory employees
475 in accordance with the provisions of this section.

476 (e) Any fees collected by the Department of Consumer Protection
477 under this section shall be paid to the State Treasurer and credited to

478 the General Fund.

479 Sec. 15. (NEW) (*Effective from passage*) (a) No laboratory employee
480 may obtain or transport marijuana outside of this state in violation of
481 state or federal law.

482 (b) Laboratory employees shall test samples of marijuana and
483 marijuana products obtained from marijuana establishments for
484 contaminants and potency. The Commissioner of Consumer Protection
485 shall adopt regulations, in accordance with chapter 54 of the general
486 statutes, to establish testing protocol and requirements for reporting
487 results.

488 Sec. 16. (NEW) (*Effective from passage*) The Department of Consumer
489 Protection may, in its discretion, suspend, revoke or refuse to grant or
490 renew any license under sections 11 to 24, inclusive, of this act, for the
491 same reasons and using the same procedures as the department may
492 use to suspend, revoke or refuse to grant a permit for the sale of
493 alcoholic liquor pursuant to section 30-47 of the general statutes.

494 Sec. 17. (NEW) (*Effective from passage*) (a) Any town may, by town
495 meeting or ordinance, prohibit or restrict in any manner the operation
496 of a marijuana establishment within the limits of such town.

497 (b) Any town may, by town meeting or ordinance, allow for the
498 operation of one or more marijuana lounges within the limits of such
499 town.

500 (c) The Department of Consumer Protection shall refuse licenses to
501 marijuana establishment, approved dispensaries and approved
502 producers, (1) for locations in towns that have opted not to host such
503 an establishment pursuant to subsection (a) of this section, or (2) where
504 prohibited by the zoning ordinance of any town.

505 (d) The Department of Consumer Protection shall refuse a license to
506 a marijuana lounge, unless such marijuana lounge will operate in a

507 town that, pursuant to subsection (b) of this section, allows for such
508 operation.

509 Sec. 18. (NEW) (*Effective from passage*) (a) Notwithstanding any
510 provision of the general statutes, the following acts, when performed
511 by a marijuana lounge or marijuana retailer or an individual twenty-
512 one years of age or older who is acting in his or her capacity as an
513 owner, employee or agent of a marijuana lounge or marijuana retailer,
514 are not unlawful and shall not be an offense or a basis for seizure or
515 forfeiture of assets:

516 (1) Possessing, displaying, storing or transporting marijuana or
517 marijuana products;

518 (2) Purchasing marijuana from a marijuana cultivation facility;

519 (3) Purchasing marijuana or marijuana products from a marijuana
520 product manufacturing facility;

521 (4) Delivering or transferring marijuana or marijuana products to a
522 laboratory; and

523 (5) Delivering, distributing or selling marijuana or marijuana
524 products to consumers, marijuana lounges or marijuana retailers.

525 (b) Notwithstanding any provision of the general statutes, the
526 following acts, when performed by an approved dispensary or an
527 individual who is acting in his or her capacity as an owner, employee,
528 or agent of such a dispensary, are not unlawful and shall not be an
529 offense or a basis for seizure or forfeiture of assets:

530 (1) Purchasing marijuana from a marijuana cultivation facility or an
531 approved producer;

532 (2) Delivering or transferring marijuana or marijuana products to a
533 laboratory; and

534 (3) Delivering, distributing or selling marijuana to consumers,
535 provided (A) no more than fifteen grams of marijuana may be
536 delivered to a consumer other than a qualifying patient or primary
537 caregiver in a single transaction, and (B) a dispensary may not
538 knowingly dispense an amount that causes a consumer other than a
539 qualifying patient or primary caregiver to possess more than fifteen
540 grams of marijuana.

541 (c) Notwithstanding any provision of the general statutes, the
542 following acts, when performed by a marijuana cultivation facility or
543 an individual twenty-one years of age or older who is acting in his or
544 her capacity as an owner, employee or agent of a marijuana cultivation
545 facility, are not unlawful and shall not be an offense or a basis for
546 seizure or forfeiture of assets:

547 (1) Cultivating, harvesting, processing, packaging, transporting,
548 displaying, storing or possessing marijuana;

549 (2) Delivering or transferring marijuana to a laboratory;

550 (3) Delivering, distributing or selling marijuana to a marijuana
551 cultivation facility, marijuana product manufacturing facility, a
552 marijuana lounge, a marijuana retailer, a dispensary or an approved
553 dispensary;

554 (4) Receiving or purchasing marijuana from a marijuana cultivation
555 facility; and

556 (5) Receiving marijuana seeds or immature marijuana plants from
557 an individual twenty-one years of age or older or an approved
558 producer.

559 (d) Notwithstanding any provision of the general statutes, the
560 following acts, when performed by an approved producer or an
561 individual twenty-one years of age or older who is acting in his or her
562 capacity as an owner, employee, or agent of an approved producer, are

563 not unlawful and shall not be an offense or a basis for seizure or
564 forfeiture of assets:

565 (1) Cultivating, harvesting, processing, packaging, transporting,
566 displaying, storing or possessing marijuana;

567 (2) Delivering or transferring marijuana to a laboratory;

568 (3) Delivering, distributing or selling marijuana to an approved
569 dispensary; and

570 (4) Receiving marijuana seeds or immature marijuana plants from
571 an individual twenty-one years of age or older or an approved
572 producer.

573 (e) Notwithstanding any other provision of law, the following acts,
574 when performed by a marijuana product manufacturing facility or an
575 individual twenty-one years of age or older who is acting in his or her
576 capacity as an owner, employee, or agent of a marijuana product
577 manufacturing facility, are not unlawful and shall not be an offense or
578 a basis for seizure or forfeiture of assets:

579 (1) Packaging, processing, transporting, manufacturing, displaying
580 or possessing marijuana or marijuana products;

581 (2) Delivering or transferring marijuana or marijuana products to a
582 marijuana testing facility;

583 (3) Delivering or selling marijuana or marijuana products to a
584 marijuana lounge, marijuana retailer or marijuana product
585 manufacturing facility;

586 (4) Purchasing marijuana from a marijuana cultivation facility; and

587 (5) Purchasing marijuana or marijuana products from a marijuana
588 product manufacturing facility.

589 (f) Notwithstanding any other provision of law, the following acts,

590 when performed by a laboratory or an individual twenty-one years of
591 age or older who is acting in his or her capacity as an owner, employee
592 or agent of a laboratory, are not unlawful and shall not be an offense or
593 a basis for seizure or forfeiture of assets:

594 (1) Possessing, cultivating, processing, repackaging, storing,
595 transporting or displaying marijuana or marijuana products;

596 (2) Receiving marijuana or marijuana products from a marijuana
597 establishment, a dispensary or an individual twenty-one years of age
598 or older; and

599 (3) Returning marijuana or marijuana products to a marijuana
600 establishment or an individual twenty-one years of age or older.

601 (g) No provision of this section prevents the imposition of penalties
602 for violating sections 2 to 24, inclusive, of this act or regulations
603 adopted to carry out the provisions of sections 2 to 24, inclusive, of this
604 act.

605 Sec. 19. (NEW) (*Effective from passage*) (a) Not later than January 1,
606 2019, the Department of Consumer Protection shall adopt regulations,
607 in accordance with chapter 54 of the general statutes, to implement the
608 provisions of sections 2 to 24, inclusive, of this act. At a minimum, such
609 regulations shall include:

610 (1) Requirements for fingerprint-based criminal history records
611 checks for all owners, officers, managers, contractors, employees and
612 other support staff of marijuana establishments, provided
613 misdemeanor and infraction-level drug offenses shall not disqualify an
614 individual from serving as an owner, officer, manager, contractor,
615 employee or support staff of marijuana establishments;

616 (2) Qualifications for licensure that are directly and demonstrably
617 related to the operation of a marijuana establishment;

618 (3) Procedures and policies to promote and encourage full

619 participation in the regulated marijuana industry by people from
620 communities that have previously been disproportionately harmed by
621 marijuana prohibition and enforcement and to positively impact those
622 communities;

623 (4) Security requirements including lighting, physical security,
624 video and alarm requirements, which (A) may differ based on the tier
625 of the marijuana cultivation facility or marijuana product
626 manufacturing facility, and (B) shall include the ability to maintain (i)
627 adequate control against the diversion, theft and loss of marijuana
628 acquired or possessed by the licensed marijuana retailer or marijuana
629 lounge, and (ii) the knowledge, understanding, judgment, procedures,
630 security controls and ethics to ensure optimal safety and accuracy in
631 the distributing, dispensing and use of marijuana;

632 (5) Requirements for the transportation and storage of marijuana
633 and marijuana products by marijuana establishments;

634 (6) Employment and training requirements, including a requirement
635 that each marijuana establishment create an identification badge for
636 each employee or agent;

637 (7) Requirements designed to prevent the sale or diversion of
638 marijuana and marijuana products to persons under twenty-one years
639 of age;

640 (8) Requirements for marijuana labels and packaging requirements;

641 (9) Restrictions on advertising, marketing and signage, including,
642 but not limited to, a prohibition on mass-market campaigns that have a
643 high likelihood of reaching children;

644 (10) Restrictions on the display of marijuana and marijuana
645 products to ensure that marijuana and marijuana products may not be
646 displayed in a manner that is visible to the general public from a
647 public right-of-way;

648 (11) Restrictions or prohibitions on additives to marijuana and
649 marijuana products, including, but not limited to, those that are toxic,
650 designed to make the product more addictive, designed to make the
651 product more appealing to children or misleading to consumers. The
652 prohibition may not extend to common baking and cooking items;

653 (12) Protocols governing visits to marijuana cultivation facilities and
654 marijuana product manufacturing facilities, including requiring the
655 marijuana establishment to maintain a log of visitors;

656 (13) Requirements that educational materials be disseminated to
657 consumers who purchase marijuana or marijuana products; and

658 (14) Civil penalties for the failure to comply with regulations made
659 pursuant to sections 2 to 24, inclusive, of this act.

660 (b) No regulation enacted pursuant to sections 2 to 24, inclusive, of
661 this act shall require a consumer to provide a marijuana lounge or
662 marijuana retailer with personal information other than government
663 issued identification to determine the consumer's age or a marijuana
664 lounge or marijuana retailer to acquire and record personal
665 information about consumers.

666 Sec. 20. (NEW) (*Effective from passage*) (a) Except as provided in this
667 section, the provisions of sections 2 to 24, inclusive, of this act, do not
668 require any person that occupies, owns or controls a property to allow
669 the consumption, cultivation, display, sale or transfer of marijuana on
670 or in that property.

671 (b) No landlord may prohibit a tenant from possessing marijuana
672 pursuant to section 2 of this act in any dwelling unit or on the premises
673 of such dwelling unit that such landlord rents to the tenant. A landlord
674 may, in accordance with section 47a-9 of the general statutes, prohibit
675 smoking or open display or cultivation of marijuana in any dwelling or
676 the premises of such dwelling.

677 (c) For the purposes of this section, "dwelling unit", "landlord" and
678 "tenant" have the same meanings as provided in section 47a-1 of the
679 general statutes.

680 Sec. 21. (NEW) (*Effective from passage*) (a) No person may smoke or
681 otherwise consume marijuana or marijuana products in any place
682 where such person is prohibited from smoking pursuant to section
683 19a-342 of the general statutes or on any public street or highway or
684 any other public place.

685 (b) Any person found guilty of smoking or otherwise consuming
686 marijuana or marijuana products in violation of this section shall have
687 committed an infraction.

688 Sec. 22. (NEW) (*Effective July 1, 2019*) (a) No employer is required to
689 make accommodations for an employee or allow an employee to (1)
690 perform his or her duties while under the influence of marijuana, or (2)
691 possess marijuana while performing such duties.

692 (b) For the purposes of this section, "employer" means a person
693 engaged in business who has one or more employees, including the
694 state and any political subdivision of the state.

695 Sec. 23. (NEW) (*Effective from passage*) (a) A holder of any
696 professional or occupational license may not be subject to arrest,
697 prosecution or professional discipline for providing advice or services
698 related to marijuana establishments or applications to operate
699 marijuana establishments on the basis that marijuana is illegal under
700 federal law.

701 (b) An applicant for any professional or occupational license may
702 not be denied a license based on previous employment related to
703 marijuana establishments operating in accordance with state law.

704 Sec. 24. (NEW) (*Effective from passage*) All contracts related to the
705 operation of a marijuana establishment licensed under sections 9 to 18,

706 inclusive, of this act, should be enforceable. No contract entered into
707 by a licensed marijuana establishment or its employees or agents as
708 permitted pursuant to a valid license, or by those who allow property
709 to be used by an establishment, its employees, or its agents as
710 permitted pursuant to a valid license, shall be unenforceable on the
711 basis that cultivating, obtaining, manufacturing, distributing,
712 dispensing, transporting, selling, possessing or using marijuana is
713 prohibited by federal law.

714 Sec. 25. Subdivision (120) of section 12-412 of the 2018 supplement
715 to the general statutes is repealed and the following is substituted in
716 lieu thereof (*Effective from passage*):

717 (120) On and after April 1, 2015, sales of the following
718 nonprescription drugs or medicines available for purchase for use in or
719 on the body: Vitamin or mineral concentrates; dietary supplements;
720 natural or herbal drugs or medicines, including marijuana sold under
721 the provisions of chapter 420f; products intended to be taken for
722 coughs, cold, asthma or allergies, or antihistamines; laxatives;
723 antidiarrheal medicines; analgesics; antibiotic, antibacterial, antiviral
724 and antifungal medicines; antiseptics; astringents; anesthetics;
725 steroidal medicines; anthelmintics; emetics and antiemetics; antacids;
726 and any medication prepared to be used in the eyes, ears or nose.
727 Nonprescription drugs or medicines shall not include cosmetics,
728 dentifrices, mouthwash, shaving and hair care products, soaps or
729 deodorants.

730 Sec. 26. (NEW) (*Effective from passage*) (a) As used in this section:

731 (1) "Approved dispensary" means an approved dispensary, as
732 defined in section 1 of this act;

733 (2) "Consumer" means consumer, as defined in section 1 of this act;

734 (3) "Primary caregiver" means primary caregiver who is registered
735 under section 21a-408d, of the general statutes; and

736 (4) "Qualifying patient" means qualifying patient who is registered
737 under section 21a-408d of the general statutes.

738 (b) (1) Commencing with the effective date of this section and
739 ending January 1, 2020, except as provided in this section, there shall
740 be paid to the Commissioner of Revenue Services by each approved
741 dispensary a surcharge of twenty-five hundredths of its gross receipts
742 for all sales to consumers. The surcharge shall not apply to sales to
743 qualifying patients or their primary caregivers for purchases in the
744 amounts allowed by the Department of Consumer Protection under
745 chapter 420f of the general statutes.

746 (2) Each approved dispensary shall register with the Commissioner
747 of Revenue Services on forms prescribed by the commissioner. No
748 approved dispensary may sell marijuana to consumers who are not
749 primary caregivers or qualifying patients unless it is registered with
750 the commissioner in accordance with the provisions of this subsection.

751 (3) Any approved dispensary that fails to register with the
752 commissioner in accordance with the provisions of this subsection
753 shall pay a penalty of one thousand dollars, which penalty shall not be
754 subject to waiver.

755 (4) Each approved dispensary shall submit a return quarterly to the
756 Commissioner of Revenue Services, applicable with respect to the
757 calendar quarter beginning after the dispensary receives approval to
758 sell to consumers, and each calendar quarter thereafter, on or before
759 the last day of the month immediately following the end of each such
760 calendar quarter, on a form prescribed by the commissioner, together
761 with payment of the quarterly surcharge determined and payable in
762 accordance with the provisions of this section. Whenever such
763 surcharge is not paid when due, a penalty of ten per cent of the
764 amount due or fifty dollars, whichever is greater, shall be imposed,
765 and such surcharge shall bear interest at the rate of one per cent per
766 month or fraction thereof until the same is paid. The Commissioner of

767 Revenue Services shall cause copies of a form prescribed for
768 submitting returns as required under this section to be distributed to
769 persons subject to the surcharge. Failure to receive such form shall not
770 be construed to relieve anyone subject to the surcharge under this
771 section from the obligations of submitting a return, together with
772 payment of such surcharge, within the time required. The provisions
773 of sections 12-548 to 12-554, inclusive, of the general statutes, and
774 sections 12-555a and 12-555b of the general statutes, shall apply to the
775 provisions of this section in the same manner and with the same force
776 and effect as if the language of sections 12-548 to 12-554, inclusive, of
777 the general statutes and sections 12-555a and 12-555b of the general
778 statutes had been incorporated in full into this section and had
779 expressly referred to the surcharge imposed under this section, except
780 to the extent that any such provision is inconsistent with a provision of
781 this section and except that the term "tax" shall be read as "marijuana
782 and marijuana products surcharge".

783 (c) Any moneys received by the state pursuant to this section shall
784 be deposited into the General Fund.

785 Sec. 27. (NEW) (*Effective from passage*) (a) As used in this section: (1)
786 "Marijuana lounge" means marijuana lounge, as defined in section 1 of
787 this act, (2) "marijuana retailer" means marijuana retailer, as defined in
788 section 1 of this act, (3) "marijuana" means marijuana, as defined in
789 section 21a-240 of the general statutes, and (4) "marijuana product
790 manufacturer" means marijuana product manufacturer, as defined in
791 section 1 of this act.

792 (b) (1) Commencing one year after the effective date of this section,
793 there shall be paid to the Commissioner of Revenue Services by each
794 marijuana lounge, marijuana retailer or marijuana product
795 manufacturer, a surcharge of fifty dollars per ounce of marijuana
796 flowers purchased from a marijuana cultivator and fifteen dollars per
797 ounce for all other marijuana purchased from a marijuana cultivator.
798 Each marijuana lounge, marijuana retailer or marijuana product

799 manufacturer, shall register with the Commissioner of Revenue
800 Services on forms prescribed by the commissioner. Each marijuana
801 lounge, marijuana retailer or marijuana product manufacturer that is
802 registered with the commissioner shall renew its registration with the
803 commissioner on October first of each year in such manner as the
804 commissioner may prescribe. The commissioner shall send a
805 nonrenewal notice by first class mail to each marijuana lounge,
806 marijuana retailer or marijuana product manufacturer that fails to
807 renew its registration in accordance with the provisions of this
808 subsection. No marijuana lounge, marijuana retailer or marijuana
809 product manufacturer, may engage in or transact business as a
810 marijuana lounge or marijuana retailer unless it is registered with the
811 commissioner in accordance with the provisions of this subsection.

812 (2) (A) Any marijuana lounge, marijuana retailer or marijuana
813 product manufacturer that fails to register with the commissioner in
814 accordance with the provisions of this subsection shall pay a penalty of
815 one thousand dollars, which penalty shall not be subject to waiver.

816 (B) Any marijuana lounge, marijuana retailer or marijuana product
817 manufacturer that fails to renew its registration within forty-five days
818 after a nonrenewal notice was sent pursuant to subdivision (1) of this
819 subsection shall pay a penalty of two hundred dollars, which the
820 commissioner may waive in the manner set forth in section 12-3a of the
821 general statutes, when it is proven to the commissioner's satisfaction
822 that the failure to register was due to reasonable cause and was not
823 intentional or due to neglect. No penalty may be assessed under this
824 subparagraph more than once during any registration period.

825 (3) Each marijuana lounge, marijuana retailer or marijuana product
826 manufacturer shall submit a return quarterly to the Commissioner of
827 Revenue Services, applicable with respect to the calendar quarter
828 beginning January 1, 2019, and each calendar quarter thereafter, on or
829 before the last day of the month immediately following the end of each
830 such calendar quarter, on a form prescribed by the commissioner,

831 together with payment of the quarterly surcharge determined and
832 payable in accordance with the provisions of this section. Whenever
833 such surcharge is not paid when due, a penalty of ten per cent of the
834 amount due or fifty dollars, whichever is greater, shall be imposed,
835 and such surcharge shall bear interest at the rate of one per cent per
836 month or fraction thereof until the same is paid. The Commissioner of
837 Revenue Services shall cause copies of a form prescribed for
838 submitting returns as required under this section to be distributed to
839 persons subject to the surcharge. Failure to receive such form shall not
840 be construed to relieve anyone subject to the surcharge under this
841 section from the obligations of submitting a return, together with
842 payment of such surcharge within the time required. The provisions of
843 sections 12-548 to 12-554, inclusive, of the general statutes, and sections
844 12-555a and 12-555b of the general statutes, shall apply to the
845 provisions of this section in the same manner and with the same force
846 and effect as if the language of sections 12-548 to 12-554, inclusive, of
847 the general statutes and sections 12-555a and 12-555b of the general
848 statutes had been incorporated in full into this section and had
849 expressly referred to the surcharge imposed under this section, except
850 to the extent that any such provision is inconsistent with a provision of
851 this section and except that the term "tax" shall be read as "marijuana
852 and marijuana products surcharge."

853 (c) Any moneys received by the state pursuant to this section shall
854 be deposited into the General Fund.

855 Sec. 28. Section 53a-213 of the general statutes is repealed and the
856 following is substituted in lieu thereof (*Effective October 1, 2018*):

857 (a) A person is guilty of drinking alcoholic liquor or smoking or
858 otherwise consuming marijuana or marijuana products while
859 operating a motor vehicle when [he] such person drinks any alcoholic
860 liquor or smokes or otherwise consumes marijuana or marijuana
861 products while operating a motor vehicle upon a public highway of
862 this state or upon any road of any specially chartered municipal

863 association or of any district organized under the provisions of chapter
864 105, a purpose of which is the construction and maintenance of roads
865 and sidewalks, or in any parking area for ten cars or more, or upon any
866 private road on which a speed limit has been established in accordance
867 with the provisions of section 14-218a or upon any school property. As
868 used in this section, "alcoholic liquor" has the same meaning as
869 provided in section 30-1, as amended by this act, and "marijuana" has
870 the same meaning as provided in section 21a-240 and "marijuana
871 products" has the same meaning as provided in section 1 of this act.

872 (b) Drinking alcoholic liquor or smoking or otherwise consuming
873 marijuana or marijuana products while operating a motor vehicle is a
874 class C misdemeanor.

875 Sec. 29. Subsection (b) of section 21a-277 of the 2018 supplement to
876 the general statutes is repealed and the following is substituted in lieu
877 thereof (*Effective July 1, 2019*):

878 (b) (1) No person may manufacture, distribute, sell, prescribe,
879 dispense, compound, transport with the intent to sell or dispense,
880 possess with the intent to sell or dispense, offer, give or administer to
881 another person, except as authorized in this chapter, [or] chapter 420f
882 or sections 2 to 19, inclusive, of this act, any controlled substance other
883 than a (A) narcotic substance, or (B) hallucinogenic substance.

884 (2) Any person who violates subdivision (1) of this subsection (A)
885 for a first offense, may be fined not more than twenty-five thousand
886 dollars or imprisoned not more than seven years, or be both fined and
887 imprisoned, and (B) for any subsequent offense, may be fined not more
888 than one hundred thousand dollars or imprisoned not more than
889 fifteen years, or be both fined and imprisoned.

890 Sec. 30. Subsection (b) of section 21a-278 of the 2018 supplement to
891 the general statutes is repealed and the following is substituted in lieu
892 thereof (*Effective July 1, 2019*):

893 (b) (1) No person may manufacture, distribute, sell, prescribe,
894 dispense, compound, transport with the intent to sell or dispense,
895 possess with the intent to sell or dispense, offer, give or administer to
896 another person, except as authorized in this chapter, [or] chapter 420f
897 or sections 2 to 19, inclusive, of this act, (A) a narcotic substance, (B) a
898 hallucinogenic substance, (C) an amphetamine-type substance, or (D)
899 one kilogram or more of a cannabis-type substance. The provisions of
900 this subdivision shall not apply to a person who is, at the time of the
901 commission of the offense, a drug-dependent person.

902 (2) Any person who violates subdivision (1) of this subsection (A)
903 for a first offense, shall be imprisoned not less than five years or more
904 than twenty years, and (B) for any subsequent offense, shall be
905 imprisoned not less than ten years or more than twenty-five years. The
906 execution of the mandatory minimum sentence imposed by the
907 provisions of this subdivision shall not be suspended, except that the
908 court may suspend the execution of such mandatory minimum
909 sentence if, at the time of the commission of the offense, such person
910 was under the age of eighteen years or such person's mental capacity
911 was significantly impaired, but not so impaired as to constitute a
912 defense to prosecution.

913 Sec. 31. Subsection (a) of section 21a-279 of the general statutes is
914 repealed and the following is substituted in lieu thereof (*Effective from*
915 *passage*):

916 (a) (1) Any person who possesses or has under such person's control
917 any quantity of any controlled substance, except less than one-half
918 ounce of a cannabis-type substance and except as authorized in this
919 chapter or chapter 420f or sections 2 to 24, inclusive, of this act, shall be
920 guilty of a class A misdemeanor.

921 (2) For a second offense of subdivision (1) of this subsection, the
922 court shall evaluate such person and, if the court determines such
923 person is a drug-dependent person, the court may suspend

924 prosecution of such person and order such person to undergo a
925 substance abuse treatment program.

926 (3) For any subsequent offense of subdivision (1) of this subsection,
927 the court may find such person to be a persistent offender for
928 possession of a controlled substance in accordance with section 53a-40.

929 Sec. 32. Subsection (a) of section 21a-279a of the general statutes is
930 repealed and the following is substituted in lieu thereof (*Effective from*
931 *passage*):

932 (a) Any person who possesses or has under his or her control less
933 than one-half ounce of a cannabis-type substance, as defined in section
934 21a-240, except as authorized in this chapter, chapter 420f and sections
935 2 to 24, inclusive, of this act, shall (1) for a first offense, be fined one
936 hundred fifty dollars, and (2) for a subsequent offense, be fined not
937 less than two hundred dollars or more than five hundred dollars.

938 Sec. 33. Section 30-86 of the general statutes is repealed and the
939 following is substituted in lieu thereof (*Effective from passage*):

940 (a) As used in this section:

941 (1) "Cardholder" means any person who presents a driver's license
942 or an identity card to a permittee or permittee's agent or employee, to
943 purchase or receive alcoholic liquor from such permittee or permittee's
944 agent or employee;

945 (2) "Identity card" means an identification card issued in accordance
946 with the provisions of section 1-1h, as amended by this act;

947 (3) "Transaction scan" means the process by which a permittee or
948 permittee's agent or employee checks, by means of a transaction scan
949 device, the validity of a driver's license or an identity card; [and]

950 (4) "Transaction scan device" means any commercial device or
951 combination of devices used at a point of sale that is capable of

952 deciphering in an electronically readable format the information
953 encoded on the magnetic strip or bar code of a driver's license or an
954 identity card;

955 (5) "Licensee" means a marijuana lounge, marijuana retailer or
956 approved dispensary, as defined in section 1 of this act;

957 (6) "Approved dispensary" means approved dispensary, as defined
958 in section 1 of this act;

959 (7) "Marijuana" means marijuana, as defined in section 21a-240; and

960 (8) "Marijuana product" means marijuana product, as defined in
961 section 1 of this act.

962 (b) (1) Any permittee or licensee or any servant or agent of a
963 permittee or licensee who sells or delivers alcoholic liquor, marijuana
964 or a marijuana product to any minor or any intoxicated person, or to
965 any habitual drunkard, knowing the person to be such an habitual
966 drunkard, shall be subject to the penalties of section 30-113.

967 (2) Any person who sells, ships, delivers or gives alcoholic liquor,
968 marijuana or a marijuana product to a minor, by any means, including,
969 but not limited to, the Internet or any other on-line computer network,
970 except on the order of a practicing physician, shall be fined not more
971 than three thousand five hundred dollars or imprisoned not more than
972 eighteen months, or both.

973 (3) The provisions of this subsection shall not apply (A) to a sale,
974 shipment or delivery made to a person over age eighteen who is an
975 employee or permit holder under section 30-90a and where such sale,
976 shipment or delivery is made in the course of such person's
977 employment or business, (B) to a sale, shipment or delivery made in
978 good faith to a minor who practices any deceit in the procurement of
979 an identity card issued in accordance with the provisions of section 1-
980 1h, as amended by this act, who uses or exhibits any such identity card

981 belonging to any other person or who uses or exhibits any such
982 identity card that has been altered or tampered with in any way, or (C)
983 to a shipment or delivery made to a minor by a parent, guardian or
984 spouse of the minor, provided such parent, guardian or spouse has
985 attained the age of twenty-one and provided such minor possesses
986 such alcoholic liquor while accompanied by such parent, guardian or
987 spouse.

988 (4) Nothing in this subsection shall be construed to burden a
989 person's exercise of religion under section 3 of article first of the
990 Constitution of the state in violation of subsection (a) of section 52-
991 571b.

992 (c) (1) A permittee or licensee or permittee's or licensee's agent or
993 employee may perform a transaction scan to check the validity of a
994 driver's license or identity card presented by a cardholder as a
995 condition for selling, giving away or otherwise distributing alcoholic
996 liquor, marijuana or a marijuana product to the cardholder.

997 (2) If the information deciphered by the transaction scan performed
998 under subdivision (1) of this subsection fails to match the information
999 printed on the driver's license or identity card presented by the
1000 cardholder, or if the transaction scan indicates that the information so
1001 printed is false or fraudulent, neither the permittee or licensee nor any
1002 permittee's or licensee's agent or employee shall sell, give away or
1003 otherwise distribute any alcoholic liquor, marijuana or marijuana
1004 product to the cardholder.

1005 (3) Subdivision (1) of this subsection does not preclude a permittee
1006 or licensee or permittee's or licensee's agent or employee from using a
1007 transaction scan device to check the validity of a document presented
1008 as identification other than a driver's license or an identity card, if the
1009 document includes a bar code or magnetic strip that may be scanned
1010 by the device, as a condition for selling, giving away or otherwise
1011 distributing alcoholic liquor, marijuana or a marijuana product to the

1012 person presenting the document.

1013 (d) (1) No permittee or permittee's agent or employee shall
1014 electronically or mechanically record or maintain any information
1015 derived from a transaction scan, except the following: (A) The name
1016 and date of birth of the person listed on the driver's license or identity
1017 card presented by a cardholder; (B) the expiration date and
1018 identification number of the driver's license or identity card presented
1019 by a cardholder.

1020 (2) No licensee or licensee's agent or employee shall (A)
1021 electronically or mechanically record or maintain any information
1022 derived from a transaction scan or otherwise obtained from the
1023 driver's license or identity card presented by a cardholder, or (B) use a
1024 transaction scan device for a purpose other than the purposes specified
1025 in subsection (c) of this section.

1026 ~~[(2)]~~ (3) No permittee or permittee's agent or employee shall use a
1027 transaction scan device for a purpose other than the purposes specified
1028 in subsection (c) of this section, subsection (d) of section 53-344 or
1029 subsection (e) of section 53-344b.

1030 ~~[(3)]~~ (4) No permittee or licensee or permittee's or licensee's agent or
1031 employee shall sell or otherwise disseminate the information derived
1032 from a transaction scan to any third party for any purpose, including,
1033 but not limited to, any marketing, advertising or promotional
1034 activities, except that a permittee or permittee's agent or employee may
1035 release that information pursuant to a court order.

1036 ~~[(4)]~~ (5) Nothing in subsection (c) of this section or this subsection
1037 relieves a permittee or licensee or permittee's or licensee's agent or
1038 employee of any responsibility to comply with any other applicable
1039 state or federal laws or rules governing the sale, giving away or other
1040 distribution of alcoholic liquor, marijuana or marijuana products.

1041 ~~[(5)]~~ (6) Any person who violates this subsection shall be subject to a

1042 civil penalty of not more than one thousand dollars.

1043 (e) (1) In any prosecution of a permittee or licensee or permittee's or
1044 licensee's agent or employee for selling alcoholic liquor, marijuana or a
1045 marijuana product to a minor in violation of subsection (b) of this
1046 section, it shall be an affirmative defense that all of the following
1047 occurred: (A) A cardholder attempting to purchase or receive alcoholic
1048 liquor, marijuana or a marijuana product presented a driver's license
1049 or an identity card; (B) a transaction scan of the driver's license or
1050 identity card that the cardholder presented indicated that the license or
1051 card was valid; and (C) the alcoholic liquor, marijuana or marijuana
1052 product was sold, given away or otherwise distributed to the
1053 cardholder in reasonable reliance upon the identification presented
1054 and the completed transaction scan.

1055 (2) In determining whether a permittee or licensee or permittee's or
1056 licensee's agent or employee has proven the affirmative defense
1057 provided by subdivision (1) of this subsection, the trier of fact in such
1058 prosecution shall consider that reasonable reliance upon the
1059 identification presented and the completed transaction scan may
1060 require a permittee or licensee or permittee's or licensee's agent or
1061 employee to exercise reasonable diligence and that the use of a
1062 transaction scan device does not excuse a permittee or licensee or
1063 permittee's or licensee's agent or employee from exercising such
1064 reasonable diligence to determine the following: (A) Whether a person
1065 to whom the permittee or licensee or permittee's or licensee's agent or
1066 employee sells, gives away or otherwise distributes alcoholic liquor,
1067 marijuana or marijuana product is twenty-one years of age or older;
1068 and (B) whether the description and picture appearing on the driver's
1069 license or identity card presented by a cardholder are those of the
1070 cardholder.

1071 Sec. 34. Section 30-88a of the general statutes is repealed and the
1072 following is substituted in lieu thereof (*Effective from passage*):

1073 Each person who attains the age of twenty-one years and has a
1074 motor vehicle operator's license, containing a full-face photograph of
1075 such person, may use, and each permittee or licensee may accept, such
1076 license as legal proof of the age of the licensee for the purposes of this
1077 chapter and section 5 or 6 of this act. Any person who, for the purpose
1078 of procuring alcoholic liquor or marijuana or marijuana products,
1079 misrepresents his or her age or uses or exhibits an operator's license
1080 belonging to any other person shall be fined not less than two hundred
1081 dollars or more than five hundred dollars or imprisoned not more than
1082 thirty days, or both. For the purposes of this section, "licensee",
1083 "marijuana" and "marijuana product" have the same meanings as
1084 provided in section 30-86, as amended by this act.

1085 Sec. 35. Subsection (d) of section 1-1h of the general statutes is
1086 repealed and the following is substituted in lieu thereof (*Effective from*
1087 *passage*):

1088 (d) The Commissioner of Motor Vehicles, in consultation with the
1089 Liquor and Marijuana Control Commission, shall adopt regulations in
1090 accordance with the provisions of chapter 54 to carry out the purposes
1091 of this section and section 30-86, as amended by this act.

1092 Sec. 36. Section 21a-6 of the general statutes is repealed and the
1093 following is substituted in lieu thereof (*Effective from passage*):

1094 The following boards shall be within the Department of Consumer
1095 Protection:

1096 (1) The Architectural Licensing Board established under chapter
1097 390;

1098 (2) Repealed by P.A. 93-151, S. 3, 4;

1099 (3) The examining boards for electrical work; plumbing and piping
1100 work; heating, piping, cooling and sheet metal work; elevator
1101 installation, repair and maintenance work; fire protection sprinkler

1102 systems work and automotive glass work and flat glass work,
1103 established under chapter 393;

1104 (4) Repealed by P.A. 99-73, S. 10;

1105 (5) The Commission of Pharmacy established under chapter 400j;

1106 (6) The State Board of Landscape Architects established under
1107 chapter 396;

1108 (7) Deleted by P.A. 98-229;

1109 (8) The State Board of Examiners for Professional Engineers and
1110 Land Surveyors established under chapter 391;

1111 (9) Repealed by P.A. 80-484, S. 175, 176;

1112 (10) The Connecticut Real Estate Commission established under
1113 chapter 392;

1114 (11) The Connecticut Real Estate Appraisal Commission established
1115 under chapter 400g;

1116 (12) The State Board of Examiners of Shorthand Reporters
1117 established under chapter 400l;

1118 (13) The Liquor and Marijuana Control Commission established
1119 under chapter 545;

1120 (14) Repealed by P.A. 06-187, S. 99;

1121 (15) The Home Inspection Licensing Board established under
1122 section 20-490a; and

1123 (16) The State Board of Accountancy established under section 20-
1124 280.

1125 Sec. 37. Subdivision (10) of section 30-1 of the general statutes is
1126 repealed and the following is substituted in lieu thereof (*Effective from*

1127 *passage*):

1128 (10) "Commission" means the Liquor and Marijuana Control
1129 Commission and "department" means the Department of Consumer
1130 Protection.

1131 Sec. 38. Section 30-2 of the general statutes is repealed and the
1132 following is substituted in lieu thereof (*Effective from passage*):

1133 There shall be a Liquor and Marijuana Control Commission
1134 composed of three commissioners, one of whom shall be the
1135 Commissioner of Consumer Protection, appointed by the Governor in
1136 accordance with section 4-9a. The Commissioner of Consumer
1137 Protection shall be the chairman of the commission. The Governor
1138 shall fill any vacancy for the unexpired portion of the term. Not more
1139 than two commissioners shall be of the same political party. Each
1140 commissioner shall take the oath prescribed for executive officers. The
1141 Governor may remove any commissioner as provided in section 4-12.

1142 Sec. 39. Section 30-4 of the general statutes is repealed and the
1143 following is substituted in lieu thereof (*Effective from passage*):

1144 No commissioner of the Liquor and Marijuana Control Commission
1145 and no employee of the Department of Consumer Protection who
1146 carries out the duties and responsibilities of sections 30-2 to 30-68m,
1147 inclusive, as amended by this act, and the regulations enacted
1148 thereunder may, directly or indirectly, individually or as a member of
1149 a partnership or as a shareholder of a corporation, have any interest
1150 whatsoever in dealing in or in the manufacture of alcoholic liquor, nor
1151 receive any commission or profit whatsoever from nor have any
1152 interest whatsoever in the purchases or sales made by the persons
1153 authorized by this chapter to purchase or sell alcoholic liquor. No
1154 provision of this section shall prevent any such commissioner or
1155 employee from purchasing and keeping in his possession, for the
1156 personal use of himself or members of his family or guests, any
1157 alcoholic liquor which may be purchased or kept by any person by

1158 virtue of this chapter.

1159 Sec. 40. Section 30-35b of the general statutes is repealed and the
1160 following is substituted in lieu thereof (*Effective from passage*):

1161 A ninety-day provisional permit shall allow the retail sale or
1162 manufacture of alcoholic liquor by any applicant and his backer, if any,
1163 who has made application for a liquor permit pursuant to section 30-39
1164 and may be issued at the discretion of the Liquor and Marijuana
1165 Control Commission. If said applicant or his backer, if any, causes any
1166 delay in the investigation conducted by the Department of Consumer
1167 Protection pursuant to said section, the ninety-day provisional permit
1168 shall cease immediately. Only one such permit shall be issued to any
1169 applicant and his backer, if any, for each location of the club or place of
1170 business which is to be operated under such permit and such permit
1171 shall be nonrenewable but may be extended due to delays not caused
1172 by the applicant. The fee for such ninety-day permit shall be five
1173 hundred dollars.

1174 Sec. 41. (NEW) (*Effective from passage*) In the case of an operator of a
1175 motor vehicle or vessel suspected of operating a motor vehicle or
1176 vessel under the influence of an intoxicating drug under section 14-
1177 227a, 14-227b, 14-227m, 14-227n or 15-133 of the general statutes, an
1178 analysis of such operator's blood that reveals such blood contains five
1179 nanograms or more of delta-9-tetrahydrocannabinol per milliliter in
1180 whole blood, shall give rise to a permissible inference that the operator
1181 was under the influence of an intoxicating drug while operating a
1182 motor vehicle or vessel under section 14-227a, 14-227b, 14-227m, 14-
1183 227n or 15-133 of the general statutes.

1184 Sec. 42. (NEW) (*Effective from passage*) As used in this section and
1185 sections 43 to 46, inclusive, of this act:

1186 (1) "Department" means the Department of Agriculture;

1187 (2) "Hemp" means the plant of the genus cannabis and any part of

1188 such plant, whether growing or not, with a delta-9-
1189 tetrahydrocannabinol concentration that does not exceed three-tenths
1190 per cent on a dry weight basis of any part of the plant cannabis, or per
1191 volume or weight of marijuana product, or the combined per cent of
1192 delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any
1193 part of the plant cannabis regardless of moisture content; and

1194 (3) "Hemp products" means all products made from hemp,
1195 including, but not limited to, cloth, cordage, fiber, food, fuel, paint,
1196 paper, construction materials, plastics, seed, seed meal, seed oil and
1197 certified seed for cultivation.

1198 Sec. 43. (NEW) (*Effective from passage*) Hemp grown as a crop,
1199 produced, possessed and commercially traded in this state pursuant to
1200 the provisions of this section and sections 44 to 46, inclusive, of this act,
1201 shall be an agricultural product of this state.

1202 Sec. 44. (NEW) (*Effective from passage*) (a) Except as provided in this
1203 section, an individual who intends to grow hemp shall register with
1204 the department and submit on a form provided by the department the
1205 following:

1206 (1) The name and address of the individual;

1207 (2) A statement that the seeds obtained for planting are of a type
1208 and variety that do not exceed the maximum concentration of delta-9-
1209 tetrahydrocannabinol set forth in this section; and

1210 (3) The location and acreage of all parcels sown and other field
1211 reference information as may be required by the state.

1212 (b) An individual registered with the department pursuant to this
1213 section shall allow hemp crops, throughout sowing, growing season,
1214 harvest, storage and processing, to be inspected and tested by and at
1215 the discretion of the department.

1216 (c) The department may assess an annual registration fee of one

1217 hundred dollars for the performance of its duties under this section.

1218 Sec. 45. (NEW) (*Effective from passage*) (a) The department may adopt
1219 regulations in accordance with the provisions of chapter 54 of the
1220 general statutes to carry out the provisions of section 44 of this act.
1221 Such regulations may include may require hemp to be tested during
1222 growth for tetrahydrocannabinol levels and inspection and
1223 supervision of hemp during sowing, growing season, harvest, storage
1224 and processing.

1225 (b) The department shall adopt regulations in accordance with the
1226 provisions of chapter 54 of the general statutes that ensure hemp is
1227 grown a sufficient distance from marijuana cultivation facilities to
1228 avoid cross-pollination.

1229 (c) The department shall not adopt any regulation that would
1230 prohibit a person to grow hemp based on the legal status of hemp
1231 under federal law.

1232 Sec. 46. (NEW) (*Effective from passage*) (a) It is not a violation of state
1233 or local law for an individual to plant, grow, harvest, possess, process,
1234 sell and buy hemp if such individual does so in compliance with
1235 section 44 of this act and any regulation adopted pursuant to section 45
1236 of this act.

1237 (b) It is not a violation of state or local law for an individual to
1238 purchase and possess industrial hemp or hemp products.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>January 1, 2020</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>January 1, 2020</i>	New section

Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>January 1, 2020</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>July 1, 2019</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>from passage</i>	12-412(120)
Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>from passage</i>	New section
Sec. 28	<i>October 1, 2018</i>	53a-213
Sec. 29	<i>July 1, 2019</i>	21a-277(b)
Sec. 30	<i>July 1, 2019</i>	21a-278(b)
Sec. 31	<i>from passage</i>	21a-279(a)
Sec. 32	<i>from passage</i>	21a-279a(a)
Sec. 33	<i>from passage</i>	30-86
Sec. 34	<i>from passage</i>	30-88a
Sec. 35	<i>from passage</i>	1-1h(d)
Sec. 36	<i>from passage</i>	21a-6
Sec. 37	<i>from passage</i>	30-1(10)
Sec. 38	<i>from passage</i>	30-2
Sec. 39	<i>from passage</i>	30-4
Sec. 40	<i>from passage</i>	30-35b
Sec. 41	<i>from passage</i>	New section
Sec. 42	<i>from passage</i>	New section
Sec. 43	<i>from passage</i>	New section
Sec. 44	<i>from passage</i>	New section
Sec. 45	<i>from passage</i>	New section

Sec. 46	<i>from passage</i>	New section
---------	---------------------	-------------

Statement of Purpose:

To legalize, tax and regulate the retail sale, personal growth and recreational use of marijuana by individuals twenty-one years of age or older and to allow for and regulate the production of hemp as an agricultural product.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]