



General Assembly

Substitute Bill No. 1085

January Session, 2019



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 5 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, [or] 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 nolle 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 nolles 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 nolle 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 nolle 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.*