



General Assembly

January Session, 2019

***Raised Bill No. 1085***

LCO No. 6083



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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 cannabis-type substances, 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) "Dispense" means dispense, as defined in section 21a-240 of the  
11 general statutes;

12 (5) "Distribute" means distribute, as defined in section 21a-240 of the  
13 general statutes;

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

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

21 (8) "Cannabis establishment" means a cannabis cultivation facility,  
22 cannabis product manufacturing facility or cannabis retailer;

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

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

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

38 (12) "Paraphernalia" means drug paraphernalia, as defined in  
39 section 21a-240 of the general statutes; and

40 (13) "Possession limit" means the amount of cannabis that may be  
41 possessed at any one time by a consumer, as provided in section 2 of

42 this act.

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

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

61 (c) Any consumer who possesses cannabis in accordance with  
62 subsection (a) of this section, except that such person possesses more  
63 than 5 grams of cannabis concentrate, but does not exceed the  
64 possession limit for all cannabis under subdivision (3) of subsection (a)  
65 of this section, shall be guilty of an infraction.

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

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

74 (c) Any person who violates any provision of subsection (a) or (b) of  
75 this section shall be guilty of a class A misdemeanor.

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

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

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

106       Sec. 5. (NEW) (*Effective July 1, 2019*) Any cannabis, paraphernalia  
107 relating to cannabis or other property seized by law enforcement  
108 officials from a consumer or cannabis establishment in connection with  
109 the claimed use of cannabis under sections 2 to 7, inclusive, of this act,  
110 shall be returned to the consumer or cannabis establishment  
111 immediately upon the determination by a court that the consumer or  
112 cannabis establishment is in compliance with the provisions of sections  
113 2 to 7, inclusive, of this act, as evidenced by a decision not to prosecute,  
114 a dismissal of charges or an acquittal. The provisions of this section do  
115 not apply to any person who fails to comply with the provisions of  
116 sections 2 to 7, inclusive, of this act.

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

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

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

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

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

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

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

172 listed in subparagraph (E) of subdivision (1) of this subsection,  
173 provided, in the case of any seating area maintained for the service of  
174 food, at least seventy-five per cent of the outdoor seating capacity is an  
175 area in which smoking is prohibited and which is clearly designated  
176 with written signage as a nonsmoking area, except that any temporary  
177 seating area established for special events and not used on a regular  
178 basis shall not be subject to the smoking prohibition or signage  
179 requirements of this subparagraph; (G) any medical research site  
180 where smoking is integral to the research being conducted; or (H) any  
181 tobacco bar, provided no tobacco bar shall expand in size or change its  
182 location from its size or location as of December 31, 2002. For purposes  
183 of this subdivision, "outdoor" means an area which has no roof or  
184 other ceiling enclosure, "tobacco bar" means an establishment with a  
185 permit for the sale of alcoholic liquor to consumers issued pursuant to  
186 chapter 545 that, in the calendar year ending December 31, 2002,  
187 generated ten per cent or more of its total annual gross income from  
188 the on-site sale of tobacco products and the rental of on-site humidors,  
189 and "tobacco product" means any substance that contains tobacco, but  
190 does not contain cannabis-type substances, including, but not limited  
191 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

192 Sec. 9. Subsection (b) of section 21a-277 of the general statutes is  
193 repealed and the following is substituted in lieu thereof (*Effective July*  
194 *1, 2019*):

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

201 (2) Any person who violates subdivision (1) of this subsection (A)  
202 for a first offense, may be fined not more than twenty-five thousand  
203 dollars or imprisoned not more than seven years, or be both fined and  
204 imprisoned, and (B) for any subsequent offense, may be fined not more

205 than one hundred thousand dollars or imprisoned not more than  
206 fifteen years, or be both fined and imprisoned.

207 Sec. 10. Subsection (b) of section 21a-278 of the general statutes is  
208 repealed and the following is substituted in lieu thereof (*Effective July*  
209 *1, 2019*):

210 (b) (1) No person may manufacture, distribute, sell, prescribe,  
211 dispense, compound, transport with the intent to sell or dispense,  
212 possess with the intent to sell or dispense, offer, give or administer to  
213 another person, except as authorized in this chapter, [or] chapter 420f  
214 or sections 2 to 7, inclusive, of this act, (A) a narcotic substance, (B) a  
215 hallucinogenic substance, (C) an amphetamine-type substance, or (D)  
216 one kilogram or more of a cannabis-type substance. The provisions of  
217 this subdivision shall not apply to a person who is, at the time of the  
218 commission of the offense, a drug-dependent person.

219 (2) Any person who violates subdivision (1) of this subsection (A)  
220 for a first offense, shall be imprisoned not less than five years or more  
221 than twenty years, and (B) for any subsequent offense, shall be  
222 imprisoned not less than ten years or more than twenty-five years. The  
223 execution of the mandatory minimum sentence imposed by the  
224 provisions of this subdivision shall not be suspended, except that the  
225 court may suspend the execution of such mandatory minimum  
226 sentence if, at the time of the commission of the offense, such person  
227 was under the age of eighteen years or such person's mental capacity  
228 was significantly impaired, but not so impaired as to constitute a  
229 defense to prosecution.

230 Sec. 11. Subsection (a) of section 21a-279 of the general statutes is  
231 repealed and the following is substituted in lieu thereof (*Effective July*  
232 *1, 2019*):

233 (a) (1) Any person who possesses or has under such person's control  
234 any quantity of any controlled substance, except less than one-half  
235 ounce of a cannabis-type substance and except as authorized in this  
236 chapter, chapter 420f or sections 2 to 7, inclusive, of this act, shall be



237 guilty of a class A misdemeanor.

238 (2) For a second offense of subdivision (1) of this subsection, the  
239 court shall evaluate such person and, if the court determines such  
240 person is a drug-dependent person, the court may suspend  
241 prosecution of such person and order such person to undergo a  
242 substance abuse treatment program.

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

246 Sec. 12. Subsection (a) of section 21a-279a of the general statutes is  
247 repealed and the following is substituted in lieu thereof (*Effective July*  
248 *1, 2019*):

249 (a) Any person who possesses or has under his control less than  
250 one-half ounce of a cannabis-type substance, [as defined in section 21a-  
251 240,] except as authorized in this chapter, chapter 420f or sections 2 to  
252 7, inclusive, of this act, shall (1) for a first offense, be fined one  
253 hundred fifty dollars, and (2) for a subsequent offense, be fined not  
254 less than two hundred dollars or more than five hundred dollars.

255 Sec. 13. Section 30-86 of the general statutes is repealed and the  
256 following is substituted in lieu thereof (*Effective July 1, 2019*):

257 (a) As used in this section:

258 (1) "Cardholder" means any person who presents a driver's license  
259 or an identity card to a permittee or permittee's agent or employee, to  
260 purchase or receive alcoholic liquor from such permittee or permittee's  
261 agent or employee;

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

264 (3) "Transaction scan" means the process by which a permittee or  
265 permittee's agent or employee checks, by means of a transaction scan

266 device, the validity of a driver's license or an identity card; [and]

267 (4) "Transaction scan device" means any commercial device or  
268 combination of devices used at a point of sale that is capable of  
269 deciphering in an electronically readable format the information  
270 encoded on the magnetic strip or bar code of a driver's license or an  
271 identity card;

272 (5) "Cannabis" means cannabis-type substances, as defined in  
273 section 21a-240;

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

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

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

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

288 (3) The provisions of this subsection shall not apply (A) to a sale,  
289 shipment or delivery made to a person over age eighteen who is an  
290 employee or permit holder under section 30-90a and where such sale,  
291 shipment or delivery is made in the course of such person's  
292 employment or business, (B) to a sale, shipment or delivery made in  
293 good faith to a minor who practices any deceit in the procurement of  
294 an identity card issued in accordance with the provisions of section 1-  
295 1h, who uses or exhibits any such identity card belonging to any other

296 person or who uses or exhibits any such identity card that has been  
297 altered or tampered with in any way, or (C) to a shipment or delivery  
298 made to a minor by a parent, guardian or spouse of the minor,  
299 provided such parent, guardian or spouse has attained the age of  
300 twenty-one and provided such minor possesses such alcoholic liquor  
301 while accompanied by such parent, guardian or spouse.

302 (4) Nothing in this subsection shall be construed to burden a  
303 person's exercise of religion under section 3 of article first of the  
304 Constitution of the state in violation of subsection (a) of section 52-  
305 571b.

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

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

315 (2) (A) If the information deciphered by the transaction scan  
316 performed under subdivision (1) of this subsection fails to match the  
317 information printed on the driver's license or identity card presented  
318 by the cardholder, or if the transaction scan indicates that the  
319 information so printed is false or fraudulent, neither the permittee nor  
320 any permittee's agent or employee shall sell, give away or otherwise  
321 distribute any alcoholic liquor to the cardholder.

322 (B) If the information deciphered by the transaction scan performed  
323 under subdivision (1) of this subsection fails to match the information  
324 printed on the driver's license or identity card presented by the  
325 cardholder, or if the transaction scan indicates that the information so  
326 printed is false or fraudulent, the cannabis retailer shall not sell any  
327 cannabis or cannabis product to the cardholder.

328 (3) (A) Subdivision (1) of this subsection does not preclude a  
329 permittee or permittee's agent or employee from using a transaction  
330 scan device to check the validity of a document presented as  
331 identification other than a driver's license or an identity card, if the  
332 document includes a bar code or magnetic strip that may be scanned  
333 by the device, as a condition for selling, giving away or otherwise  
334 distributing alcoholic liquor to the person presenting the document.

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

341 (d) (1) No permittee or permittee's agent or employee shall  
342 electronically or mechanically record or maintain any information  
343 derived from a transaction scan, except the following: (A) The name  
344 and date of birth of the person listed on the driver's license or identity  
345 card presented by a cardholder; (B) the expiration date and  
346 identification number of the driver's license or identity card presented  
347 by a cardholder.

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

353 ~~[(2)]~~ (3) No permittee or permittee's agent or employee shall use a  
354 transaction scan device for a purpose other than the purposes specified  
355 in subsection (c) of this section, subsection (d) of section 53-344 or  
356 subsection (e) of section 53-344b.

357 ~~[(3)]~~ (4) No permittee or permittee's agent or employee or cannabis  
358 retailer shall sell or otherwise disseminate the information derived  
359 from a transaction scan to any third party for any purpose, including,

360 but not limited to, any marketing, advertising or promotional  
361 activities, except that a permittee or permittee's agent or employee may  
362 release that information pursuant to a court order.

363 ~~[(4)]~~ (5) Nothing in subsection (c) of this section or this subsection  
364 relieves a permittee or permittee's agent or employee of any  
365 responsibility to comply with any other applicable state or federal laws  
366 or rules governing the sale, giving away or other distribution of  
367 alcoholic liquor.

368 ~~[(5)]~~ (6) Any person who violates this subsection shall be subject to a  
369 civil penalty of not more than one thousand dollars.

370 (e) (1) In any prosecution of a permittee or permittee's agent or  
371 employee for selling alcoholic liquor to a minor in violation of  
372 subsection (b) of this section, it shall be an affirmative defense that all  
373 of the following occurred: (A) A cardholder attempting to purchase or  
374 receive alcoholic liquor presented a driver's license or an identity card;  
375 (B) a transaction scan of the driver's license or identity card that the  
376 cardholder presented indicated that the license or card was valid; and  
377 (C) the alcoholic liquor was sold, given away or otherwise distributed  
378 to the cardholder in reasonable reliance upon the identification  
379 presented and the completed transaction scan.

380 (2) In determining whether a permittee or permittee's agent or  
381 employee has proven the affirmative defense provided by subdivision  
382 (1) of this subsection, the trier of fact in such prosecution shall consider  
383 that reasonable reliance upon the identification presented and the  
384 completed transaction scan may require a permittee or permittee's  
385 agent or employee to exercise reasonable diligence and that the use of  
386 a transaction scan device does not excuse a permittee or permittee's  
387 agent or employee from exercising such reasonable diligence to  
388 determine the following: (A) Whether a person to whom the permittee  
389 or permittee's agent or employee sells, gives away or otherwise  
390 distributes alcoholic liquor is twenty-one years of age or older; and (B)

391 whether the description and picture appearing on the driver's license  
392 or identity card presented by a cardholder are those of the cardholder.

393 Sec. 14. Section 30-88a of the general statutes is repealed and the  
394 following is substituted in lieu thereof (*Effective July 1, 2019*):

395 Each person who attains the age of twenty-one years and has a  
396 motor vehicle operator's license, containing a full-face photograph of  
397 such person, may use, and each permittee or cannabis retailer may  
398 accept, such license as legal proof of the age of the licensee for the  
399 purposes of this chapter and section 3 of this act. Any person who, for  
400 the purpose of procuring alcoholic liquor or cannabis or a cannabis  
401 product, misrepresents his or her age or uses or exhibits an operator's  
402 license belonging to any other person shall be fined not less than two  
403 hundred dollars or more than five hundred dollars or imprisoned not  
404 more than thirty days, or both. For purposes of this section, "cannabis",  
405 "cannabis product" and "cannabis retailer" have the same meaning as  
406 provided in section 30-86, as amended by this act.

407 Sec. 15. Subsection (a) of section 30-89 of the general statutes is  
408 repealed and the following is substituted in lieu thereof (*Effective July*  
409 *1, 2019*):

410 (a) Any person to whom the sale of alcoholic liquor, cannabis or a  
411 cannabis product is by law forbidden who purchases or attempts to  
412 purchase such liquor, cannabis or cannabis product or who makes any  
413 false statement for the purpose of procuring such liquor, cannabis or  
414 cannabis product shall be fined not less than two hundred or more  
415 than five hundred dollars. For purposes of this subsection, "cannabis"  
416 and "cannabis product" have the same meaning as provided in section  
417 30-86, as amended by this act.

418 Sec. 16. Section 30-89a of the general statutes is repealed and the  
419 following is substituted in lieu thereof (*Effective July 1, 2019*):

420 (a) No person having possession of, or exercising dominion and  
421 control over, any dwelling unit or private property shall (1)

422 knowingly, recklessly or with criminal negligence permit any minor to  
423 possess alcoholic liquor in violation of subsection (b) of section 30-89  
424 or cannabis or a cannabis product in such dwelling unit or on such  
425 private property, or (2) knowing that any minor possesses alcoholic  
426 liquor in violation of subsection (b) of section 30-89 or cannabis or a  
427 cannabis product in such dwelling unit or on such private property,  
428 fail to make reasonable efforts to halt such possession. For the  
429 purposes of this subsection, "minor" means a person under twenty-one  
430 years of age.

431 (b) For purposes of this section, "cannabis" and "cannabis product"  
432 have the same meaning as provided in section 30-86, as amended by  
433 this act.

434 ~~[(b)]~~ (c) Any person who violates the provisions of subsection (a) of  
435 this section shall be guilty of a class A misdemeanor.

436 Sec. 17. Section 54-142d of the general statutes is repealed and the  
437 following is substituted in lieu thereof (*Effective July 1, 2019*):

438 (a) Whenever any person has been convicted of an offense in any  
439 court in this state and such offense has been decriminalized  
440 subsequent to the date of such conviction, such person may file a  
441 petition with the superior court at the location in which such  
442 conviction was effected, or with the superior court at the location  
443 having custody of the records of such conviction or with the records  
444 center of the Judicial Department if such conviction was in the Court of  
445 Common Pleas, Circuit Court, municipal court or by a trial justice, for  
446 an order of erasure, and the Superior Court or records center of the  
447 Judicial Department shall direct all police and court records and  
448 records of the state's or prosecuting attorney pertaining to such case to  
449 be physically destroyed.

450 (b) Any person who has been convicted in any court in this state of a  
451 violation of section 21a-279, as amended by this act, for possession of a  
452 cannabis-type substance and the amount possessed was equal to or  
453 less than one and one-half ounces of such substance, may file a petition

454 with the superior court at the location in which such conviction was  
 455 effected, or with the superior court at the location having custody of  
 456 the records of such conviction or with the records center of the Judicial  
 457 Department if such conviction was in the Court of Common Pleas,  
 458 Circuit Court, municipal court or by a trial justice, for an order of  
 459 erasure. As part of such petition, such person shall include a copy of  
 460 the arrest record or an affidavit supporting such person's petition that  
 461 such person possessed one and one-half ounces or less of a cannabis-  
 462 type substance for which such person was convicted. If such petition is  
 463 in order, the Superior Court or records center of the Judicial  
 464 Department shall direct all police and court records and records of the  
 465 state's or prosecuting attorney pertaining to such case to be physically  
 466 destroyed. No fee may be charged in any court with respect to any  
 467 petition under this subsection.

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>	21a-277(b)
Sec. 10	<i>July 1, 2019</i>	21a-278(b)
Sec. 11	<i>July 1, 2019</i>	21a-279(a)
Sec. 12	<i>July 1, 2019</i>	21a-279a(a)
Sec. 13	<i>July 1, 2019</i>	30-86
Sec. 14	<i>July 1, 2019</i>	30-88a
Sec. 15	<i>July 1, 2019</i>	30-89(a)
Sec. 16	<i>July 1, 2019</i>	30-89a
Sec. 17	<i>July 1, 2019</i>	54-142d



***Statement of Purpose:***

To legalize and regulate the recreational use of cannabis and to allow for erasure of criminal records for convictions based on the possession of small amounts of cannabis.

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