



General Assembly

January Session, 2019

**Amendment**

LCO No. 7541



Offered by:  
SEN. COHEN, 12<sup>th</sup> Dist.

To: Subst. Senate Bill No. 893

File No. 230

Cal. No. 120

**"AN ACT CONCERNING A PILOT PROGRAM FOR HEMP PRODUCTION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this  
4 section and section 2 of this act:

5 (1) "Cannabidiol" or "CBD" means the nonpsychotropic compound  
6 by the same name and with a delta-a tetrahydrocannabinol  
7 concentration of not more than 0.3 per cent on a dry weight basis  
8 derived from hemp, as defined in the federal act;

9 (2) "Certificate of analysis" means a certificate from a laboratory  
10 describing the results of the laboratory's testing of a sample;

11 (3) "Certified seed" means hemp seed for which a certificate or any  
12 other instrument has been issued by an agency authorized under the  
13 laws of a state, territory or possession of the United States to officially

14 certify hemp seed and that has standards and procedures approved by  
15 the United States Secretary of Agriculture to assure the genetic purity  
16 and identity of the hemp seed certified;

17 (4) "Commissioner" means the Commissioner of Agriculture, or the  
18 commissioner's designated agent;

19 (5) "Consumable" means hemp products intended for human  
20 ingestion, inhalation, absorption or other internal consumption, that  
21 contains a THC concentration of not more than 0.3 per cent on a dry  
22 weight basis;

23 (6) "Cultivate" means planting, growing and harvesting a plant or  
24 crop for commercial or research purposes;

25 (7) "Federal act" means the United States Agricultural Marketing Act  
26 of 1946, 7 USC 1621 et seq., as amended from time to time;

27 (8) "Department" means the Department of Agriculture;

28 (9) "Grower" means a person in the state licensed by the  
29 commissioner to cultivate, grow, harvest, handle, store and market  
30 hemp pursuant to the federal act, the provisions of this section and the  
31 regulations adopted pursuant to this section;

32 (10) "Handle" means possessing or storing hemp for any period of  
33 time on premises owned, operated or controlled by a person licensed  
34 to cultivate or process hemp, and includes possessing or transporting  
35 hemp;

36 (11) "Hemp" has the same meaning as provided in the federal act;

37 (12) "Hemp products" means products with a delta-a  
38 tetrahydrocannabinol concentration of not more than 0.3 per cent on a  
39 dry weight basis derived from, or made by, the processing of hemp  
40 plants or hemp plant parts;

41 (13) "Independent testing laboratory" means a facility:

42 (A) For which no person who has any direct or indirect financial or  
43 managerial interest in the laboratory and also has any direct or indirect  
44 interest in a facility that:

45 (i) Processes, cultivates, distributes, manufactures or sells hemp or  
46 hemp products, or marijuana in any state or territory of the United  
47 States; or

48 (ii) Cultivates, processes, distributes, dispenses or sells marijuana;  
49 and

50 (B) That is accredited as a laboratory in compliance with section 21a-  
51 408-59 of the Regulations of Connecticut State Agencies;

52 (14) "Laboratory" means a laboratory located in the state that is  
53 licensed by the Department of Consumer Protection to provide  
54 analysis of controlled substances pursuant to section 21a-246 of the  
55 general statutes, The University of Connecticut, the Connecticut  
56 Agricultural Experiment Station, the Department of Public Health, the  
57 United States Food and Drug Administration, the United States  
58 Department of Agriculture or a facility that meets the following  
59 additional criteria that is accredited as a testing laboratory to  
60 International Organization for Standardization (ISO) 17025 by a third-  
61 party accrediting body such as the American Association for  
62 Laboratory Accreditation or the Assured Calibration and Laboratory  
63 Accreditation Select Services;

64 (15) "Law enforcement agency" means the Connecticut State Police,  
65 United States Drug Enforcement Administration, Department of  
66 Consumer Protection Drug Control Division or other federal, state or  
67 local law enforcement agency or drug suppression unit;

68 (16) "Licensee" means a person who possesses a license to cultivate,  
69 process or manufacture hemp or hemp products in this state;

70 (17) "Manufacture" means the conversion of hemp for the purpose  
71 of creating a consumable;

72 (18) "Manufacturer" means a person in the state licensed by the  
73 Commissioner of Consumer Protection to manufacture, handle, store  
74 and market hemp pursuant to the federal act, the provisions of section  
75 2 of this act and any regulation adopted pursuant to section 2 of this  
76 act;

77 (19) "Marijuana" has the same meaning as provided in section 21a-  
78 240 of the Connecticut general statutes;

79 (20) "Market" or "marketing" means promoting, distributing or  
80 selling a product within the state, in another state or outside of the  
81 United States and includes efforts to advertise and gather information  
82 about the needs or preferences of potential consumers or suppliers;

83 (21) "On-site manager" means the individual designated by the  
84 licensee responsible for on-site management and operations of a  
85 licensed grower or licensed processor;

86 (22) "Pesticide" has the same meaning as "pesticide chemical" as  
87 provided in section 21a-92 of the general statutes;

88 (23) "Plot" means a contiguous area in a field, greenhouse or indoor  
89 growing structure containing the same variety or strain of hemp  
90 throughout the area;

91 (24) "Post-harvest sample" means a representative sample of the  
92 form of hemp taken from the harvested hemp from a particular plot's  
93 harvest that is collected in accordance with the procedures established  
94 by the commissioner;

95 (25) "Pre-harvest sample" means a composite, representative portion  
96 from plants in a hemp plot, that is collected in accordance with the  
97 procedures established by the commissioner;

98 (26) "Process" means using or converting hemp for the purpose of  
99 creating a form of the commodity, that is not a consumable, for  
100 commercial or research purposes;

101 (27) "Processor" means a person in the state licensed by the  
102 commissioner to process, handle, store and market hemp pursuant to  
103 the federal act, the provisions of this section and any regulation  
104 adopted pursuant to this section;

105 (28) "State plan" means a state plan, as described in the federal act  
106 and as authorized pursuant to this section;

107 (29) "Signing authority" means an officer or agent of the applicant  
108 with written authorization of such applicant to commit the applicant to  
109 a binding agreement;

110 (30) "THC" means delta-9-tetrahydrocannabinol;

111 (31) "Homogenize" means to blend hemp into a mixture that has a  
112 uniform quality and content throughout such mixture; and

113 (32) "Business entity" means any corporation, limited liability  
114 company, association or partnership.

115 (b) The Commissioner of Agriculture shall establish and operate an  
116 agricultural pilot program, as defined in 7 USC 5940, as amended from  
117 time to time, for hemp research to enable the department, and its  
118 licensees, to study methods of cultivating, processing and marketing  
119 hemp. All grower and processor licensees licensed pursuant to this  
120 section shall be participants in the state agricultural pilot program for  
121 hemp research. Until such time as said commissioner adopts  
122 regulations, in accordance with the provisions of chapter 54 of the  
123 general statutes, the Department of Agriculture shall utilize  
124 procedures and guidance policies that the commissioner deems to be  
125 consistent with the provisions of 7 USC 5940, as amended from time to  
126 time, provided such procedures and guidance policies shall, at a  
127 minimum, require: (1) The commissioner to certify and register any  
128 site used to grow hemp, (2) any person who grows hemp to produce  
129 plants that meet the definition of hemp and verify such, (3) the  
130 maintenance of records by any person who grows hemp and the  
131 availability of inspection of such records by the commissioner, and (4)

132 verification of compliance with the definition of hemp by a laboratory,  
133 at the expense of any licensee. The provisions of this section shall take  
134 precedence over any such procedure or guidance policy. Participants  
135 in the state agricultural pilot program for hemp research shall be  
136 licensed in accordance with the provisions of this section. Such pilot  
137 program shall operate until the earlier of the date of a fully approved  
138 state plan under the federal act, as described in this section, or the date  
139 of repeal of the federal law permitting the state's agricultural pilot  
140 program for hemp research.

141 (c) The commissioner shall prepare a state plan in accordance with  
142 the federal act, for approval by the Governor and Attorney General, in  
143 consultation with the office of the Chief State's Attorney. The state  
144 plan, once approved by the Governor and the Attorney General, shall  
145 be submitted by the commissioner to the United States Secretary of  
146 Agriculture for his or her approval. The commissioner shall have the  
147 authority to amend the state plan, in consultation with the Governor  
148 and the Attorney General in consultation with the office of the Chief  
149 State's Attorney, as necessary to comply with the federal act.

150 (d) The commissioner shall have the authority to enforce the federal  
151 act, as amended from time to time, the state plan, this section and any  
152 regulations adopted in accordance with the federal act and chapter 54  
153 of the general statutes for hemp cultivation in the state. The  
154 commissioner shall have the authority to enforce the applicable  
155 processing standard for hemp products that are not consumables. The  
156 commissioner may consult, collaborate and enter into cooperative  
157 agreements with any federal or state agency, municipality or political  
158 subdivision of the state concerning application of the provisions of the  
159 federal act and the regulations adopted pursuant to the federal act, as  
160 may be necessary to carry out the provisions of this section.

161 (e) Any person who cultivates or processes hemp shall: (1) Be  
162 licensed by the commissioner; (2) only acquire certified seeds; and (3)  
163 transport hemp and hemp samples in a manner and with such  
164 documentation as required by the commissioner.

165 (f) Any person who sells hemp products shall not be required to be  
166 licensed provided such person only engages in: (1) The retail or  
167 wholesale sale of hemp or hemp products in which no further  
168 processing or manufacturing of the hemp products occurs and the  
169 hemp products are acquired from a person authorized under the laws  
170 of this state or another state, territory or possession of the United  
171 States or another sovereign entity; (2) the acquisition of hemp or hemp  
172 products for the sole purpose of product distribution for resale; or (3)  
173 the retail sale of hemp products that are otherwise authorized under  
174 federal or state law.

175 (g) Any applicant for a license pursuant to this section shall meet  
176 each of the following requirements, as applicable:

177 (1) Each applicant shall submit an application for a license that  
178 consists, at a minimum, of the following: (A) The name and address of  
179 the applicant; (B) the name and address of the plot for the hemp  
180 cultivation or processing location; (C) the global positioning system  
181 coordinates and legal description of the plot used for the hemp  
182 cultivation; (D) the acreage size of the plot where the hemp will be  
183 cultivated; (E) written consent allowing the commissioner to conduct  
184 both scheduled and random inspections of and around the premises  
185 on which the hemp is to be cultivated, harvested, stored and  
186 processed; and (F) any other information as may be required by the  
187 commissioner;

188 (2) The applicant, on-site manager and signing authority for a  
189 grower license shall submit to state and national fingerprint-based  
190 criminal history records checks conducted in accordance with section  
191 29-17a of the general statutes, at his or her own expense, and provide  
192 the results to the commissioner for review;

193 (3) No person who has been convicted of any felony, as prescribed  
194 in the federal act, shall be eligible to obtain a grower license; and

195 (4) Each applicant who obtains a grower or processor license shall  
196 pay for all costs of testing and resampling any hemp samples at a

197 laboratory for the purpose of determining the THC concentration level.

198 (h) Any grower or processor license issued by the commissioner  
199 shall expire on the second following December thirty-first and may be  
200 renewed during the preceding month of October. Such licenses shall  
201 not be transferable.

202 (i) The following fees shall apply for each grower and processor  
203 license and inspection:

204 (1) A nonrefundable license application fee of fifty dollars, provided  
205 any constituent unit of higher education, state agency or department  
206 shall be exempt from such application fee if such cultivation or  
207 processing is for research purposes;

208 (2) A nonrefundable biennial grower license fee of fifty dollars per  
209 acre of planned hemp plantings, provided any constituent unit of  
210 higher education, state agency or department shall be exempt from  
211 such license fee if such cultivation is for research purposes;

212 (3) A nonrefundable processor licensing fee of two hundred fifty  
213 dollars for a license to process hemp provided any constituent unit of  
214 higher education, state agency or department shall be exempt from  
215 such license fee if such processing is for research purposes; and

216 (4) In the event that resampling by the commissioner is required due  
217 to a test result that shows a violation of any provision of this section or  
218 any regulation adopted pursuant to this section, the licensee shall pay  
219 an inspection fee of fifty dollars. Such fee shall be paid prior to the  
220 inspection and collection of the sample to be used for resampling.

221 (j) After receipt and review of an application for grower or  
222 processor licensure, the commissioner may grant a biennial license  
223 upon a finding that the applicant meets the applicable requirements.  
224 While the pilot program is in effect, the commissioner may grant a  
225 conditional approval of a grower license, pending receipt of the  
226 criminal history records check required by this section.



227 (k) Whenever an inspection or investigation conducted by the  
228 commissioner pursuant to title 22 of the general statutes reveals any  
229 violation of this section or any regulation adopted thereunder, the  
230 grower, processor, license applicant or respondent, as applicable, shall  
231 be notified, in writing, of such violation and any corrective action to be  
232 taken and the time period within which such corrective action shall be  
233 taken. Any such grower, processor, license applicant or respondent  
234 may request a hearing, conducted in accordance with chapter 54 of the  
235 general statutes, on any such notification.

236 (l) Nothing in this section shall be construed to limit the  
237 commissioner's authority to issue a cease and desist order pursuant to  
238 section 22-4d of the general statutes, or an emergency order, in order to  
239 respond to a condition that may present a public health hazard, or  
240 issue orders necessary to effectuate the purposes of this section,  
241 including, but not limited to, orders for the embargo, destruction and  
242 release of hemp or hemp products. Any cease and desist order or an  
243 emergency order shall become effective upon service of such order by  
244 the commissioner. Following service of any such order, subsequent  
245 proceedings shall proceed in accordance with the provisions of section  
246 22-4d of the general statutes and the rules of practice for such agency.

247 (m) Following a hearing conducted in accordance with chapter 54 of  
248 the general statutes, the commissioner may impose an administrative  
249 civil penalty, not to exceed two thousand five hundred dollars per  
250 violation, and suspend, revoke or place conditions upon any grower or  
251 processor licensee who violates the provisions of this section or any  
252 regulation adopted pursuant to this section.

253 (n) (1) Any individual who cultivates or processes hemp in this state  
254 without obtaining a license pursuant to this section, or who cultivates  
255 or processes hemp in this state after having a license suspended or  
256 revoked may be fined two hundred fifty dollars in accordance with the  
257 provisions of section 51-164n of the general statutes.

258 (2) Any business entity that cultivates or processes hemp in this

259 state without obtaining a license pursuant to this section, or cultivates  
260 or processes hemp in this state after having a license suspended or  
261 revoked shall be fined not more than two thousand five hundred  
262 dollars per violation, after a hearing conducted in accordance with  
263 chapter 54 of the general statutes.

264 (o) Any negligent violation, as described in the federal act, of this  
265 section or the state plan shall be subject to enforcement in accordance  
266 with the federal act.

267 (p) Any person aggrieved by an order issued pursuant to this  
268 section may appeal to the commissioner in accordance with the  
269 provisions of chapter 54 of the general statutes. Such appeal shall be  
270 made in writing to the commissioner and received not later than  
271 fifteen days after the date of the order. If no appeal is made pursuant  
272 to this subsection the order shall be final.

273 (q) All documents included in an application for a grower or  
274 processor license submitted under this section shall be subject to  
275 disclosure in accordance with chapter 14 of the general statutes, except  
276 any document describing, depicting or otherwise outlining a licensee's  
277 security schematics and the results of any criminal history records  
278 check.

279 (r) The commissioner may inspect and shall have access to the  
280 buildings, equipment, supplies, vehicles, records, real property and  
281 other information that the commissioner deems necessary to carry out  
282 the commissioner's duties pursuant to this section from any person  
283 participating in the planting, cultivating, harvesting, processing,  
284 marketing or researching of hemp.

285 (s) The commissioner shall establish an inspection and testing  
286 program to determine THC levels and ensure compliance with the  
287 limits on THC concentration in all hemp grown in the state by a  
288 grower licensee. The grower shall collect a pre-harvest sample no more  
289 than fifteen days before the intended harvest date, in accordance with  
290 the commissioner's pre-harvest hemp sampling protocol adopted in

291 accordance with chapter 54 of the general statutes and published on  
292 the Internet web site of the Department of Agriculture. The grower  
293 and processor licensees shall be responsible for all costs of disposal of  
294 hemp samples and any hemp produced by a licensee that violates the  
295 provisions of this section or any regulation adopted pursuant to this  
296 section. A hemp sample fails THC testing if the test report indicates  
297 that the sample contains an average THC concentration greater than  
298 0.3 per cent on a dry weight basis. The commissioner may order and  
299 conduct post-harvest sample THC testing of a plot if the results of an  
300 initial THC test on the pre-harvest sample provided and collected by  
301 the licensee indicate a THC concentration in the pre-harvest sample in  
302 excess of such permitted levels, unless the licensee elects to destroy the  
303 crop prior to post-harvest sample THC testing.

304 (t) Nothing in this section shall be construed to apply to any licensee  
305 of palliative marijuana authorized pursuant to chapter 420f of the  
306 general statutes.

307 (u) All licensees pursuant to this section shall maintain records  
308 required by the federal act, this section and any regulation adopted  
309 pursuant to this section. Each licensee shall make such records  
310 available to the department immediately upon request of the  
311 commissioner and in electronic format, if available.

312 (v) The commissioner shall adopt regulations, in accordance with  
313 the provisions of chapter 54 of the general statutes, to implement the  
314 provisions of this section including, but not limited to, establishing  
315 sampling and testing procedures to ensure compliance with the federal  
316 act and to prescribe disposal procedures for plants grown in violation  
317 of the federal act.

318 (w) Notwithstanding any provision of the general statutes: (1)  
319 Marijuana does not include hemp or hemp products; (2) THC that does  
320 not exceed 0.3 per cent by dry weight and that is found in hemp shall  
321 not be considered to be THC that constitutes a controlled substance; (3)  
322 hemp-derived cannabidiols, including CBD, shall not constitute

323 controlled substances or adulterants solely on the basis of containing  
324 CBD; and (4) hemp products that contain one or more hemp-derived  
325 cannabidiols, such as CBD, intended for ingestion shall be considered  
326 foods, not controlled substances or adulterated products solely on the  
327 basis of the containing hemp-derived cannabidiols.

328 (x) Whenever the commissioner believes or has reasonable cause to  
329 believe that the actions of a licensee or any employee of a grower or  
330 processor licensee will violate any state law concerning the growing,  
331 cultivation, handling, transporting or possession of marijuana, the  
332 commissioner shall notify the Department of Emergency Services and  
333 Public Protection and the State Police.

334 (y) The Commissioner of Agriculture may enter an agreement with  
335 any state or federally recognized Indian tribe to assist such tribe in the  
336 development of a pilot program under the federal act or to have  
337 applicants from such tribe participate in the pilot program established  
338 pursuant to subsection (b) of this section.

339 Sec. 2. (NEW) (*Effective from passage*) (a) No person shall  
340 manufacture in the state without a license to manufacture issued by  
341 the Commissioner of Consumer Protection.

342 (b) Each applicant for a manufacturer license shall submit an  
343 application on a form and in a manner prescribed by the  
344 Commissioner of Consumer Protection.

345 (c) The following fees shall apply for a license to manufacture:

346 (1) A nonrefundable license application fee of fifty dollars; and

347 (2) A nonrefundable licensing fee of two hundred fifty dollars for a  
348 license to manufacture hemp.

349 (d) A license to manufacture hemp or hemp products issued by the  
350 Commissioner of Consumer Protection pursuant to this section shall  
351 expire biennially on June thirtieth. Such licenses shall not be  
352 transferable.

353 (e) In accordance with a hearing held pursuant to chapter 54 of the  
354 general statutes, the Commissioner of Consumer Protection may deny,  
355 suspend or revoke a manufacturer license, issue fines of not more than  
356 two thousand five hundred dollars per violation and place conditions  
357 upon a manufacturer licensee who violates the provisions of this  
358 section and any regulation adopted pursuant to this section.

359 (f) (1) Any individual who manufactures in this state without  
360 obtaining a license pursuant to this section or who manufactures in  
361 this state after such entity's license is suspended or revoked shall be  
362 fined two hundred fifty dollars in accordance with the provisions of  
363 section 51-164n of the general statutes.

364 (2) Any business entity who manufactures in this state without  
365 obtaining a license pursuant to this section, or who manufactures in  
366 this state after having a license suspended, shall be fined not more  
367 than two thousand five hundred dollars per violation after a hearing  
368 conducted in accordance with the provisions of chapter 54 of the  
369 general statutes.

370 (g) Nothing in this section shall be construed to apply to any  
371 licensee of palliative marijuana authorized pursuant to chapter 420f of  
372 the general statutes.

373 (h) The Commissioner of Consumer Protection may inspect and  
374 shall have access to the buildings, equipment, supplies, vehicles,  
375 records, real property and other information of any manufacturer  
376 applicant or licensee that the commissioner deems necessary to carry  
377 out the commissioner's duties pursuant to this section.

378 (i) (1) Each manufacturer shall follow the protocol in this subsection  
379 for disposing of hemp or hemp products in the event that any hemp or  
380 hemp product is deemed to contain a THC concentration of more than  
381 0.3 per cent on a dry weight basis, as determined by the Commissioner  
382 of Consumer Protection, or a manufacturer licensee in possession of  
383 hemp or hemp products who desires to dispose of obsolete,  
384 misbranded, excess or otherwise undesired product. Each

385 manufacturer licensee shall be responsible for all costs of disposal of  
386 hemp samples and any hemp produced by such licensee that violates  
387 the provisions of this section or any regulation adopted pursuant to  
388 this section. Any hemp or hemp product containing a THC  
389 concentration of more than 0.3 per cent on a dry weight basis shall be  
390 immediately embargoed by such manufacturer and clearly labeled as  
391 adulterated by such licensee and such licensee shall immediately  
392 notify both the Department of Consumer Protection and the  
393 Department of Agriculture, in writing, of such adulterated product.  
394 Such adulterated product shall be destroyed and disposed of by the  
395 following method, as determined by the Commissioner of Consumer  
396 Protection:

397 (A) Surrender, without compensation, of such hemp or hemp  
398 product to the Commissioner of Consumer Protection who shall be  
399 responsible for the destruction and disposal of such adulterated  
400 product; or

401 (B) By disposal in the presence of an authorized representative of  
402 the Commissioner of Consumer Protection in such a manner as to  
403 render the hemp or hemp product nonrecoverable.

404 (2) Notwithstanding the provisions of subdivision (1) of this  
405 subsection, upon written request of a manufacturer, the Commissioner  
406 of Consumer Protection may permit such manufacturer to combine  
407 different batches to achieve a THC concentration of 0.3 per cent on a  
408 dry weight basis, in lieu of embargo or destruction.

409 (j) The person disposing of the hemp or hemp products shall  
410 maintain and make available to the Commissioner of Consumer  
411 Protection a record of each such disposal or destruction of product  
412 indicating:

413 (1) The date, time and location of disposal or destruction;

414 (2) The manner of disposal or destruction;

415 (3) The batch or lot information and quantity of hemp or hemp  
416 product disposed of or destroyed; and

417 (4) The signatures of the persons disposing of the hemp or hemp  
418 products, the authorized representative of the Commissioner of  
419 Consumer Protection and any other persons present during the  
420 disposal.

421 (k) Any hemp intended to be manufactured as a consumable shall  
422 be tested by an independent testing laboratory or any other such  
423 laboratory that is accredited as a testing laboratory to International  
424 Organization for Standardization (ISO) 17025 by a third-party  
425 accrediting body. A manufacturer licensee shall make available  
426 samples, in an amount and type determined by the Commissioner of  
427 Consumer Protection, of hemp or hemp product for an independent  
428 testing laboratory employee to select random samples. The  
429 independent testing laboratory or other such laboratory shall test each  
430 sample for microbiological contaminants, mycotoxins, heavy metals  
431 and pesticide chemical residue, and for purposes of conducting an  
432 active ingredient analysis, if applicable, as determined by the  
433 Commissioner of Consumer Protection.

434 (l) Once a batch of hemp or hemp product, intended to be sold as a  
435 consumable, has been homogenized for sample testing and eventual  
436 packaging and sale, until the independent testing laboratory or other  
437 such laboratory provides the results from its tests and analysis, the  
438 manufacturer licensee shall segregate and withhold from use the entire  
439 batch of hemp that is intended for consumable use, except the samples  
440 that have been removed by the independent testing laboratory for  
441 testing. During this period of segregation, the manufacturer licensee  
442 shall maintain the hemp or hemp product batch in a secure, cool and  
443 dry location, as prescribed by the Commissioner of Consumer  
444 Protection, so as to prevent the hemp or hemp product from becoming  
445 adulterated. Such manufacturer shall not manufacture or sell a  
446 consumable prior to the time that the independent testing laboratory  
447 or other such laboratory completes testing and analysis and provides

448 such results, in writing, to the manufacturer licensee who initiated  
449 such testing.

450 (m) An independent testing laboratory or other such laboratory  
451 shall immediately return or dispose of any hemp or hemp product  
452 upon the completion of any testing, use or research. If an independent  
453 testing laboratory or other such laboratory disposes of hemp, the  
454 laboratory shall dispose of such hemp in the following manner, as  
455 determined by the Commissioner of Consumer Protection:

456 (1) By surrender, without compensation, of such hemp or hemp  
457 product to the Commissioner of Consumer Protection who shall be  
458 responsible for the destruction and disposal of such hemp or hemp  
459 product; or

460 (2) By disposal in the presence of an authorized representative of the  
461 Commissioner of Consumer Protection in such a manner as to render  
462 the hemp or hemp product nonrecoverable.

463 (n) If a sample does not pass the microbiological, mycotoxin, heavy  
464 metal or pesticide chemical residue test, based on the standards  
465 prescribed by the Commissioner of Consumer Protection in  
466 regulations adopted in accordance with chapter 54 of the general  
467 statutes and published on the Internet web site of the Department of  
468 Consumer Protection, the manufacturer licensee who sent such batch  
469 for testing shall dispose of the entire batch from which the sample was  
470 taken in accordance with procedures established by the Commissioner  
471 of Consumer Protection by regulations adopted in accordance with  
472 chapter 54 of the general statutes.

473 (o) If a sample passes the microbiological, mycotoxin, heavy metal  
474 and pesticide chemical residue test, the independent testing laboratory  
475 or other such laboratory shall release the entire batch for  
476 manufacturing, processing or sale.

477 (p) The independent testing laboratory or other such laboratory  
478 shall file with the Department of Consumer Protection an electronic



479 copy of each laboratory test result for any batch that does not pass the  
480 microbiological, mycotoxin, heavy metal or pesticide chemical residue  
481 test, at the same time that it transmits such results to the manufacturer  
482 licensee who requested such testing. Each independent testing  
483 laboratory or other such laboratory shall maintain the test results of  
484 each tested batch for a period of three years and shall make such  
485 results available to the Department of Consumer Protection upon  
486 request.

487 (q) Manufacturer licensees shall maintain records required by the  
488 federal act, this section and any regulation adopted pursuant to this  
489 section. Each manufacturer licensee shall make such records available  
490 to the Department of Consumer Protection immediately upon request  
491 and in electronic format, if available.

492 (r) The Commissioner of Consumer Protection may adopt  
493 regulations, in accordance with the provisions of chapter 54 of the  
494 general statutes, to implement the provisions of this section including,  
495 but not limited to, establishing sampling and testing procedures to  
496 ensure compliance with the federal act, to prescribe disposal  
497 procedures for plants grown in violation of the federal act and to  
498 establish advertising and labeling requirements for consumables.

499 (s) Any claim of health impacts, medical effects or physical or  
500 mental benefits shall be prohibited on any advertising for, labeling of  
501 or marketing of consumables. Any violation of this subsection shall be  
502 deemed an unfair or deceptive trade practice under chapter 735a of the  
503 general statutes.

504 (t) Not later than February 1, 2020, the Commissioners of  
505 Agriculture and Consumer Protection shall submit a report, in  
506 accordance with section 11-4a of the general statutes, to the joint  
507 standing committee of the general assembly having cognizance of  
508 matters relating to the environment on the status of the pilot program,  
509 the development of the state plan and any regulations for such pilot  
510 program or state plan. Additionally such report shall include any

511 legislative recommendations, including, but not limited to, any  
512 recommendations for requiring the registration of any consumable  
513 offered for sale in this state.

514 Sec. 3. Subdivision (7) of section 21a-240 of the general statutes is  
515 repealed and the following is substituted in lieu thereof (*Effective from*  
516 *passage*):

517 (7) "Cannabis-type substances" include all parts of any plant, or  
518 species of the genus cannabis or any infra specific taxon thereof  
519 whether growing or not; the seeds thereof; the resin extracted from any  
520 part of such a plant; and every compound, manufacture, salt,  
521 derivative, mixture or preparation of such plant, its seeds or resin; but  
522 shall not include the mature stalks of such plant, fiber produced from  
523 such stalks, oil or cake made from the seeds of such plant, any other  
524 compound, manufacture, salt, derivative, mixture or preparation of  
525 such mature stalks, except the resin extracted therefrom, fiber, oil or  
526 cake, the sterilized seed of such plant which is incapable of  
527 germination, or [industrial] hemp, as defined in 7 USC [5940] 1639o, as  
528 amended from time to time. Included are cannabimon, cannabimol,  
529 cannabidiol and chemical compounds which are similar to  
530 cannabimon, cannabimol or cannabidiol in chemical structure or which  
531 are similar thereto in physiological effect, and which show a like  
532 potential for abuse, which are controlled substances under this chapter  
533 unless modified;

534 Sec. 4. Subdivision (29) of section 21a-240 of the general statutes is  
535 repealed and the following is substituted in lieu thereof (*Effective from*  
536 *passage*):

537 (29) "Marijuana" means all parts of any plant, or species of the genus  
538 cannabis or any infra specific taxon thereof, whether growing or not;  
539 the seeds thereof; the resin extracted from any part of the plant; and  
540 every compound, manufacture, salt, derivative, mixture, or  
541 preparation of such plant, its seeds or resin. Marijuana does not  
542 include the mature stalks of such plant, fiber produced from such

543 stalks, oil or cake made from the seeds of such plant, any other  
 544 compound, manufacture, salt, derivative, mixture or preparation of  
 545 such mature stalks, except the resin extracted therefrom, fiber, oil, or  
 546 cake, the sterilized seed of such plant which is incapable of  
 547 germination, or [industrial] hemp, as defined in 7 USC [5940] 1639o, as  
 548 amended from time to time. Included are cannabimon, cannabimol or  
 549 cannabidiol and chemical compounds which are similar to  
 550 cannabimon, cannabimol or cannabidiol in chemical structure or which  
 551 are similar thereto in physiological effect, and which show a like  
 552 potential for abuse, which are controlled substances under this chapter  
 553 unless modified;"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	21a-240(7)
Sec. 4	<i>from passage</i>	21a-240(29)