



# Senate

General Assembly

**File No. 843**

January Session, 2019

Substitute Senate Bill No. 1085

*Senate, April 29, 2019*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE LEGALIZATION OF THE RETAIL SALE AND POSSESSION OF CANNABIS AND CONCERNING ERASURE OF CRIMINAL RECORDS IN THE CASE OF CONVICTIONS BASED ON THE POSSESSION OF A SMALL AMOUNT OF CANNABIS.***

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

1 Section 1. (NEW) (*Effective July 1, 2019*) As used in this section, and  
2 sections 2 to 7, inclusive, of this act, unless the context otherwise  
3 requires:

4 (1) "Cannabis" means a cannabis-type substance, as defined in  
5 section 21a-240 of the general statutes;

6 (2) "Consumer" means an individual twenty-one years of age or  
7 older;

8 (3) "Cultivation" means cultivation, as defined in section 21a-408 of  
9 the general statutes;

10 (4) "Distribute" means distribute, as defined in section 21a-240 of the

11 general statutes;

12 (5) "Cannabis concentrate" means any form of concentration,  
13 including, but not limited to, extracts, oils, tinctures and waxes, that is  
14 extracted from cannabis and that contains cannabinoids;

15 (6) "Cannabis cultivation facility" means a person licensed to  
16 cultivate, prepare and package cannabis and sell cannabis to cannabis  
17 product manufacturing facilities, cannabis retailers and other cannabis  
18 cultivation facilities;

19 (7) "Cannabis establishment" means a cannabis cultivation facility,  
20 cannabis product manufacturing facility or cannabis retailer;

21 (8) "Cannabis product" means a product that is comprised of  
22 cannabis or cannabis concentrates and other ingredients and are  
23 intended for use or consumption, including, but not limited to, edible  
24 products and ointments;

25 (9) "Cannabis product manufacturing facility" means a person  
26 licensed to purchase cannabis, manufacture, prepare and package  
27 cannabis products and sell cannabis and cannabis products to cannabis  
28 product manufacturing facilities and retail cannabis stores;

29 (10) "Cannabis retailer" means a person twenty-one years of age or  
30 older who is licensed to (A) purchase cannabis from cannabis  
31 cultivation facilities, (B) purchase cannabis and cannabis products  
32 from cannabis product manufacturing facilities, and (C) sell cannabis  
33 and cannabis products to consumers. "Cannabis retailer" includes any  
34 agent or employee of the cannabis retailer who is twenty-one years of  
35 age or older and engaged in the business of the cannabis retailer;

36 (11) "Paraphernalia" means drug paraphernalia, as defined in  
37 section 21a-240 of the general statutes; and

38 (12) "Possession limit" means the amount of cannabis that may be  
39 possessed at any one time by a consumer, as provided in section 2 of  
40 this act.

41       Sec. 2. (NEW) (*Effective July 1, 2019*) (a) A consumer may possess,  
42 use and otherwise consume cannabis and cannabis products, provided  
43 (1) no such consumer possesses any such cannabis or cannabis product  
44 in a manner that is not secure from unauthorized access or access by  
45 any person under twenty-one years of age, (2) such cannabis or  
46 cannabis product was purchased from a cannabis retailer, and (3) the  
47 amount of all such cannabis, including the amount contained in any  
48 cannabis product, does not exceed such consumer's possession limit of  
49 one and one-half ounces of cannabis, of which no more than five grams  
50 may be in the form of a cannabis concentrate.

51       (b) Any consumer who possesses cannabis in accordance with  
52 subdivisions (1) and (2) of subsection (a) of this section, but in excess of  
53 the amount of cannabis permitted in accordance with the possession  
54 limit in subdivision (3) of subsection (a) of this section, shall be guilty  
55 of a violation of (1) section 21a-279a of the general statutes, as  
56 amended by this act, if such excess amount is less than one-half ounce,  
57 or (2) section 21a-279 of the general statutes, as amended by this act, if  
58 such excess amount is one-half ounce, or more.

59       (c) Any consumer who possesses cannabis in accordance with  
60 subsection (a) of this section, but possesses more than five grams of  
61 cannabis concentrate without exceeding the possession limit for all  
62 cannabis under subdivision (3) of subsection (a) of this section, shall be  
63 guilty of an infraction.

64       Sec. 3. (NEW) (*Effective July 1, 2019*) (a) A cannabis retailer may sell  
65 cannabis and cannabis products to a consumer in an amount for any  
66 single transaction that does not exceed the possession limit. Each such  
67 cannabis retailer shall ensure that any purchase pursuant to this  
68 section is conducted in accordance with section 30-86 of the general  
69 statutes, as amended by this act.

70       (b) No cannabis retailer may sell any cannabis or cannabis product  
71 to any individual under twenty-one years of age.

72       (c) Any person who violates any provision of subsection (a) or (b) of

73 this section shall be guilty of a class A misdemeanor.

74 (d) (1) In any prosecution of a cannabis retailer for selling cannabis  
75 or any cannabis product to an individual under twenty-one years of  
76 age in violation of subsection (b) of this section, it shall be an  
77 affirmative defense that all of the following occurred: (A) An  
78 individual attempting to purchase cannabis or any cannabis product  
79 presented a driver's license or an identity card, as defined in section  
80 30-86 of the general statutes, as amended by this act; (B) a transaction  
81 scan in accordance with section 30-86 of the general statutes, as  
82 amended by this act, of the driver's license or identity card that the  
83 individual presented indicated that the license or card was valid; and  
84 (C) the cannabis or cannabis product was sold to the individual in  
85 reasonable reliance upon the identification presented and the  
86 completed transaction scan.

87 (2) In determining whether a cannabis retailer has proven the  
88 affirmative defense provided by subdivision (1) of this subsection, the  
89 trier of fact in such prosecution shall consider that reasonable reliance  
90 upon the identification presented and the completed transaction scan  
91 may require a cannabis retailer to exercise reasonable diligence and  
92 that the use of a transaction scan device does not excuse a cannabis  
93 retailer from exercising such reasonable diligence to determine the  
94 following: (A) Whether an individual to whom the cannabis retailer  
95 sells is twenty-one years of age or older; and (B) whether the  
96 description and picture appearing on the driver's license or identity  
97 card presented by an individual are those of the individual.

98 Sec. 4. (NEW) (*Effective July 1, 2019*) Notwithstanding any provision  
99 of the general statutes, no cannabis retailer or consumer may be subject  
100 to arrest or prosecution, penalized in any manner, including, but not  
101 limited to, being subject to any civil penalty, or denied any right or  
102 privilege for the acquisition, distribution, possession, use or  
103 transportation of cannabis or paraphernalia related to cannabis in  
104 accordance with the provisions of sections 2 to 7, inclusive, of this act.

105 Sec. 5. (NEW) (*Effective July 1, 2019*) Any cannabis, paraphernalia

106 relating to cannabis or other property seized by law enforcement  
107 officials from a consumer or cannabis establishment in connection with  
108 the claimed possession or use of cannabis under sections 2 to 7,  
109 inclusive, of this act, shall be returned to the consumer or cannabis  
110 establishment immediately upon the determination by a court that the  
111 consumer or cannabis establishment is in compliance with the  
112 provisions of sections 2 to 7, inclusive, of this act, as evidenced by a  
113 decision not to prosecute, a dismissal of charges or an acquittal. The  
114 provisions of this section do not apply to any person who fails to  
115 comply with the provisions of sections 2 to 7, inclusive, of this act.

116 Sec. 6. (NEW) (*Effective July 1, 2019*) (a) Except as provided in  
117 chapter 420b or 420f of the general statutes and subsection (b) of this  
118 section, no person, other than a cannabis retailer, as provided in  
119 section 3 of this act, may distribute, sell, offer or give cannabis or  
120 cannabis products to a consumer.

121 (b) Any consumer who purchases cannabis or cannabis products  
122 from a cannabis retailer may offer or give cannabis or cannabis  
123 products to another consumer, provided such other consumer may  
124 possess such cannabis or cannabis products without exceeding the  
125 possession limit.

126 Sec. 7. (NEW) (*Effective July 1, 2019*) Notwithstanding any provision  
127 of chapter 420b of the general statutes, a consumer may manufacture,  
128 possess or purchase paraphernalia related to cannabis or distribute or  
129 sell paraphernalia related to cannabis to another consumer.

130 Sec. 8. Subsections (a) and (b) of section 19a-342 of the general  
131 statutes are repealed and the following is substituted in lieu thereof  
132 (*Effective July 1, 2019*):

133 (a) As used in this section, "smoke" or "smoking" means the lighting  
134 or carrying of a lighted cigarette, cigar, pipe or similar device, whether  
135 containing wholly or in part tobacco, or a cannabis-type substance, as  
136 defined in section 21a-240.

137 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
138 shall smoke: (A) In any building or portion of a building, partially  
139 enclosed shelter on a rail platform or bus shelter owned and operated  
140 or leased and operated by the state or any political subdivision thereof;  
141 (B) in any area of a health care institution; (C) in any area of a retail  
142 food store; (D) in any restaurant; (E) in any area of an establishment  
143 with a permit issued for the sale of alcoholic liquor pursuant to section  
144 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-  
145 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a  
146 permit for the sale of alcoholic liquor pursuant to section 30-23 issued  
147 after May 1, 2003, and, on and after April 1, 2004, in any area of an  
148 establishment with a permit issued for the sale of alcoholic liquor  
149 pursuant to section 30-22a or 30-26 or the bar area of a bowling  
150 establishment holding a permit pursuant to subsection (a) of section  
151 30-37c; (F) within a school building while school is in session or  
152 student activities are being conducted; (G) in any passenger elevator,  
153 provided no person shall be arrested for violating this subsection  
154 unless there is posted in such elevator a sign which indicates that  
155 smoking is prohibited by state law; (H) in any dormitory in any public  
156 or private institution of higher education; or (I) on and after April 1,  
157 2004, in any area of a dog race track or a facility equipped with screens  
158 for the simulcasting of off-track betting race programs or jai alai  
159 games. For purposes of this subsection, "restaurant" means space, in a  
160 suitable and permanent building, kept, used, maintained, advertised  
161 and held out to the public to be a place where meals are regularly  
162 served to the public.

163 (2) This section shall not apply to (A) correctional facilities; (B)  
164 designated smoking areas in psychiatric facilities; (C) public housing  
165 projects, as defined in subsection (b) of section 21a-278a; (D) any  
166 classroom where demonstration smoking is taking place as part of a  
167 medical or scientific experiment or lesson; (E) smoking rooms  
168 provided by employers for employees, pursuant to section 31-40q; (F)  
169 notwithstanding the provisions of subparagraph (E) of subdivision (1)  
170 of this subsection, the outdoor portion of the premises of any permittee  
171 listed in subparagraph (E) of subdivision (1) of this subsection,

172 provided, in the case of any seating area maintained for the service of  
173 food, at least seventy-five per cent of the outdoor seating capacity is an  
174 area in which smoking is prohibited and which is clearly designated  
175 with written signage as a nonsmoking area, except that any temporary  
176 seating area established for special events and not used on a regular  
177 basis shall not be subject to the smoking prohibition or signage  
178 requirements of this subparagraph; (G) any medical research site  
179 where smoking is integral to the research being conducted; or (H) any  
180 tobacco bar, provided no tobacco bar shall expand in size or change its  
181 location from its size or location as of December 31, 2002. For purposes  
182 of this subdivision, "outdoor" means an area which has no roof or  
183 other ceiling enclosure, "tobacco bar" means an establishment with a  
184 permit for the sale of alcoholic liquor to consumers issued pursuant to  
185 chapter 545 that, in the calendar year ending December 31, 2002,  
186 generated ten per cent or more of its total annual gross income from  
187 the on-site sale of tobacco products and the rental of on-site humidors,  
188 and "tobacco product" means any substance that contains tobacco,  
189 including, but not limited to, cigarettes, cigars, pipe tobacco or  
190 chewing tobacco. "Tobacco product" does not include a cannabis-type  
191 substance.

192 Sec. 9. Section 19a-342a of the general statutes is repealed and the  
193 following is substituted in lieu thereof (*Effective July 1, 2019*):

194 (a) As used in this section and section 2 of public act 15-206:

195 (1) "Child care facility" means a provider of child care services as  
196 defined in section 19a-77, or a person or entity required to be licensed  
197 under section 17a-145;

198 (2) "Electronic nicotine or cannabis delivery system" means an  
199 electronic device that may be used to simulate smoking in the delivery  
200 of nicotine, cannabis concentrate, as defined in section 1 of this act, or  
201 other substances to a person inhaling from the device, and includes,  
202 but is not limited to, an electronic cigarette, electronic cigar, electronic  
203 cigarillo, electronic pipe or electronic hookah and any related device  
204 and any cartridge or other component of such device;

205 (3) "Liquid nicotine container" means a container that holds a liquid  
206 substance containing nicotine that is sold, marketed or intended for  
207 use in an electronic nicotine delivery system or vapor product, except  
208 "liquid nicotine container" does not include such a container that is  
209 prefilled and sealed by the manufacturer and not intended to be  
210 opened by the consumer; and

211 (4) "Vapor product" means any product that employs a heating  
212 element, power source, electronic circuit or other electronic, chemical  
213 or mechanical means, regardless of shape or size, to produce a vapor  
214 that may or may not include nicotine or cannabis concentrate, as  
215 defined in section 1 of this act, that is inhaled by the user of such  
216 product, but shall not include a medicinal or therapeutic product used  
217 by a (A) licensed health care provider to treat a patient in a health care  
218 setting, or (B) a patient, as prescribed or directed by a licensed health  
219 care provider in any setting.

220 (b) (1) No person shall use an electronic nicotine or cannabis  
221 delivery system or vapor product: (A) In any building or portion of a  
222 building owned and operated or leased and operated by the state or  
223 any political subdivision thereof; (B) in any area of a health care  
224 institution; (C) in any area of a retail food store; (D) in any restaurant;  
225 (E) in any area of an establishment with a permit issued for the sale of  
226 alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a,  
227 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-  
228 37f, in any area of establishment with a permit issued for the sale of  
229 alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, or  
230 the bar area of a bowling establishment holding a permit pursuant to  
231 subsection (a) of section 30-37c; (F) within a school building while  
232 school is in session or student activities are being conducted; (G)  
233 within a child care facility, except, if the child care facility is a family  
234 child care home as defined in section 19a-77, such use is prohibited  
235 only when a child enrolled in such home is present; (H) in any  
236 passenger elevator, provided no person shall be arrested for violating  
237 this subsection unless there is posted in such elevator a sign which  
238 indicates that such use is prohibited by state law; (I) in any dormitory



239 in any public or private institution of higher education; or (J) in any  
240 area of a dog race track or a facility equipped with screens for the  
241 simulcasting of off-track betting race programs or jai alai games. For  
242 purposes of this subsection, "restaurant" means space, in a suitable and  
243 permanent building, kept, used, maintained, advertised and held out  
244 to the public to be a place where meals are regularly served to the  
245 public.

246 (2) This section shall not apply to (A) correctional facilities; (B)  
247 designated smoking areas in psychiatric facilities; (C) public housing  
248 projects, as defined in subsection (b) of section 21a-278a; (D) any  
249 classroom where a demonstration of the use of an electronic nicotine or  
250 cannabis delivery system or vapor product is taking place as part of a  
251 medical or scientific experiment or lesson; (E) any medical research site  
252 where the use of an electronic nicotine or cannabis delivery system or  
253 vapor product is integral to the research being conducted; (F)  
254 establishments without a permit for the sale of alcoholic liquor that sell  
255 electronic nicotine or cannabis delivery systems, vapor products or  
256 liquid nicotine containers on-site and allow their customers to use such  
257 systems, products or containers on-site; (G) smoking rooms provided  
258 by employers for employees, pursuant to section 31-40q; (H)  
259 notwithstanding the provisions of subparagraph (E) of subdivision (1)  
260 of this subsection, the outdoor portion of the premises of any permittee  
261 listed in subparagraph (E) of subdivision (1) of this subsection,  
262 provided, in the case of any seating area maintained for the service of  
263 food, at least seventy-five per cent of the outdoor seating capacity is an  
264 area in which smoking is prohibited and which is clearly designated  
265 with written signage as a nonsmoking area, except that any temporary  
266 seating area established for special events and not used on a regular  
267 basis shall not be subject to the prohibition on the use of an electronic  
268 nicotine or cannabis delivery system or vapor product or the signage  
269 requirements of this subparagraph; or (I) any tobacco bar, provided no  
270 tobacco bar shall expand in size or change its location from its size or  
271 location as of October 1, 2015. For purposes of this subdivision,  
272 "outdoor" means an area which has no roof or other ceiling enclosure,  
273 "tobacco bar" means an establishment with a permit for the sale of

274 alcoholic liquor to consumers issued pursuant to chapter 545 that, in  
275 the calendar year ending December 31, 2015, generated ten per cent or  
276 more of its total annual gross income from the on-site sale of tobacco  
277 products and the rental of on-site humidors, and "tobacco product"  
278 means any substance that contains tobacco, including, but not limited  
279 to, cigarettes, cigars, pipe tobacco or chewing tobacco. "Tobacco  
280 product" does not include a cannabis-type substance, as defined in  
281 section 21a-240.

282 (c) The operator of a hotel, motel or similar lodging may allow  
283 guests to use an electronic nicotine or cannabis delivery system or  
284 vapor product in not more than twenty-five per cent of the rooms  
285 offered as accommodations to guests.

286 (d) In each room, elevator, area or building in which the use of an  
287 electronic nicotine or cannabis delivery system or vapor product is  
288 prohibited by this section, the person in control of the premises shall  
289 post or cause to be posted in a conspicuous place signs stating that  
290 such use is prohibited by state law. Such signs, except in elevators,  
291 restaurants, establishments with permits to sell alcoholic liquor to  
292 consumers issued pursuant to chapter 545, hotels, motels or similar  
293 lodgings, and health care institutions, shall have letters at least four  
294 inches high with the principal strokes of letters not less than one-half  
295 inch wide.

296 (e) Any person found guilty of using an electronic nicotine or  
297 cannabis delivery system or vapor product in violation of this section,  
298 failure to post signs as required by this section or the unauthorized  
299 removal of such signs shall have committed an infraction.

300 (f) Nothing in this section shall be construed to require the  
301 designation of any area for the use of electronic nicotine or cannabis  
302 delivery system or vapor product in any building.

303 (g) The provisions of this section shall supersede and preempt the  
304 provisions of any municipal law or ordinance relative to the use of an  
305 electronic nicotine or cannabis delivery system or vapor product

306 effective prior to, on or after October 1, 2015.

307 Sec. 10. Subdivision (7) of subsection (c) of section 7-148 of the  
308 general statutes is repealed and the following is substituted in lieu  
309 thereof (*Effective October 1, 2019*):

310 (7) (A) (i) Make rules relating to the maintenance of safe and  
311 sanitary housing;

312 (ii) Regulate the mode of using any buildings when such regulations  
313 seem expedient for the purpose of promoting the safety, health, morals  
314 and general welfare of the inhabitants of the municipality;

315 (iii) Regulate and prohibit the moving of buildings upon or through  
316 the streets or other public places of the municipality, and cause the  
317 removal and demolition of unsafe buildings and structures;

318 (iv) Regulate and provide for the licensing of parked trailers when  
319 located off the public highways, and trailer parks or mobile  
320 manufactured home parks, except as otherwise provided by special act  
321 and except where there exists a local zoning commission so  
322 empowered;

323 (v) Establish lines beyond which no buildings, steps, stoop, veranda,  
324 billboard, advertising sign or device or other structure or obstruction  
325 may be erected;

326 (vi) Regulate and prohibit the placing, erecting or keeping of signs,  
327 awnings or other things upon or over the sidewalks, streets and other  
328 public places of the municipality;

329 (vii) Regulate plumbing and house drainage;

330 (viii) Prohibit or regulate the construction of dwellings, apartments,  
331 boarding houses, hotels, commercial buildings, youth camps or  
332 commercial camps and commercial camping facilities in such  
333 municipality unless the sewerage facilities have been approved by the  
334 authorized officials of the municipality;

335 (B) (i) Regulate and prohibit, in a manner not inconsistent with the  
336 general statutes, traffic, the operation of vehicles on streets and  
337 highways, off-street parking and on-street residential neighborhood  
338 parking areas in which on-street parking is limited to residents of a  
339 given neighborhood, as determined by the municipality;

340 (ii) Regulate the speed of vehicles, subject to the provisions of the  
341 general statutes relating to the regulation of the speed of motor  
342 vehicles and of animals, and the driving or leading of animals through  
343 the streets;

344 (iii) Require that conspicuous signage be posted in any area where a  
345 motor vehicle may be subject to towing or to the use of a wheel-locking  
346 device that renders such motor vehicle immovable, and that such  
347 signage indicate where the motor vehicle will be stored, how the  
348 vehicle may be redeemed and any costs or fees that may be charged;

349 (C) Regulate and prohibit the construction or use, and require the  
350 removal of sinks, cesspools, drains, sewers, privies, barns, outhouses  
351 and poultry pens and houses;

352 (D) (i) Regulate and prohibit the going at large of dogs and other  
353 animals in the streets and public places of the municipality and  
354 prevent cruelty to animals and all inhuman sports, except that no  
355 municipality shall adopt breed-specific dog ordinances;

356 (ii) Regulate and prohibit the keeping of wild or domestic animals,  
357 including reptiles, within the municipal limits or portions thereof;

358 (E) Define, prohibit and abate within the municipality all nuisances  
359 and causes thereof, and all things detrimental to the health, morals,  
360 safety, convenience and welfare of its inhabitants and cause the  
361 abatement of any nuisance at the expense of the owner or owners of  
362 the premises on which such nuisance exists;

363 (F) (i) Keep streets, sidewalks and public places free from undue  
364 noise and nuisances, and prohibit loitering thereon;

365 (ii) Regulate loitering on private property with the permission of the  
366 owner thereof;

367 (iii) Prohibit the loitering in the nighttime of minors on the streets,  
368 alleys or public places within its limits;

369 (iv) Prevent trespassing on public and private lands and in  
370 buildings in the municipality;

371 (G) Prevent vice and suppress gambling houses, houses of ill-fame  
372 and disorderly houses;

373 (H) (i) Secure the safety of persons in or passing through the  
374 municipality by regulation of shows, processions, parades and music;

375 (ii) Regulate and prohibit the carrying on within the municipality of  
376 any trade, manufacture, business or profession which is, or may be, so  
377 carried on as to become prejudicial to public health, conducive to fraud  
378 and cheating, or dangerous to, or constituting an unreasonable  
379 annoyance to, those living or owning property in the vicinity;

380 (iii) Regulate auctions and garage and tag sales;

381 (iv) Prohibit, restrain, license and regulate the business of peddlers,  
382 auctioneers and junk dealers in a manner not inconsistent with the  
383 general statutes;

384 (v) Regulate and prohibit swimming or bathing in the public or  
385 exposed places within the municipality;

386 (vi) Regulate and license the operation of amusement parks and  
387 amusement arcades including, but not limited to, the regulation of  
388 mechanical rides and the establishment of the hours of operation;

389 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,  
390 public amusements and performances and all places where games may  
391 be played;

392 (viii) Preserve the public peace and good order, prevent and quell

393 riots and disorderly assemblages and prevent disturbing noises;

394 (ix) Establish a system to obtain a more accurate registration of  
395 births, marriages and deaths than the system provided by the general  
396 statutes in a manner not inconsistent with the general statutes;

397 (x) Control insect pests or plant diseases in any manner deemed  
398 appropriate;

399 (xi) Provide for the health of the inhabitants of the municipality and  
400 do all things necessary or desirable to secure and promote the public  
401 health;

402 (xii) Regulate the use of streets, sidewalks, highways, public places  
403 and grounds for public and private purposes;

404 (xiii) Make and enforce police, sanitary or other similar regulations  
405 and protect or promote the peace, safety, good government and  
406 welfare of the municipality and its inhabitants;

407 (xiv) Regulate, in addition to the requirements under section 7-282b,  
408 the installation, maintenance and operation of any device or  
409 equipment in a residence or place of business which is capable of  
410 automatically calling and relaying recorded emergency messages to  
411 any state police or municipal police or fire department telephone  
412 number or which is capable of automatically calling and relaying  
413 recorded emergency messages or other forms of emergency signals to  
414 an intermediate third party which shall thereafter call and relay such  
415 emergency messages to a state police or municipal police or fire  
416 department telephone number. Such regulations may provide for  
417 penalties for the transmittal of false alarms by such devices or  
418 equipment;

419 (xv) Make and enforce regulations for the prevention and  
420 remediation of housing blight, including regulations reducing  
421 assessments and authorizing designated agents of the municipality to  
422 enter property during reasonable hours for the purpose of remediating  
423 blighted conditions, provided such regulations define housing blight

424 and require such municipality to give written notice of any violation to  
425 the owner and occupant of the property and provide a reasonable  
426 opportunity for the owner and occupant to remediate the blighted  
427 conditions prior to any enforcement action being taken, and further  
428 provided such regulations shall not authorize such municipality or its  
429 designated agents to enter any dwelling house or structure on such  
430 property, and including regulations establishing a duty to maintain  
431 property and specifying standards to determine if there is neglect;  
432 prescribe civil penalties for the violation of such regulations of not less  
433 than ten or more than one hundred dollars for each day that a  
434 violation continues and, if such civil penalties are prescribed, such  
435 municipality shall adopt a citation hearing procedure in accordance  
436 with section 7-152c;

437 (xvi) Regulate, on any property owned by the municipality, any  
438 activity deemed to be deleterious to public health, including the  
439 lighting or carrying of a lighted cigarette, cigar, pipe or similar device,  
440 whether containing wholly or in part tobacco, or a cannabis-type  
441 substance, as defined in section 21a-240;

442 Sec. 11. Subsection (b) of section 21a-277 of the general statutes is  
443 repealed and the following is substituted in lieu thereof (*Effective July*  
444 *1, 2019*):

445 (b) (1) No person may manufacture, distribute, sell, prescribe,  
446 dispense, compound, transport with the intent to sell or dispense,  
447 possess with the intent to sell or dispense, offer, give or administer to  
448 another person, except as authorized in this chapter, [or] chapter 420f  
449 or sections 2 to 7, inclusive, of this act, any controlled substance other  
450 than a (A) narcotic substance, or (B) hallucinogenic substance.

451 (2) Any person who violates subdivision (1) of this subsection (A)  
452 for a first offense, may be fined not more than twenty-five thousand  
453 dollars or imprisoned not more than seven years, or be both fined and  
454 imprisoned, and (B) for any subsequent offense, may be fined not more  
455 than one hundred thousand dollars or imprisoned not more than  
456 fifteen years, or be both fined and imprisoned.

457 Sec. 12. Subsection (b) of section 21a-278 of the general statutes is  
458 repealed and the following is substituted in lieu thereof (*Effective July*  
459 *1, 2019*):

460 (b) (1) No person may manufacture, distribute, sell, prescribe,  
461 dispense, compound, transport with the intent to sell or dispense,  
462 possess with the intent to sell or dispense, offer, give or administer to  
463 another person, except as authorized in this chapter, chapter 420f  
464 or sections 2 to 7, inclusive, of this act, (A) a narcotic substance, (B) a  
465 hallucinogenic substance, (C) an amphetamine-type substance, or (D)  
466 one kilogram or more of a cannabis-type substance. The provisions of  
467 this subdivision shall not apply to a person who is, at the time of the  
468 commission of the offense, a drug-dependent person.

469 (2) Any person who violates subdivision (1) of this subsection (A)  
470 for a first offense, shall be imprisoned not less than five years or more  
471 than twenty years, and (B) for any subsequent offense, shall be  
472 imprisoned not less than ten years or more than twenty-five years. The  
473 execution of the mandatory minimum sentence imposed by the  
474 provisions of this subdivision shall not be suspended, except that the  
475 court may suspend the execution of such mandatory minimum  
476 sentence if, at the time of the commission of the offense, such person  
477 was under the age of eighteen years or such person's mental capacity  
478 was significantly impaired, but not so impaired as to constitute a  
479 defense to prosecution.

480 Sec. 13. Subsection (a) of section 21a-279 of the general statutes is  
481 repealed and the following is substituted in lieu thereof (*Effective July*  
482 *1, 2019*):

483 (a) (1) Any person who possesses or has under such person's control  
484 any quantity of any controlled substance, except less than one-half  
485 ounce of a cannabis-type substance and except as authorized in this  
486 chapter, chapter 420f or sections 2 to 7, inclusive, of this act, shall be  
487 guilty of a class A misdemeanor.

488 (2) For a second offense of subdivision (1) of this subsection, the



489 court shall evaluate such person and, if the court determines such  
490 person is a drug-dependent person, the court may suspend  
491 prosecution of such person and order such person to undergo a  
492 substance abuse treatment program.

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

496 Sec. 14. Subsection (a) of section 21a-279a of the general statutes is  
497 repealed and the following is substituted in lieu thereof (*Effective July*  
498 *1, 2019*):

499 (a) Any person who possesses or has under his control less than  
500 one-half ounce of a cannabis-type substance, [as defined in section 21a-  
501 240,] except as authorized in this chapter, chapter 420f or sections 2 to  
502 7, inclusive, of this act, shall (1) for a first offense, be fined one  
503 hundred fifty dollars, and (2) for a subsequent offense, be fined not  
504 less than two hundred dollars or more than five hundred dollars.

505 Sec. 15. Section 30-86 of the general statutes is repealed and the  
506 following is substituted in lieu thereof (*Effective July 1, 2019*):

507 (a) As used in this section:

508 (1) "Cardholder" means any person who presents a driver's license  
509 or an identity card to a (A) permittee or permittee's agent or employee,  
510 to purchase or receive alcoholic liquor from such permittee or  
511 permittee's agent or employee, or (B) cannabis retailer to purchase  
512 cannabis or a cannabis product from such cannabis retailer;

513 (2) "Identity card" means an identification card issued in accordance  
514 with the provisions of section 1-1h;

515 (3) "Transaction scan" means the process by which a permittee or  
516 permittee's agent or employee or cannabis retailer checks, by means of  
517 a transaction scan device, the validity of a driver's license or an  
518 identity card; [and]

519 (4) "Transaction scan device" means any commercial device or  
520 combination of devices used at a point of sale that is capable of  
521 deciphering in an electronically readable format the information  
522 encoded on the magnetic strip or bar code of a driver's license or an  
523 identity card; [.]

524 (5) "Cannabis" means a cannabis-type substance, as defined in  
525 section 21a-240;

526 (6) "Cannabis product" means cannabis product, as defined in  
527 section 1 of this act; and

528 (7) "Cannabis retailer" means a cannabis retailer, as defined in  
529 section 1 of this act.

530 (b) (1) Any permittee or any servant or agent of a permittee who  
531 sells or delivers alcoholic liquor to any minor or any intoxicated  
532 person, or to any habitual drunkard, knowing the person to be such an  
533 habitual drunkard, shall be subject to the penalties of section 30-113.

534 (2) Any person who sells, ships, delivers or gives alcoholic liquor to  
535 a minor, by any means, including, but not limited to, the Internet or  
536 any other on-line computer network, except on the order of a  
537 practicing physician, shall be fined not more than three thousand five  
538 hundred dollars or imprisoned not more than eighteen months, or  
539 both.

540 (3) The provisions of this subsection shall not apply (A) to a sale,  
541 shipment or delivery made to a person over age eighteen who is an  
542 employee or permit holder under section 30-90a and where such sale,  
543 shipment or delivery is made in the course of such person's  
544 employment or business, (B) to a sale, shipment or delivery made in  
545 good faith to a minor who practices any deceit in the procurement of  
546 an identity card issued in accordance with the provisions of section 1-  
547 1h, who uses or exhibits any such identity card belonging to any other  
548 person or who uses or exhibits any such identity card that has been  
549 altered or tampered with in any way, or (C) to a shipment or delivery

550 made to a minor by a parent, guardian or spouse of the minor,  
551 provided such parent, guardian or spouse has attained the age of  
552 twenty-one and provided such minor possesses such alcoholic liquor  
553 while accompanied by such parent, guardian or spouse.

554 (4) Nothing in this subsection shall be construed to burden a  
555 person's exercise of religion under section 3 of article first of the  
556 Constitution of the state in violation of subsection (a) of section 52-  
557 571b.

558 (c) (1) (A) A permittee or permittee's agent or employee may  
559 perform a transaction scan to check the validity of a driver's license or  
560 identity card presented by a cardholder as a condition for selling,  
561 giving away or otherwise distributing alcoholic liquor to the  
562 cardholder.

563 (B) A cannabis retailer shall perform a transaction scan to check the  
564 validity of a driver's license or identity card presented by a cardholder  
565 as a condition for selling cannabis or a cannabis product to the  
566 cardholder.

567 (2) (A) If the information deciphered by the transaction scan  
568 performed under subdivision (1) of this subsection fails to match the  
569 information printed on the driver's license or identity card presented  
570 by the cardholder, or if the transaction scan indicates that the  
571 information so printed is false or fraudulent, neither the permittee nor  
572 any permittee's agent or employee shall sell, give away or otherwise  
573 distribute any alcoholic liquor to the cardholder.

574 (B) If the information deciphered by the transaction scan performed  
575 under subdivision (1) of this subsection fails to match the information  
576 printed on the driver's license or identity card presented by the  
577 cardholder, or if the transaction scan indicates that the information so  
578 printed is false or fraudulent, the cannabis retailer shall not sell any  
579 cannabis or cannabis product to the cardholder.

580 (3) (A) Subdivision (1) of this subsection does not preclude a

581 permittee or permittee's agent or employee from using a transaction  
582 scan device to check the validity of a document presented as  
583 identification other than a driver's license or an identity card, if the  
584 document includes a bar code or magnetic strip that may be scanned  
585 by the device, as a condition for selling, giving away or otherwise  
586 distributing alcoholic liquor to the person presenting the document.

587 (B) Subdivision (1) of this subsection does not preclude a cannabis  
588 retailer from using a transaction scan device to check the validity of a  
589 document presented as identification other than a driver's license or an  
590 identity card, if the document includes a bar code or magnetic strip  
591 that may be scanned by the device, as a condition for selling cannabis  
592 or a cannabis product to the person presenting the document.

593 (d) (1) No permittee or permittee's agent or employee shall  
594 electronically or mechanically record or maintain any information  
595 derived from a transaction scan, except the following: (A) The name  
596 and date of birth of the person listed on the driver's license or identity  
597 card presented by a cardholder; (B) the expiration date and  
598 identification number of the driver's license or identity card presented  
599 by a cardholder.

600 (2) No permittee or permittee's agent or employee shall use a  
601 transaction scan device for a purpose other than the purposes specified  
602 in subsection (c) of this section, subsection (d) of section 53-344 or  
603 subsection (e) of section 53-344b.

604 (3) No cannabis retailer shall (A) electronically or mechanically  
605 record or maintain any information derived from a transaction scan or  
606 otherwise obtained from the driver's license or identity card presented  
607 by a cardholder, or (B) use a transaction scan device for a purpose  
608 other than the purposes specified in subsection (c) of this section.

609 ~~[(3)]~~ (4) No permittee or permittee's agent or employee or cannabis  
610 retailer shall sell or otherwise disseminate the information derived  
611 from a transaction scan to any third party for any purpose, including,  
612 but not limited to, any marketing, advertising or promotional

613 activities, except that a permittee or permittee's agent or employee may  
614 release that information pursuant to a court order.

615 ~~[(4)]~~ (5) Nothing in subsection (c) of this section or this subsection  
616 relieves a permittee or permittee's agent or employee of any  
617 responsibility to comply with any other applicable state or federal laws  
618 or rules governing the sale, giving away or other distribution of  
619 alcoholic liquor.

620 ~~[(5)]~~ (6) Any person who violates this subsection shall be subject to a  
621 civil penalty of not more than one thousand dollars.

622 (e) (1) In any prosecution of a permittee or permittee's agent or  
623 employee for selling alcoholic liquor to a minor in violation of  
624 subsection (b) of this section, it shall be an affirmative defense that all  
625 of the following occurred: (A) A cardholder attempting to purchase or  
626 receive alcoholic liquor presented a driver's license or an identity card;  
627 (B) a transaction scan of the driver's license or identity card that the  
628 cardholder presented indicated that the license or card was valid; and  
629 (C) the alcoholic liquor was sold, given away or otherwise distributed  
630 to the cardholder in reasonable reliance upon the identification  
631 presented and the completed transaction scan.

632 (2) In determining whether a permittee or permittee's agent or  
633 employee has proven the affirmative defense provided by subdivision  
634 (1) of this subsection, the trier of fact in such prosecution shall consider  
635 that reasonable reliance upon the identification presented and the  
636 completed transaction scan may require a permittee or permittee's  
637 agent or employee to exercise reasonable diligence and that the use of  
638 a transaction scan device does not excuse a permittee or permittee's  
639 agent or employee from exercising such reasonable diligence to  
640 determine the following: (A) Whether a person to whom the permittee  
641 or permittee's agent or employee sells, gives away or otherwise  
642 distributes alcoholic liquor is twenty-one years of age or older; and (B)  
643 whether the description and picture appearing on the driver's license  
644 or identity card presented by a cardholder are those of the cardholder.

645 Sec. 16. Section 30-88a of the general statutes is repealed and the  
646 following is substituted in lieu thereof (*Effective July 1, 2019*):

647 Each person who attains the age of twenty-one years and has a  
648 motor vehicle operator's license, containing a full-face photograph of  
649 such person, may use, and each permittee or cannabis retailer may  
650 accept, such license as legal proof of the age of the licensee for the  
651 purposes of this chapter and section 3 of this act. Any person who, for  
652 the purpose of procuring alcoholic liquor or cannabis or a cannabis  
653 product, misrepresents his or her age or uses or exhibits an operator's  
654 license belonging to any other person shall be fined not less than two  
655 hundred dollars or more than five hundred dollars or imprisoned not  
656 more than thirty days, or both. For purposes of this section, "cannabis",  
657 "cannabis product" and "cannabis retailer" have the same meanings as  
658 provided in section 30-86, as amended by this act.

659 Sec. 17. Subsection (a) of section 30-89 of the general statutes is  
660 repealed and the following is substituted in lieu thereof (*Effective July*  
661 *1, 2019*):

662 (a) Any person to whom the sale of alcoholic liquor, cannabis or a  
663 cannabis product is by law forbidden who purchases or attempts to  
664 purchase such liquor, cannabis or cannabis product or who makes any  
665 false statement for the purpose of procuring such liquor, cannabis or  
666 cannabis product shall be fined not less than two hundred or more  
667 than five hundred dollars. For purposes of this subsection, "cannabis"  
668 and "cannabis product" have the same meanings as provided in section  
669 30-86, as amended by this act.

670 Sec. 18. Section 30-89a of the general statutes is repealed and the  
671 following is substituted in lieu thereof (*Effective July 1, 2019*):

672 (a) No person having possession of, or exercising dominion and  
673 control over, any dwelling unit or private property shall (1)  
674 knowingly, recklessly or with criminal negligence permit any minor to  
675 possess alcoholic liquor in violation of subsection (b) of section 30-89  
676 or cannabis or a cannabis product in such dwelling unit or on such

677 private property, or (2) knowing that any minor possesses alcoholic  
678 liquor in violation of subsection (b) of section 30-89 or cannabis or a  
679 cannabis product in such dwelling unit or on such private property,  
680 fail to make reasonable efforts to halt such possession. For the  
681 purposes of this subsection, "minor" means a person under twenty-one  
682 years of age. For purposes of this section, "cannabis" and "cannabis  
683 product" have the same meanings as provided in section 30-86, as  
684 amended by this act.

685 (b) Any person who violates the provisions of subsection (a) of this  
686 section shall be guilty of a class A misdemeanor.

687 Sec. 19. Section 54-142a of the general statutes is repealed and the  
688 following is substituted in lieu thereof (*Effective October 1, 2019*):

689 (a) Whenever in any criminal case, on or after October 1, 1969, the  
690 accused, by a final judgment, is found not guilty of the charge or the  
691 charge is dismissed, all police and court records and records of any  
692 state's attorney pertaining to such charge shall be erased upon the  
693 expiration of the time to file a writ of error or take an appeal, if an  
694 appeal is not taken, or upon final determination of the appeal  
695 sustaining a finding of not guilty or a dismissal, if an appeal is taken.  
696 Nothing in this subsection shall require the erasure of any record  
697 pertaining to a charge for which the defendant was found not guilty by  
698 reason of mental disease or defect or guilty but not criminally  
699 responsible by reason of mental disease or defect.

700 (b) Whenever in any criminal case prior to October 1, 1969, the  
701 accused, by a final judgment, was found not guilty of the charge or the  
702 charge was dismissed, all police and court records and records of the  
703 state's or prosecuting attorney or the prosecuting grand juror  
704 pertaining to such charge shall be erased by operation of law and the  
705 clerk or any person charged with the retention and control of such  
706 records shall not disclose to anyone their existence or any information  
707 pertaining to any charge so erased; provided nothing in this subsection  
708 shall prohibit the arrested person or any one of his heirs from filing a  
709 petition for erasure with the court granting such not guilty judgment

710 or dismissal, or, where the matter had been before a municipal court, a  
711 trial justice, the Circuit Court or the Court of Common Pleas [with the  
712 records center of the Judicial Department] in the Superior Court where  
713 venue would exist for criminal prosecution, and thereupon all police  
714 and court records and records of the state's attorney, prosecuting  
715 attorney or prosecuting grand juror pertaining to such charge shall be  
716 erased. Nothing in this subsection shall require the erasure of any  
717 record pertaining to a charge for which the defendant was found not  
718 guilty by reason of mental disease or defect.

719 (c) (1) Whenever any charge in a criminal case has been nolleed in the  
720 Superior Court, or in the Court of Common Pleas, if at least thirteen  
721 months have elapsed since such nolle, all police and court records and  
722 records of the state's or prosecuting attorney or the prosecuting grand  
723 juror pertaining to such charge shall be erased, except that in cases of  
724 nollees entered in the Superior Court, Court of Common Pleas, Circuit  
725 Court, municipal court or by a justice of the peace prior to April 1,  
726 1972, such records shall be deemed erased by operation of law and the  
727 clerk or the person charged with the retention and control of such  
728 records shall not disclose to anyone their existence or any information  
729 pertaining to any charge so erased, provided nothing in this subsection  
730 shall prohibit the arrested person or any one of his heirs from filing a  
731 petition to the court or to the records center of the Judicial Department,  
732 as the case may be, to have such records erased, in which case such  
733 records shall be erased.

734 (2) Whenever any charge in a criminal case has been continued at  
735 the request of the prosecuting attorney, and a period of thirteen  
736 months has elapsed since the granting of such continuance during  
737 which period there has been no prosecution or other disposition of the  
738 matter, the charge shall be nolleed upon motion of the arrested person  
739 and such erasure may thereafter be effected or a petition filed therefor,  
740 as the case may be, as provided in this subsection for nolleed cases.

741 (d) (1) Whenever prior to October 1, 1974, any person who has been  
742 convicted of an offense in any court of this state has received an



743 absolute pardon for such offense, such person or any one of his heirs  
744 may, at any time subsequent to such pardon, file a petition with the  
745 [superior court] Superior Court at the location in which such  
746 conviction was effected, or with the [superior court] Superior Court at  
747 the location having custody of the records of such conviction or [with  
748 the records center of the Judicial Department] if such conviction was in  
749 the Court of Common Pleas, Circuit Court, municipal court or by a  
750 trial justice court, in the Superior Court where venue would exist for  
751 criminal prosecution, for an order of erasure, and the Superior Court  
752 or records center of the Judicial Department shall direct all police and  
753 court records and records of the state's or prosecuting attorney  
754 pertaining to such [case] offense to be erased.

755 (2) Whenever such absolute pardon was received on or after  
756 October 1, 1974, such records shall be erased.

757 (e) (1) The clerk of the court [or any person charged with retention  
758 and control of such records in the records center of the Judicial  
759 Department] or any law enforcement agency having information  
760 contained in such erased records shall not disclose to anyone, except  
761 the subject of the record, upon submission pursuant to guidelines  
762 prescribed by the Office of the Chief Court Administrator of  
763 satisfactory proof of the subject's identity, information pertaining to  
764 any charge erased under any provision of this section and such clerk or  
765 person charged with the retention and control of such records shall  
766 forward a notice of such erasure to any law enforcement agency to  
767 which he knows information concerning the arrest has been  
768 disseminated and such disseminated information shall be erased from  
769 the records of such law enforcement agency. Such clerk or such person,  
770 as the case may be, shall provide adequate security measures to  
771 safeguard against unauthorized access to or dissemination of such  
772 records or upon the request of the accused cause the actual physical  
773 destruction of such records, except that such clerk or such person shall  
774 not cause the actual physical destruction of such records until three  
775 years have elapsed from the date of the final disposition of the criminal  
776 case to which such records pertain.

777 (2) No fee shall be charged in any court with respect to any petition  
778 under this section.

779 (3) Any person who shall have been the subject of such an erasure  
780 shall be deemed to have never been arrested within the meaning of the  
781 general statutes with respect to the proceedings so erased and may so  
782 swear under oath.

783 (f) Upon motion properly brought, the court or a judge of such  
784 court, if such court is not in session, shall order disclosure of such  
785 records (1) to a defendant in an action for false arrest arising out of the  
786 proceedings so erased, or (2) to the prosecuting attorney and defense  
787 counsel in connection with any perjury charges which the prosecutor  
788 alleges may have arisen from the testimony elicited during the trial, or  
789 any false statement charges, or any proceeding held pursuant to  
790 section 53a-40b, or (3) counsel for the petitioner and the respondent in  
791 connection with any habeas corpus or other collateral civil action in  
792 which evidence pertaining to a nolle or dismissed criminal charge  
793 may become relevant. Such disclosure of such records is subject also to  
794 any records destruction program pursuant to which the records may  
795 have been destroyed. The jury charge in connection with erased  
796 offenses may be ordered by the judge for use by the judiciary,  
797 provided the names of the accused and the witnesses are omitted  
798 therefrom.

799 (g) The provisions of this section shall not apply to any police or  
800 court records or the records of any state's attorney or prosecuting  
801 attorney with respect to any information or indictment containing  
802 more than one count (1) while the criminal case is pending, or (2) when  
803 the criminal case is disposed of unless and until all counts are entitled  
804 to erasure in accordance with the provisions of this section, except that  
805 when the criminal case is disposed of, electronic records or portions of  
806 electronic records released to the public that reference a charge that  
807 would otherwise be entitled to erasure under this section shall be  
808 erased in accordance with the provisions of this section. Nothing in  
809 this section shall require the erasure of any information contained in

810 the registry of protective orders established pursuant to section 51-5c.  
811 For the purposes of this subsection, "electronic record" means any  
812 police or court record or the record of any state's attorney or  
813 prosecuting attorney that is an electronic record, as defined in section  
814 1-267, or a computer printout.

815 (h) For the purposes of this [section] chapter, "court records" shall  
816 not include a record or transcript of the proceedings made or prepared  
817 by an official court reporter, assistant court reporter or monitor.

818 Sec. 20. Section 54-142d of the general statutes is repealed and the  
819 following is substituted in lieu thereof (*Effective July 1, 2019*):

820 (a) Whenever any person has been convicted of an offense in any  
821 court in this state and such offense has been decriminalized  
822 subsequent to the date of such conviction, such person may file a  
823 petition with the [superior court] Superior Court at the location in  
824 which such conviction was effected, or with the [superior court]  
825 Superior Court at the location having custody of the records of such  
826 conviction or [with the records center of the Judicial Department] if  
827 such conviction was in the Court of Common Pleas, Circuit Court,  
828 municipal court or by a trial justice in the Superior Court where venue  
829 would exist for criminal prosecution, for an order of erasure, and the  
830 Superior Court [or records center of the Judicial Department] shall  
831 direct all police and court records and records of the state's or  
832 prosecuting attorney pertaining to such [case] offense to be physically  
833 destroyed.

834 (b) Any person who has been convicted in any court in this state of a  
835 violation of section 21a-279, as amended by this act, for possession of a  
836 cannabis-type substance and the amount possessed was less than or  
837 equal to one and one-half ounces of such substance, may file a petition  
838 with the Superior Court at the location in which such conviction was  
839 effected, or with the Superior Court at the location having custody of  
840 the records of such conviction or if such conviction was in the Court of  
841 Common Pleas, Circuit Court, municipal court or by a trial justice, in  
842 the Superior Court where venue would currently exist for criminal

843 prosecution, for an order of erasure. As part of such petition, such  
844 person shall include a copy of the arrest record or an affidavit  
845 supporting such person's petition that such person possessed one and  
846 one-half ounces or less of a cannabis-type substance for which such  
847 person was convicted. If such petition is in order, the Superior Court  
848 shall direct all police and court records and records of the state's or  
849 prosecuting attorney pertaining to such offense to be physically  
850 destroyed. No fee may be charged in any court with respect to any  
851 petition under this subsection.

852 (c) The provisions of this section shall not apply to any police or  
853 court records or records of the state's or prosecuting attorney  
854 pertaining to such offense (1) while the criminal case is pending, or (2)  
855 in instances where the case contains more than one count, until all  
856 counts are entitled to destruction. If all counts are not entitled to  
857 destruction, the court shall direct the records of any offenses that  
858 would otherwise be entitled to destruction pursuant to this section to  
859 be deemed erased pursuant to section 54-142a.

860 Sec. 21. Section 53a-32 of the general statutes is repealed and the  
861 following is substituted in lieu thereof (*Effective October 1, 2019*):

862 (a) (1) At any time during the period of probation or conditional  
863 discharge, the court or any judge thereof may issue a warrant for the  
864 arrest of a defendant for violation of any of the conditions of probation  
865 or conditional discharge, except as provided in subdivision (2) of this  
866 subsection, or may issue a notice to appear to answer to a charge of  
867 such violation, except as provided in subdivision (2) of this subsection,  
868 which notice shall be personally served upon the defendant. Any such  
869 warrant shall authorize all officers named therein to return the  
870 defendant to the custody of the court or to any suitable detention  
871 facility designated by the court. Whenever a probation officer has  
872 probable cause to believe that a person has violated a condition of such  
873 person's probation, except as provided in subdivision (2) of this  
874 subsection, such probation officer may notify any police officer that  
875 such person has, in such officer's judgment, violated the conditions of

876 such person's probation and such notice shall be sufficient warrant for  
877 the police officer to arrest such person and return such person to the  
878 custody of the court or to any suitable detention facility designated by  
879 the court. Whenever a probation officer so notifies a police officer, the  
880 probation officer shall notify the victim of the offense for which such  
881 person is on probation, and any victim advocate assigned to assist the  
882 victim, provided the probation officer has been provided with the  
883 name and contact information for such victim or victim advocate. Any  
884 probation officer may arrest any defendant on probation without a  
885 warrant or may deputize any other officer with power to arrest to do  
886 so by giving such other officer a written statement setting forth that the  
887 defendant has, in the judgment of the probation officer, violated the  
888 conditions of the defendant's probation, except as provided in  
889 subdivision (2) of this subsection. Such written statement, delivered  
890 with the defendant by the arresting officer to the official in charge of  
891 any correctional center or other place of detention, shall be sufficient  
892 warrant for the detention of the defendant. After making such an  
893 arrest, such probation officer shall present to the detaining authorities  
894 a similar statement of the circumstances of violation. Provisions  
895 regarding release on bail of persons charged with a crime shall be  
896 applicable to any defendant arrested under the provisions of this  
897 section. Upon such arrest and detention, the probation officer shall  
898 immediately so notify the court or any judge thereof.

899 (2) No violation of a condition of probation or conditional discharge  
900 that is based solely on a defendant's possession, use or other  
901 consumption of cannabis or cannabis products, each as defined in  
902 section 1 of this act, may result in an arrest of or a warrant or  
903 notification to arrest or detain such defendant or return such  
904 defendant to the custody of the court under subdivision (1) of this  
905 subsection, provided the defendant was (A) twenty-one years of age or  
906 older at the time of such possession, use or other consumption, and (B)  
907 not in possession of more cannabis or cannabis product than such  
908 defendant's possession limit pursuant to section 2 of this act.

909 (b) (1) When the defendant is presented for arraignment on the

910 charge of violation of any of the conditions of probation or conditional  
911 discharge, except as provided in subdivision (2) of this subsection, the  
912 court shall review any conditions previously imposed on the  
913 defendant and may order, as a condition of the pretrial release of the  
914 defendant, that the defendant comply with any or all of such  
915 conditions in addition to any conditions imposed pursuant to section  
916 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a,  
917 orders that the defendant remain under the supervision of a probation  
918 officer or other designated person or organization, the defendant shall  
919 be supervised by the Court Support Services Division of the Judicial  
920 Branch in accordance with subsection (a) of section 54-63b.

921 (2) No violation of a condition of probation or conditional discharge  
922 that is based entirely on a defendant's possession, use or other  
923 consumption of cannabis or cannabis products, each as defined in  
924 section 1 of this act, may be the sole charge for which a defendant is  
925 arraigned under subdivision (1) of this subsection, provided the  
926 defendant was (A) twenty-one years of age or older at the time of such  
927 possession, use or other consumption, and (B) not in possession of  
928 more cannabis or cannabis product than such defendant's possession  
929 limit pursuant to section 2 of this act.

930 (c) (1) Upon notification by the probation officer of the arrest of the  
931 defendant or upon an arrest by warrant as [herein] provided in this  
932 section, the court shall cause the defendant to be brought before it  
933 without unnecessary delay for a hearing on the violation charges,  
934 except as provided in subdivision (2) of this subsection. At such  
935 hearing the defendant shall be informed of the manner in which such  
936 defendant is alleged to have violated the conditions of such  
937 defendant's probation or conditional discharge, shall be advised by the  
938 court that such defendant has the right to retain counsel and, if  
939 indigent, shall be entitled to the services of the public defender, and  
940 shall have the right to cross-examine witnesses and to present evidence  
941 in such defendant's own behalf. Unless good cause is shown, a charge  
942 of violation of any of the conditions of probation or conditional  
943 discharge shall be disposed of or scheduled for a hearing not later than

944 one hundred twenty days after the defendant is arraigned on such  
945 charge.

946 (2) No violation of a condition of probation or conditional discharge  
947 that is based entirely on a defendant's possession, use or other  
948 consumption of cannabis or cannabis products, each as defined in  
949 section 1 of this act, may be the sole charge for which a defendant is  
950 brought before the court for a hearing under subdivision (1) of this  
951 subsection, provided the defendant was (A) twenty-one years of age or  
952 older at the time of such possession, use or other consumption, and (B)  
953 not in possession of more cannabis or cannabis product than such  
954 defendant's possession limit pursuant to section 2 of this act.

955 (d) (1) If such violation is established, the court may: [(1)] (A)  
956 Continue the sentence of probation or conditional discharge; [(2)] (B)  
957 modify or enlarge the conditions of probation or conditional discharge;  
958 [(3)] (C) extend the period of probation or conditional discharge,  
959 provided the original period with any extensions shall not exceed the  
960 periods authorized by section 53a-29; or [(4)] (D) revoke the sentence  
961 of probation or conditional discharge, except as provided in  
962 subdivision (2) of this subsection. If such sentence is revoked, the court  
963 shall require the defendant to serve the sentence imposed or impose  
964 any lesser sentence. Any such lesser sentence may include a term of  
965 imprisonment, all or a portion of which may be suspended entirely or  
966 after a period set by the court, followed by a period of probation with  
967 such conditions as the court may establish. No such revocation shall be  
968 ordered, except upon consideration of the whole record and unless  
969 such violation is established by the introduction of reliable and  
970 probative evidence and by a preponderance of the evidence.

971 (2) No violation of a condition of probation or conditional discharge  
972 that is based entirely on a defendant's possession, use or other  
973 consumption of cannabis or cannabis products, each as defined in  
974 section 1 of this act, may be the sole violation for which a defendant's  
975 sentence of probation or conditional discharge is revoked under  
976 subdivision (1) of this subsection, provided the defendant was (A)

977 twenty-one years of age or older at the time of such possession, use or  
978 other consumption, and (B) not in possession of more cannabis or  
979 cannabis product than such defendant's possession limit pursuant to  
980 section 2 of this act.

981 Sec. 22. Section 54-64f of the general statutes is repealed and the  
982 following is substituted in lieu thereof (*Effective October 1, 2019*):

983 (a) (1) Upon application by the prosecuting authority alleging that a  
984 defendant has violated the conditions of the defendant's release, except  
985 as provided in subdivision (2) of this subsection, the court may, if  
986 probable cause is found, order that the defendant appear in court for  
987 an evidentiary hearing upon such allegations. An order to appear shall  
988 be served upon the defendant by any law enforcement officer  
989 delivering a copy to the defendant personally, or by leaving it at the  
990 defendant's usual place of abode with a person of suitable age and  
991 discretion then residing therein, or mailing it by registered or certified  
992 mail to the last-known address of the defendant.

993 (2) No violation of a condition of the defendant's release that is  
994 based entirely on a defendant's possession, use or other consumption  
995 of cannabis or cannabis products, each as defined in section 1 of this  
996 act, may be the sole violation that a prosecuting authority alleges  
997 under subdivision (1) of this subsection, provided the defendant was  
998 (A) twenty-one years of age or older at the time of such possession, use  
999 or other consumption, and (B) not in possession of more cannabis or  
1000 cannabis product than such defendant's possession limit pursuant to  
1001 section 2 of this act.

1002 (b) If the court, after an evidentiary hearing at which hearsay or  
1003 secondary evidence shall be admissible, finds by clear and convincing  
1004 evidence that the defendant has violated reasonable conditions  
1005 imposed on the defendant's release it may impose different or  
1006 additional conditions upon the defendant's release. If the defendant is  
1007 on release with respect to an offense for which a term of imprisonment  
1008 of ten or more years may be imposed and the court, after an  
1009 evidentiary hearing at which hearsay or secondary evidence shall be



1010 admissible, finds by clear and convincing evidence that the defendant  
1011 has violated reasonable conditions of the defendant's release and that  
1012 the safety of any other person is endangered while the defendant is on  
1013 release, it may revoke such release, provided the cause for revocation  
1014 is not based entirely on a violation that is based solely on a defendant's  
1015 possession, use or other consumption of cannabis or cannabis  
1016 products, each as defined in section 1 of this act, in a case where the  
1017 defendant was (1) twenty-one years of age or older at the time of such  
1018 possession, use or other consumption, and (2) not in possession of  
1019 more cannabis or cannabis product than such defendant's possession  
1020 limit pursuant to section 2 of this act.

1021 (c) If the defendant is on release with respect to an offense for which  
1022 a term of imprisonment of ten or more years may be imposed and the  
1023 court, after an evidentiary hearing at which hearsay or secondary  
1024 evidence shall be admissible, finds by clear and convincing evidence  
1025 that the safety of any other person is endangered while the defendant  
1026 is on release and that there is probable cause to believe that the  
1027 defendant has committed a federal, state or local crime while on  
1028 release, there shall be a rebuttable presumption that the defendant's  
1029 release should be revoked, provided the cause for revocation is not  
1030 based entirely on a violation that is based solely on a defendant's  
1031 possession, use or other consumption of cannabis or cannabis  
1032 products, each as defined in section 1 of this act, in a case where the  
1033 defendant was (1) twenty-one years of age or older at the time of such  
1034 possession, use or other consumption, and (2) not in possession of  
1035 more cannabis or cannabis product than such defendant's possession  
1036 limit pursuant to section 2 of this act.

1037 (d) The revocation of a defendant's release pursuant to this section  
1038 shall cause any bond posted in the criminal proceeding to be  
1039 automatically terminated and the surety to be released.

1040 Sec. 23. Section 54-126 of the general statutes is repealed and the  
1041 following is substituted in lieu thereof (*Effective October 1, 2019*):

1042 (a) Said Board of Pardons and Paroles may establish such rules and

1043 regulations as it deems necessary, upon which such convict may go  
1044 upon parole, and the panel for the particular case may establish special  
1045 provisions for the parole of a convict. The chairman of the board shall  
1046 enforce such rules, regulations and provisions and retake and  
1047 reimprison any convict upon parole, for any reason that such panel, or  
1048 the chairman with the approval of the panel, deems sufficient, except  
1049 as provided in subsection (b) of this section; and the chairman may  
1050 detain any convict or inmate pending approval by the panel of such  
1051 retaking or reimprisonment.

1052 (b) A convict or inmate's possession, use or other consumption of  
1053 cannabis or cannabis products, each as defined in section 1 of this act,  
1054 may not provide the sole reason deemed sufficient to permit the  
1055 chairman of the board to retake and reimprison a convict or inmate or  
1056 detain the convict or inmate pending such approval of such retaking or  
1057 reimprisonment, provided the convict or inmate was (1) twenty-one  
1058 years of age or older at the time of such possession, use or other  
1059 consumption, and (2) not in possession of more cannabis or cannabis  
1060 product than such defendant's possession limit pursuant to section 2 of  
1061 this act.

1062 Sec. 24. Section 54-127 of the general statutes is repealed and the  
1063 following is substituted in lieu thereof (*Effective October 1, 2019*):

1064 The request of the Commissioner of Correction or any officer of the  
1065 Department of Correction so designated by the commissioner, or of the  
1066 Board of Pardons and Paroles or its chairman shall be sufficient  
1067 warrant to authorize any officer of the Department of Correction or  
1068 any officer authorized by law to serve criminal process within this  
1069 state, to return any convict or inmate on parole into actual custody;  
1070 and any such officer, police officer, constable or state marshal shall  
1071 arrest and hold any parolee or inmate when so requested, without any  
1072 written warrant, provided the reason to return such convict or inmate  
1073 on parole into actual custody is not based solely on such convict or  
1074 inmate's possession, use or other consumption of cannabis or cannabis  
1075 products, each as defined in section 1 of this act, in the case of a convict

1076 or inmate who was (1) twenty-one years of age or older at the time of  
 1077 such possession, use or other consumption, and (2) not in possession of  
 1078 more cannabis or cannabis product than such defendant's possession  
 1079 limit pursuant to section 2 of this act.

1080 Sec. 25. Section 54-127a of the general statutes is repealed and the  
 1081 following is substituted in lieu thereof (*Effective October 1, 2019*):

1082 All parole revocation and rescission hearings shall be conducted by  
 1083 an employee of the Board of Pardons and Paroles. The parole of a  
 1084 person who has been allowed to go on parole in accordance with  
 1085 subsection (a) of section 54-125a or section 54-125g, or who has been  
 1086 sentenced to a period of special parole in accordance with subdivision  
 1087 (9) of subsection (b) of section 53a-28, shall be revoked or rescinded if,  
 1088 after such hearing, the employee recommends such revocation or  
 1089 rescission and such recommendation is approved by at least two  
 1090 members of a panel of the board, provided the reason for such  
 1091 revocation or rescission is not based solely on such person's  
 1092 possession, use or other consumption of cannabis or cannabis  
 1093 products, each as defined in section 1 of this act, in the case of a person  
 1094 who was (1) twenty-one years of age or older at the time of such  
 1095 possession, use or other consumption, and (2) not in possession of  
 1096 more cannabis or cannabis product than such defendant's possession  
 1097 limit pursuant to section 2 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section
Sec. 4	<i>July 1, 2019</i>	New section
Sec. 5	<i>July 1, 2019</i>	New section
Sec. 6	<i>July 1, 2019</i>	New section
Sec. 7	<i>July 1, 2019</i>	New section
Sec. 8	<i>July 1, 2019</i>	19a-342(a) and (b)
Sec. 9	<i>July 1, 2019</i>	19a-342a
Sec. 10	<i>October 1, 2019</i>	7-148(c)(7)

Sec. 11	<i>July 1, 2019</i>	21a-277(b)
Sec. 12	<i>July 1, 2019</i>	21a-278(b)
Sec. 13	<i>July 1, 2019</i>	21a-279(a)
Sec. 14	<i>July 1, 2019</i>	21a-279a(a)
Sec. 15	<i>July 1, 2019</i>	30-86
Sec. 16	<i>July 1, 2019</i>	30-88a
Sec. 17	<i>July 1, 2019</i>	30-89(a)
Sec. 18	<i>July 1, 2019</i>	30-89a
Sec. 19	<i>October 1, 2019</i>	54-142a
Sec. 20	<i>July 1, 2019</i>	54-142d
Sec. 21	<i>October 1, 2019</i>	53a-32
Sec. 22	<i>October 1, 2019</i>	54-64f
Sec. 23	<i>October 1, 2019</i>	54-126
Sec. 24	<i>October 1, 2019</i>	54-127
Sec. 25	<i>October 1, 2019</i>	54-127a

***Statement of Legislative Commissioners:***

In Section 1, the definition of "cannabis retailer" was divided into subparagraphs for clarity and the definition of "dispense" was deleted for accuracy, as the term is not used in sections 1 to 7, inclusive, of the bill, in Section 9, the effective date was changed to conform with Section 8, in Section 15(d), subdivisions (2) and (3) were reordered for consistency, in Section 18, subsections (a) and (b) were merged for clarity, and in Section 19 (b) and (d) and Section 20(a) "currently" was deleted as unnecessary.

***JUD***      *Joint Favorable Subst.*

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:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Consumer Protection, Dept.	GF - Cost	155,497	159,364
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	58,920	62,161
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Savings	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill legalizes the retail sale and possession of cannabis and results in a cost and various revenue impacts to the state.

The Department of Consumer Protection (DCP) will be responsible for overseeing the verification processes related to cannabis sales resulting in a cost of \$214,417 in FY 20 and \$221,525 in FY 21 for salary and benefits. DCP will need to hire one consumer information representative and a drug control agent to oversee the complaints and conduct investigations (e.g. coordinating sting operations with local police departments for cannabis retailers who have allegations of sales to minors). Subsequently, there is a potential revenue gain to the state

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

for penalties and fines related to enforcement of the provisions of this bill.

The bill also results in potential savings due to the elimination or reduction of the various cannabis related penalties in the bill. To the extent that offenders are prosecuted for reduced offenses under this bill, potential savings for incarceration or probation supervision in the community, or judicial revenue loss will result. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,800<sup>2</sup> while the average marginal cost for supervision in the community is less than \$700<sup>3</sup> each year.

### ***The Out Years***

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

---

<sup>2</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a new unit or facility opened.

<sup>3</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****sSB 1085*****AN ACT CONCERNING THE LEGALIZATION OF THE RETAIL SALE AND POSSESSION OF CANNABIS AND CONCERNING ERASURE OF CRIMINAL RECORDS IN THE CASE OF CONVICTIONS BASED ON THE POSSESSION OF A SMALL AMOUNT OF CANNABIS.*****SUMMARY**

This bill allows individuals age 21 or older (consumers) to possess, use, and otherwise consume cannabis (marijuana) and cannabis products, under specified conditions. It sets a possession limit of 1.5 ounces per consumer, with no more than five grams in the form of cannabis concentrate. It correspondingly allows licensed cannabis retailers to sell cannabis and cannabis products to such consumers. The bill extends legal protections to consumers and licensed retailers who comply with the bill's requirements.

Under the bill, a consumer who possesses cannabis may transfer it to someone else age 21 or older, subject to the bill's possession limit, as long as the cannabis was purchased from a licensed retailer. It also allows anyone convicted for possessing 1.5 ounces or less of cannabis to file a court petition to erase the related police, court, and prosecutorial records.

It establishes specific penalties for various actions, such as (1) consumers possessing cannabis in excess of the bill's possession limit, (2) retailers selling cannabis to customers under age 21, (3) customers under age 21 attempting to purchase cannabis, and (4) property owners allowing persons under age 21 to possess cannabis at the property. Existing penalties continue to apply to various actions, such as cannabis sales by someone who is not a licensed retailer.

Among other related provisions, the bill also:

1. allows consumers to manufacture, possess, and purchase cannabis-related paraphernalia or distribute or sell these items to other consumers;
2. specifies that existing law's ban on smoking in various locations applies to both cannabis and tobacco;
3. requires cannabis retailers to use transaction scanners to verify a customer's age before selling cannabis; and
4. limits the circumstances under which a criminal defendant's pretrial release, probation or conditional discharge, or parole may be affected by possessing or using cannabis.

Under the bill, "cannabis" means a "cannabis-type substance" as defined in the existing drug statutes (see BACKGROUND).

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2019, except as noted below.

## **§§ 2, 13 & 14 — CANNABIS POSSESSION AND USE**

### ***Conditions for Possession and Use***

The bill allows individuals age 21 or older (consumers) to possess, use, and otherwise consume cannabis and cannabis products, subject to the following conditions:

1. the consumer possesses it in a manner that is secure from unauthorized access and access by anyone under age 21;
2. the items were purchased from a cannabis retailer (the consumer may also receive it from another consumer who purchased it from a retailer, see § 6); and
3. the consumer possesses no more than 1.5 ounces of cannabis (by itself or in cannabis products), including no more than five grams in the form of cannabis concentrate.

Under the bill, "cannabis products" are products (1) comprised of



cannabis or cannabis concentrates and other ingredients and (2) intended for use or consumption, including edible products and ointments. “Cannabis concentrate” is any form of concentration, including extracts, oils, tinctures, and waxes, that is extracted from cannabis and contains cannabinoids.

Current law prohibits the possession of cannabis, except as authorized by law for medical purposes, and imposes civil fines and other penalties for possession of up to ½ ounce of cannabis and criminal penalties for the possession of larger amounts.

Table 1 describes the current penalties. Under the bill, the current penalties continue to apply to (1) individuals under age 21 who possess cannabis and (2) except as explained below, individuals age 21 or older whose possession does not meet the bill’s conditions.

**Table 1: Penalties for Cannabis Possession Under Current Law**

<p>Possession of less than ½ ounce (CGS § 21a-279a):</p> <ul style="list-style-type: none"> <li>• First offense: \$150 fine</li> <li>• Subsequent offenses: \$200 to \$500 fine (third-time violators must attend drug education, at their own expense)</li> <li>• Violators follow the procedures the law sets for infractions (e.g., they can pay the fine by mail) (CGS § 51-164n)</li> <li>• 60-day suspension of the driver’s license or nonresident operating privileges of anyone under age 21 who is convicted of a violation (if the person does not have a license, he or she is ineligible for one for 150 days (CGS § 14-111e)</li> <li>• Burden of proof is preponderance of the evidence (rather than beyond a reasonable doubt) (CGS § 51-164n(i))</li> </ul>
<p>Possession of ½ ounce or more (CGS § 21a-279(a)):</p> <ul style="list-style-type: none"> <li>• Class A misdemeanor, punishable by up to one-year prison term, up to a \$2,000 fine, or both</li> <li>• Second offense: court must evaluate the defendant and may suspend prosecution and order substance abuse treatment if the court determines that the</li> </ul>

<p>person is drug dependent</p> <ul style="list-style-type: none"> <li>Subsequent offenses: court may find the person to be a persistent offender for controlled substance possession and impose the prison term that applies to class E felonies (i.e., up to three years)</li> </ul>
<p>Possession of ½ oz. or more within 1,500 feet of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed child care center identified as such by a sign posted in a conspicuous place (CGS § 21a-279(b)):</p> <ul style="list-style-type: none"> <li>Class A misdemeanor</li> <li>Court must sentence the person to a term of imprisonment and probation. The conditions of probation must include performing community service.</li> </ul>

**Penalties for Possession Exceeding Allowable Amount (§ 2)**

As described in Table 2, the bill sets penalties for consumers who possess more than the bill’s possession limit but otherwise meet the bill’s conditions for lawful possession. These include criminal penalties if the person possesses two ounces or more of cannabis (i.e., at least ½ ounce above the bill’s limit).

**Table 2: Penalties for Exceeding Cannabis Possession or Concentrate Limits Under the Bill**

<b>Possession Amount</b>	<b>Penalties</b>
More than 1.5 ounces but less than 2 ounces	Current penalties for possession of less than ½ ounce (see Table 1)
2 ounces or more	Current penalties for possession of ½ ounce or more (see Table 1)
More than 5 grams of cannabis concentrate (but less than 1.5 ounces of cannabis in total)	Infraction, punishable by a fine of \$35 to \$90 (set by Superior Court judges) plus fees  Violators can pay the fine by mail

**§§ 3, 6, 11 & 12 — CANNABIS RETAILERS; SALES AND TRANSFERS**

The bill allows cannabis retailers to sell cannabis and cannabis products to consumers age 21 or older, in an amount for any single

transaction that does not exceed the bill's possession limit. Cannabis retailers must ensure that any sales include transaction scans to verify the consumer's age (see § 15 below).

Under the bill, "cannabis retailers" are persons age 21 or older who are licensed to (1) purchase cannabis from licensed cannabis cultivation facilities, and cannabis and cannabis products from licensed cannabis product manufacturing facilities, and (2) sell cannabis and cannabis products to consumers. "Cannabis retailers" include the retailers' agents or employees who are age 21 or older.

The bill does not establish licensing procedures for retailers, cultivation facilities, or product manufacturing facilities (see BACKGROUND, Related Bills, sHB 7371).

The bill generally prohibits anyone other than cannabis retailers from distributing, selling, offering, or giving cannabis or cannabis products to consumers, except as otherwise authorized by law. It allows consumers who purchase cannabis or cannabis products from a cannabis retailer to offer or give such items to other consumers, subject to the bill's possession limit. Both such individuals must be at least age 21.

Under current law, the unauthorized sale or distribution of cannabis (including possession with intent to sell) is a felony, with mandatory minimum prison terms in certain situations. The current penalties vary based on factors such as the amount sold, where the act took place, and whether the offender is drug-dependent. These penalties continue to apply under the bill to unauthorized sales and similar actions (e.g., sales by persons other than cannabis retailers or medical marijuana dispensaries, or distributions by a consumer to someone under the legal age).

The bill also establishes a specific penalty for unauthorized sales by cannabis retailers, as explained below.

### ***Penalties for Unlawful Sales by Retailers (§ 3)***

The bill prohibits cannabis retailers from selling cannabis or cannabis products to anyone under age 21. Anyone who does so, or who otherwise violates the retailer requirements described above, is guilty of a class A misdemeanor.

Under the bill, cannabis retailers have an affirmative defense if they are prosecuted for selling to individuals under age 21. This defense applies if the seller proves the following:

1. the prospective purchaser presented a driver's license or identity card,
2. the transaction scan of the card indicated it was valid, and
3. the retailer sold the item in reasonable reliance on the identification presented and the completed transaction scan.

In determining whether a retailer has proven the affirmative defense, the trier of fact (judge or jury) must consider that using a scan device does not excuse the retailer from exercising reasonable diligence in determining whether (1) the customer is age 21 or older and (2) the description and picture on the license or identification card are the customer's.

**§ 4 — LEGAL PROTECTIONS FOR CANNABIS RETAILERS AND CONSUMERS**

Under the bill, a cannabis retailer or consumer may not be arrested, prosecuted, or otherwise penalized, including being subject to civil penalties, or denied any right or privilege for acquiring, distributing, possessing, using, or transporting cannabis or related paraphernalia, if any such actions comply with the bill's requirements. Such protections apply regardless of conflicting statutes.

**§ 5 — RETURN OF SEIZED PROPERTY**

The bill establishes when law enforcement officials must return cannabis, related paraphernalia, or other property they seize from a consumer or cannabis establishment, in connection with the claimed possession or use of cannabis under the bill's provisions. Specifically,

they must return it immediately upon a court's determination that the consumer or establishment complied with the bill's requirements. This can be shown by the prosecutor's decision not to prosecute, the dismissal of the charges, or an acquittal.

A "cannabis establishment" is a licensed cannabis retailer, cultivation facility, or product manufacturing facility.

### **§ 7 — CANNABIS PARAPHERNALIA**

The bill allows consumers to manufacture, possess, and purchase cannabis-related paraphernalia or distribute or sell such paraphernalia to other consumers.

Current law prohibits the use, possession with intent to use, manufacture, and other specified actions related to drug paraphernalia (CGS § 21a-267). In general, these actions are infractions if they relate to less than ½ ounce of cannabis or misdemeanors if they relate to larger amounts of cannabis. Under the bill, the current penalties continue to apply to unauthorized actions, such as possession of cannabis-related paraphernalia by someone under age 21, or transfer of such paraphernalia to such a person.

### **§§ 8-10 — PROHIBITION ON SMOKING IN CERTAIN LOCATIONS**

Existing law (sometimes called the Clean Indoor Air Act) prohibits smoking in several locations, such as most state or municipal buildings and school buildings during school or student activities. The law applies to smoking cigarettes, electronic cigarettes, and other specified or similar devices. Violations are punishable as infractions.

The bill specifies that this law applies whether the person is smoking tobacco or cannabis. It makes related conforming changes. For example, as is already the case for other forms of smoking, it (1) permits hotel, motel, or similar lodging operators to allow guests to smoke cannabis in up to 25% of rooms offered as guest accommodations and (2) specifies that a person may be arrested for smoking cannabis in an elevator only if there is a sign indicating that smoking is prohibited.

The bill also specifies that the existing authority for municipalities to regulate smoking on municipally-owned property applies to both tobacco and cannabis. By law, unchanged by the bill, the Clean Indoor Air Act supersedes and preempts municipal laws and ordinances on smoking and e-cigarette use.

EFFECTIVE DATE: July 1, 2019, except the provision on municipal authority is effective October 1, 2019.

### **§ 15 — TRANSACTION SCANS**

The act extends to cannabis retailers similar provisions as already apply to alcohol sellers on the use of transaction scan devices (transaction scanners) to verify the purchaser's age.

The bill requires cannabis retailers, as a condition of the sale, to use a transaction scanner to check the validity of a customer's driver's license or identity card. It prohibits them from selling cannabis if the information on the license or card is false or does not match the scan results. It does not prevent them, as a condition of the sale, from scanning other documents that have a magnetic strip or bar code.

#### ***Prohibited Actions***

The bill forbids cannabis retailers from:

1. using a transaction scanner for any purpose other than verifying a customer's age and identity;
2. recording or maintaining information from the scan or otherwise obtained from a driver's license or identity card; or
3. selling or distributing information derived from a transaction scan to any third party for any purpose, including marketing, advertising, or promotional activities.

It subjects violators to a civil penalty of up to \$1,000.

### **§§ 16 & 17 — PENALTIES FOR PERSONS UNDER AGE 21 ATTEMPTING TO BUY CANNABIS**

The bill authorizes (1) anyone who is at least age 21 and has a driver's license with a full-face photograph to use it to prove age when buying cannabis or cannabis products and (2) a cannabis retailer to accept it as legal proof of age. The bill subjects anyone who misrepresents his or her age, or uses another person's license, to obtain cannabis or cannabis products to a fine of \$200 to \$500, 30 days in prison, or both.

In addition, a person under age 21 who buys or attempts to buy cannabis or cannabis products, or who makes a false statement to obtain such items, is subject to a fine of \$200 to \$500.

These provisions already apply to alcohol purchases.

#### **§ 18 — PENALTIES FOR ALLOWING PERSONS UNDER LEGAL AGE TO POSSESS CANNABIS AT A PERSON'S PROPERTY**

The bill makes it a class A misdemeanor for someone who possesses or controls private property, including a dwelling unit, to:

1. knowingly, recklessly, or with criminal negligence permit a person under age 21 to illegally possess cannabis or cannabis products on the property or
2. fail to make reasonable efforts to stop such possession on the property when he or she knows the underage person possesses these items illegally.

These provisions already apply to alcohol.

#### **§§ 19 & 20 — RECORD ERASURE**

Under existing law, offenders convicted of acts that are subsequently decriminalized may petition to have their records erased. This includes convictions for the possession of less than ½ ounce of cannabis, which was decriminalized in 2011 (see *State v. Menditto*, 315 Conn. 861 (2015)). The court must order the physical destruction of all related police, court, and prosecution records.

The bill additionally allows anyone convicted for possession of 1.5

ounces or less of cannabis to file a court petition for the records' erasure. The court cannot charge any fees for these petitions.

The petitioner must include a copy of the arrest record or an affidavit supporting that the conviction was for possessing 1.5 ounces or less of cannabis. If the petition includes the required documentation, the Superior Court must order the physical destruction of all related police, court, and prosecution records.

A person seeking such erasure must file the petition with the Superior Court (1) where the person was convicted, (2) that has the conviction records, or (3) where venue would currently exist if the conviction took place in a court that no longer exists (e.g., the Court of Common Pleas).

Under the bill, these provisions for cannabis possession convictions, and for any decriminalized acts, do not apply if the (1) criminal case is pending or (2) person was charged with multiple counts, until all counts are entitled to destruction. But if there are multiple counts, the court must direct the records of any offenses that would be entitled to destruction to be deemed erased.

### ***Court Records and Erasure (§ 19)***

The bill also specifies that, for various record erasure requests under existing law, the petitioner must file the request with the Superior Court where venue would currently exist if the conviction took place in certain courts that are now obsolete. Current law instead requires these petitions to be filed with the Judicial Branch records center.

Current criminal record erasure laws generally do not apply to court records and transcripts prepared by official court reporters, assistant court reporters, and monitors. The bill extends this exception to record erasure for decriminalized acts or cannabis possession, as described above. It similarly provides that, for purposes of other specified criminal record laws, "court records" do not include such records and transcripts.



EFFECTIVE DATE: July 1, 2019, except certain general provisions on court records and erasure are effective October 1, 2019.

**§§ 21-25 — PROBATION OR CONDITIONAL DISCHARGE, PRETRIAL RELEASE, OR PAROLE**

The bill limits the circumstances under which a criminal defendant’s pretrial release, probation, conditional discharge, or parole may be affected by possessing or using cannabis. These provisions apply if the defendant (1) was at least age 21 at the time of the possession or use and (2) did not possess more than the bill’s possession limit. The specific restrictions are set forth in Table 3 below.

**Table 3: Bill’s Restrictions on Cannabis Affecting Probation, Conditional Discharge, Pretrial Release, or Parole**

<i>Issue</i>	<i>Restrictions (if above conditions are met)</i>
Probation or Conditional Discharge  (§ 21)	The defendant cannot be arrested, detained, or returned to custody for violating probation or conditional discharge conditions, if the violation was based solely on the defendant’s cannabis possession or use  The defendant cannot be arraigned or brought before the court for a hearing for violating such conditions, if the only charge leading to the arraignment or hearing is a violation based entirely on cannabis possession or use  The defendant’s probation or conditional discharge cannot be revoked if the only violation leading to revocation is based entirely on cannabis possession or use
Pretrial Conditions of Release  (§ 22)	The court may not order the defendant to appear for a hearing on an alleged violation of release conditions if the sole violation is based entirely on cannabis possession or use  The court may not revoke pretrial release, and there is no rebuttable presumption that release should be revoked, if the entire cause for revocation is based solely on cannabis possession or use
Parole	The Board of Pardons and Parole may not order a person on parole to be detained or imprisoned based solely on the person’s cannabis

<p>(§§ 23-25)</p>	<p>possession or use</p> <p>A person on parole may not be taken into custody based solely on his or her cannabis possession or use</p> <p>A person’s parole or special parole may not be revoked or rescinded based solely on his or her cannabis possession or use</p>
-------------------	---

EFFECTIVE DATE: October 1, 2019

**BACKGROUND**

***Cannabis-Type Substances***

Existing 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, cannabimol, cannabidiol (CBD) and similar compounds. Among other things, the definition excludes a plant’s mature stalks; fiber made from the stalks; a compound, manufacture, salt, derivative, mixture, or preparation made from the stalks; oil or cake made from the seeds; and industrial hemp (CGS § 21a-240(7)).

***Federal Controlled Substance Classification***

Federal law classifies marijuana as a Schedule I controlled substance. The law generally prohibits anyone from knowingly or intentionally possessing, manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense Schedule I drugs. Licensed practitioners, including pharmacies, can use Schedule I substances in government-approved research projects. The penalty for violations varies depending on the amount of drugs involved (21 U.S.C. §§ 812, 823, and 841 et seq.).

***Related Bills***

sSB 1089 (File 804), reported favorably by the Judiciary Committee, allows employers to prohibit employees from possessing or using cannabis at work and, subject to certain conditions and limits, outside

of work.

sHB 7371 (File 585), reported favorably by the General Law Committee, establishes the regulatory structure to allow consumers age 21 or older to purchase cannabis from a licensed retailer.

sHB 7372 (File 788), reported favorably by the Judiciary Committee, makes it a class C misdemeanor to (1) smoke or otherwise inhale or ingest cannabis while driving a motor vehicle or (2) smoke cannabis while a passenger in a motor vehicle.

sHB 7200, §§ 18 & 19 (File 579), reported favorably by the Public Health Committee, extends the current ban on smoking at certain locations, such as banning smoking on all school property, instead of only within a school building during school or student activities.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 21 Nay 19 (04/08/2019)