Referred to Committee on JUDICIARY

Introduced by:
SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
REP. ARESIMOWICZ, 30th Dist.
REP. RITTER M., 1st Dist.

AN ACT CONCERNING THE ADULT USE OF CANNABIS.

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

Section 1. (NEW) (Effective from passage) As used in this section, sections 6 to 9, inclusive, of this act, sections 18 to 29, inclusive, of this act, sections 31 to 39, inclusive, of this act and section 41 of this act, unless the context otherwise requires:

(1) "Backer" means any person with a direct or indirect financial interest in a cannabis establishment. "Backer" does not include a person with an investment interest in a cannabis establishment, provided the interest held by such person and such person's coworkers, employees, spouse, parent or child, in the aggregate, does not exceed five per cent of the total ownership or interest rights in such cannabis establishment and such person does not participate directly or indirectly in the control, management or operation of the cannabis establishment;
(2) "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;

(3) "Cannabis establishment" means a producer, dispensary facility, cannabis product manufacturing facility or cannabis retailer;

(4) "Cannabis product" means a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. Cannabis product does not include the raw cannabis plant;

(5) "Cannabis concentrate" means any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis or a cannabis product that is further processed to increase the concentration of THC;

(6) "Cannabis product manufacturing facility" means a person, excluding a producer, that is licensed to purchase cannabis, manufacture, prepare and package cannabis products and sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments;

(7) "Cannabis retailer" means a person, excluding a dispensary facility, as defined in section 21a-408-1 of the regulations of state agencies, that is licensed to purchase cannabis from producers as well as to purchase cannabis and cannabis products from cannabis product manufacturing facilities and to sell cannabis and cannabis products to consumers and research programs;

(8) "Commission" means the Cannabis Equity Commission established pursuant to section 18 of this act;

(9) "Commissioner" means the Commissioner of Consumer Protection;

(10) "Consumer" means an individual who is twenty-one years of age or older;
(11) "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes;

(12) "Department" means the Department of Consumer Protection;

(13) "Dispensary facility" has the same meaning as "dispensary", as provided in section 21a-408 of the general statutes;

(14) "Employee" means any person who is not a backer, but is a member of the board of a company with an ownership interest in a cannabis establishment, and any person employed by a cannabis establishment or who otherwise has access to such establishment, including, but not limited to, an independent contractor who has routine access to the premises of such establishment;

(15) "Hemp" has the same meaning as provided in section 22-61l of the general statutes;

(16) "Laboratory" means a facility located in Connecticut that is licensed by the department to provide analysis of controlled substances pursuant to sections 21a-246 and 21a-408r of the general statutes;

(17) "Laboratory employee" means an individual who is licensed as a laboratory employee pursuant to section 21a-408r of the general statutes;

(18) "Cannabis micro business" means a cannabis micro business retailer or a cannabis micro business retail delivery licensee;

(19) "Municipality" means any town, city or borough, consolidated town and city or consolidated town and borough;

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

(21) "Person" means every individual, partnership, limited liability company, society, association, joint stock company, corporation, estate,
receiver, trustee, assignee, referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof;

(22) "Producer" has the same meaning as provided in section 21a-408i of the general statutes and any regulations promulgated thereunder;

(23) "Research program" has the same meaning as provided in section 21a-408 of the general statutes;

(24) "Sale" or "sell" has the same meaning as provided in section 21a-240 of the general statutes; and

(25) "THC" means delta-9-tetrahydrocannabinol.

Sec. 2. Subsection (a) of section 21a-279 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) (1) Any person who possesses or has under such person's control any quantity of any controlled substance, except [less than one-half ounce] of a cannabis-type substance and except as authorized in this chapter, shall be guilty of a class A misdemeanor.

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

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

Sec. 3. Section 21a-279a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):
(a) A consumer twenty-one years of age or older may possess, use and otherwise consume cannabis and cannabis products, provided the amount of all such cannabis, including the amount contained in any cannabis product, does not exceed such consumer's possession limit of one and one-half ounces of cannabis, of which no more than five grams may be in the form of a cannabis concentrate.

[(a)] (b) Any person under twenty-one years of age who possesses or has under [his] such person's control less than [one-half ounce] two ounces of a cannabis-type substance, [as defined in section 21a-240,] except as authorized in this chapter or chapter 420f, shall (1) for a first offense, be fined one hundred fifty dollars, and (2) for a subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars.

(c) Any person twenty-one years of age or older who possesses or has under such person's control more than the possession limit pursuant to subsection (a) of this section, but less than two ounces of a cannabis-type substance, except as authorized in this chapter or chapter 420f, shall (1) for a first offense, be fined one hundred fifty dollars, and (2) for a subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars.

(d) (1) Any person who possesses or has under such person's control two ounces or more of a cannabis-type substance, except as authorized in this chapter, chapter 420f or sections 18 to 29, inclusive, of this act, sections 31 to 33, inclusive, of this act or section 21a-408t of the general statutes, as amended by this act, shall be guilty of a class B misdemeanor.

(2) For an offense under subdivision (1) of this subsection, the court shall evaluate such person and, if the court determines such person is a drug-dependent person, the court may suspend prosecution of such person and order such person to undergo a substance abuse treatment program.
[(b)] (e) The law enforcement officer issuing a complaint for a violation of subsection [(a)] (b), (c) or (d) of this section shall seize the cannabis-type substance and cause such substance to be destroyed as contraband in accordance with law.

[(c)] (f) Any person who, at separate times, has twice entered a plea of nolo contendere to, or been found guilty after trial of, a violation of subsection [(a)] (b), (c) or (d) of this section shall, upon a subsequent plea of nolo contendere to, or finding of guilty of, a violation of said subsection, be referred for participation in a drug education program at such person's own expense.

(g) As used in this section, "cannabis" and "cannabis products" have the same meaning as provided in section 1 of this act.

Sec. 4. Section 54-142d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

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

(b) Any person who has been convicted on October 1, 2015, or thereafter, in any court in this state of a violation of section 21a-279, as amended by this act, for possession of a cannabis-type substance and the amount possessed was less than or equal to four ounces of such
substance, may file a petition with the Superior Court at the location in which such conviction was effected, or with the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice, in the Superior Court where venue would currently exist for criminal prosecution, for an order of erasure. As part of such petition, such person shall include a copy of the arrest record or an affidavit supporting such person’s petition that such person possessed four ounces or less of a cannabis-type substance for which such person was convicted. If such petition is in order, the Superior Court shall direct all police and court records and records of the state’s or prosecuting attorney pertaining to such offense for an order of erasure. No fee may be charged in any court with respect to any petition under this subsection.

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

Sec. 5. (NEW) (Effective July 1, 2021) (a) Whenever prior to October 1, 2015, any person has been convicted in any court of this state of possession of less than four ounces of a cannabis-type substance under subsection (c) of section 21a-279 of the general statutes, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such a conviction in any court of this state shall be erased by operation of law consistent with the provisions of section 54-142d of the general statutes, as amended by this act.

(b) Nothing in this section shall limit any other procedure for erasure
of criminal history record information, as defined in section 54-142g of the general statutes, or prohibit a person from participating in any such procedure, even if such person’s electronic criminal history record information has been erased pursuant to this section.

Sec. 6. (NEW) (Effective July 1, 2022) Notwithstanding any provision of the general statutes, no cannabis retailer or consumer may be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the acquisition, distribution, possession, use or transportation of cannabis or paraphernalia related to cannabis in accordance with the provisions of section 21a-243 of the general statutes, as amended by this act, section 21a-279a of the general statutes, as amended by this act, section 21a-408t of the general statutes, as amended by this act, sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act or section 41 of this act.

Sec. 7. (NEW) (Effective July 1, 2020) Any paraphernalia relating to cannabis or other property seized by law enforcement officials from a consumer or cannabis establishment in connection with the claimed possession or use of cannabis under subsection (a) of section 21a-279a of the general statutes, as amended by this act, shall be returned to the consumer or cannabis establishment immediately upon the determination by a court that the consumer or cannabis establishment is in compliance with the provisions of subsection (a) of section 21a-279a of the general statutes, as amended by this act, as evidenced by a decision not to prosecute, a dismissal of charges or an acquittal. The provisions of this section do not apply to any person who fails to comply with the provisions of subsection (a) of section 21a-279a of the general statutes, as amended by this act.

Sec. 8. (NEW) (Effective July 1, 2022) (a) Except as provided in chapter 420b or 420f of the general statutes or subsection (b) of this section, no person, other than a cannabis retailer, as provided in sections 18 to 29,
inclusive, of this act, sections 31 to 33, inclusive, of this act or section 21a-408t of the general statutes, as amended by this act, may deliver, sell or offer cannabis or cannabis products to a consumer.

(b) Any consumer who purchases cannabis or cannabis products from a cannabis retailer may give cannabis or cannabis products to another consumer, provided such other consumer may possess such cannabis or cannabis products without exceeding the possession limit pursuant to subsection (a) of section 21a-279a of the general statutes, as amended by this act.

Sec. 9. (NEW) (Effective July 1, 2020) Notwithstanding any provision of chapter 420b of the general statutes, a consumer may manufacture, possess or purchase paraphernalia related to cannabis or distribute or sell paraphernalia related to cannabis to another consumer.

Sec. 10. Subsections (b) to (e), inclusive, of section 14-227a of the general statutes are repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(b) (1) Except as provided in subsection (c) of this section, in any criminal prosecution for violation of subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis test of the defendant's breath, blood or urine, shall be admissible and competent provided: [(1)] (A) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; [(2)] (B) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; [(3)] (C) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and was performed in accordance with
the regulations adopted under subsection (d) of this section; [(4)] (D) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; [(5)] (E) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and (i) such additional test was not performed or was not performed within a reasonable time, or (ii) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and [(6)] (F) evidence is presented that the test was commenced within two hours of operation. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(2) If a law enforcement officer who is a drug recognition expert conducts a drug influence evaluation, the officer's testimony concerning such evaluation shall be admissible and competent as evidence of operation of a motor vehicle while under the influence of liquor or any drug or both under subdivision (1) of subsection (a) of this section.

(c) In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's blood, breath or urine,
otherwise admissible under subdivision (1) of subsection (b) of this section, shall be admissible only at the request of the defendant.

(d) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing [and analysis purposes] of blood, of breath and of urine and certify those methods and types which [said] the commissioner finds suitable for use in testing [and analysis] of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices, the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as [said] the commissioner finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a police officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency.

(e) (1) In any criminal prosecution for a violation of subsection (a) of this section, evidence that the defendant refused to submit to a blood, breath or urine test or the nontestimonial portion of a drug influence evaluation requested in accordance with section 14-227b, as amended by this act, shall be admissible provided the requirements of subsection (b) of said section have been satisfied. If a case involving a violation of subsection (a) of this section is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to [a blood, breath or urine test] such a test or evaluation.

(2) A drug recognition expert may testify as to his or her opinion or otherwise as to the significance of any symptoms of impairment or intoxication for which evidence has been admitted or on the condition
that such evidence be introduced.

(3) In any prosecution for a violation of subdivision (1) of subsection (a) of this section in which it is alleged that the defendant's operation of a motor vehicle was impaired, in whole or in part, by consumption of cannabis, cannabis products or THC, as those terms are defined in section 1 of this act, the court may take judicial notice that the ingestion of THC (A) can impair a person's ability to operate a motor vehicle; (B) can impair a person's motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control and memory; and (C) does not enhance a person's ability to safely operate a motor vehicle.

Sec. 11. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to: [a] (1) A chemical analysis test of such person's blood, breath or urine; [and, if] and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such test or evaluation.

(b) If any such person, having been placed under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's license or nonresident operating privilege may be suspended in accordance with the provisions of this section if such person refuses to submit to such test, or if such person submits to such test and the results of such test indicate that such person has an elevated blood
alcohol content, and that evidence of any such refusal shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or nonresident operating privilege may be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content.]

(b) (1) A police officer who has placed a person under arrest for a violation of section 14-227a, as amended by this act, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert or both after such person has been (A) apprised of such person's constitutional rights; (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation; (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (e) of section 14-227a, as amended by this act, and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution; and (D) informed that such person's license or operating privilege may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or the nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content or elevated blood THC content, or (iii) the officer believes there is substantial evidence to
conclude that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both.

(2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the results indicate that the person does not have an elevated blood alcohol content, the police officer may request that the person submit to a different type of test, except that if the person refuses or is unable to submit to a blood test, the officer shall designate a urine test to be taken.

The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or operating privilege may be suspended if (A) such person refused to submit to such test or nontestimonial portion of a drug influence evaluation; (B) such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content or elevated blood THC content; or (C) the officer believes there is substantial evidence to conclude that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both.

(c) If the person arrested refuses to submit to such test or [analysis] nontestimonial portion of a drug influence evaluation or submits to such test, [or analysis,] commenced within two hours of the time of operation, and the results of such test [or analysis] indicate that such person has an elevated blood alcohol content or elevated blood THC content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the [nonresident] operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test [or analysis] to the Department of Motor Vehicles within three business
days, except that failure of an officer to mail or transmit such report within three business days shall not impact a decision to suspend such person's license or operating privilege and shall not render such report inadmissible at a proceeding under this section. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or [analysis] evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n and shall state that such person had refused to submit to such test or [analysis] evaluation when requested by such police officer to do so or that such person submitted to such test or, [analysis,] commenced within two hours of the time of operation, and the results of such test or analysis indicated that such person had an elevated blood alcohol content or elevated blood THC content. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

[(d) If the person arrested submits to a blood or urine test at the request of the police officer, and the specimen requires laboratory analysis in order to obtain the test results, the police officer shall not take possession of the motor vehicle operator's license of such person or, except as provided in this subsection, follow the procedures subsequent to taking possession of the operator's license as set forth in subsection (c) of this section. If the test results indicate that such person has an]
elevated blood alcohol content, the police officer, immediately upon receipt of the test results, shall notify the Commissioner of Motor Vehicles and submit to the commissioner the written report required pursuant to subsection (c) of this section.]

(d) If a police officer who has placed a person under arrest for a violation of section 14-227a, as amended by this act, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content or elevated blood THC content, such officer shall:

(1) Advise such person that such person's license or operating privilege may be suspended in accordance with the provisions of this section if such police officer believes there is substantial evidence to conclude that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content or elevated blood THC content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content or elevated blood THC content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (B) whether the officer believes that there is substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by
liquor or any drug or both. If the officer believes there is substantial
evidence to conclude that the person was operating a motor vehicle
under the influence of intoxicating liquor or any drug or both, the officer
shall immediately revoke and take possession of the motor vehicle
operator's license or, if such person is not licensed or is a nonresident,
suspend the operating privilege of such person, for a twenty-four-hour
period.

(e) (1) Except as provided in subdivision (2) of this subsection, upon
receipt of [such] a report submitted under subsection (c) or (d) of this
section, the [Commissioner of Motor Vehicles] commissioner may
suspend any operator's license or [nonresident] operating privilege of
such person effective as of a date certain, which date certain shall be not
later than thirty days [after] from the later of the date such person
received (A) notice of such person's arrest by the police officer, or (B) the
results of a blood or urine test or a drug influence evaluation. Any
person whose operator's license or [nonresident] operating privilege has
been suspended in accordance with this subdivision shall automatically
be entitled to a hearing before the commissioner to be held in accordance
with the provisions of chapter 54 and prior to the effective date of the
suspension. The commissioner shall send a suspension notice to such
person informing such person that such person's operator's license or
[nonresident] operating privilege is suspended as of a date certain and
that such person is entitled to a hearing prior to the effective date of the
suspension and may schedule such hearing by contacting the
Department of Motor Vehicles not later than seven days after the date
of mailing of such suspension notice.

(2) [If the person arrested (A) is] Upon receipt of a report that (A) the
person's arrest involved [in] an accident resulting in a fatality, or (B) the
person has previously had such person's operator's license or
[nonresident] operating privilege suspended under the provisions of
section 14-227a, as amended by this act, 14-227m or 14-227n, as amended
by this act, during the ten-year period preceding the present arrest,
[upon receipt of such report, the Commissioner of Motor Vehicles] the
commissioner may suspend any operator's license or [nonresident] operating privilege of such person effective as of the date specified in a notice of such suspension to such person. [Any] A person whose operator's license or [nonresident] operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or [nonresident] operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed under subsection (f) of this section or such operator's license or [nonresident] operating privilege is reinstated in accordance with [subsections (f) and] subsection (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or [nonresident] operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, the hearing officer or the department and upon a showing of good cause, the commissioner may grant one or more continuances. [The hearing]

(2) A hearing based on a report submitted under subsection (c) of this
section shall be limited to a determination of the following issues: [(1)]

(A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; [(2)] (B) was such person placed under arrest; [(3)] (C) did such person (i) refuse to submit to such test or [analysis or did such person] nontestimonial portion of a drug influence evaluation, or (ii) submit to such test, [or analysis,] commenced within two hours of the time of operation, and the results of such test [or analysis] indicated that such person had an elevated blood alcohol content or elevated blood THC content; and [(4)] (D) was such person operating the motor vehicle.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; (B) was the person placed under arrest; (C) is there substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both; and (D) was the person operating the motor vehicle.

(4) In [the] a hearing under this subsection, the results of the test, [or analysis] if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at [the] a hearing under this subsection shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug or both shall be admissible. Such evidence may
include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; (D) the results of any tests conducted by, or the report of, an officer trained in advanced roadside impaired driving enforcement; or (E) reports of drug recognition experts.

(h) If, after a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues in subparagraph (A), (B), (C) or (D) of this subdivision, the commissioner shall reinstate such license or operating privilege. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of the issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail to such person. The notice of such decision sent by bulk certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or [nonresident] operating privilege is reinstated or suspended, as the case may be.

(i) (1) The commissioner shall suspend the operator's license or [nonresident] operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to
subsection (h) of this section, as of the effective date contained in the
suspension notice, for a period of forty-five days. As a condition for the
restoration of such operator's license or [nonresident] operating
privilege, such person shall be required to install an ignition interlock
device on each motor vehicle owned or operated by such person and,
upon such restoration, be prohibited from operating a motor vehicle
unless such motor vehicle is equipped with a functioning, approved
ignition interlock device, as defined in section 14-227j, for the longer of
either (A) the period prescribed in subdivision (2) of this subsection for
the present arrest and suspension, or (B) the period prescribed in
subdivision (1), (2) or (3) of subsection (g) of section 14-227a or
subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
subdivision (1) or (2) of subsection (c) of section 14-227n for the present
arrest and conviction, if any.

(2) (A) A person twenty-one years of age or older at the time of the
arrest who submitted to a test [or analysis] and the results of such test
[or analysis] indicated that such person had an elevated blood alcohol
content, or was found to have been operating a motor vehicle under the
influence of intoxicating liquor or any drug or both based on a report
filed pursuant to subsection (d) of this section, shall install and maintain
an ignition interlock device for the following periods: (i) For a first
suspension under this section, six months; (ii) for a second suspension
under this section, one year; and (iii) for a third or subsequent
suspension under this section, two years; (B) a person under twenty-one
years of age at the time of the arrest who submitted to a test [or analysis]
and the results of such test [or analysis] indicated that such person had
an elevated blood alcohol content or elevated blood THC content, or
was found to have been operating a motor vehicle under the influence
of intoxicating liquor or any drug or both based on a report filed
pursuant to subsection (d) of this section, shall install and maintain an
ignition interlock device for the following periods: (i) For a first
suspension under this section, one year; (ii) for a second suspension
under this section, two years; and (iii) for a third or subsequent

suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or [analysis] nontestimonial portion of a drug influence evaluation shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator’s license or [nonresident] operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a, as amended by this act, or subsection (c) of section 14-227m shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from or a urine sample provided by an operator of a motor vehicle who was involved in an accident and suffered or allegedly suffered physical injury in such accident, or who was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the [Commissioner of Motor Vehicles] commissioner and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content or elevated blood THC content, or any quantity of an intoxicating liquor or any drug or both in such person's blood, and if such person was arrested for violation of section 14-227a, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's
license or [nonresident] operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content or elevated blood THC content, or there is substantial evidence to conclude that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug or both; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision [(5)] (1) of subsection (b) of section 14-227a, as amended by this act.

(l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.
(n) For the purposes of this section, "elevated blood alcohol content" means (1) (A) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, or (B) a ratio of alcohol in the blood of such person that is between five-hundredths and eight-hundredths of one per cent of alcohol, by weight, if such person also tests positive for any quantity of a drug, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight; and "elevated blood THC content" means, if such person is less than twenty-one years of age, one-half nanogram or more of THC, as defined in section 1 of this act, in the blood of such person, unless such person provides evidence that such person is a qualifying patient with a valid registration certificate from the Department of Consumer Protection pursuant to chapter 420f.

(o) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

(p) For purposes of this section and section 14-227a, as amended by this act, (1) "advanced roadside impaired driving enforcement" means a program developed by the National Highway Traffic Safety Administration with the International Association of Chiefs of Police and the Technical Advisory Panel, which focuses on impaired driving; (2) "drug influence evaluation" means a twelve-part evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the type of drug or drugs causing such impairment; (3) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (4) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug
Sec. 12. Section 14-227c of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(a) As part of the investigation of any motor vehicle accident resulting in the death of a person, the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, a pathologist as specified in section 19a-405, or an authorized assistant medical examiner, as the case may be, shall order that a blood sample be taken from the body of any operator or pedestrian who dies as a result of such accident. Such blood samples shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection or by the Office of the Chief Medical Examiner. Nothing in this subsection or section 19a-406 shall be construed as requiring such medical examiner to perform an autopsy in connection with obtaining such blood samples.

(b) A blood, breath or urine sample shall be obtained from any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, if (1) a police officer has probable cause to believe that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both, or (2) such operator has been charged with a motor vehicle violation in connection with such accident and a police officer has a reasonable and articulable suspicion that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both. The test shall be performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and shall be performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the Commissioner of
Emergency Services and Public Protection. The equipment used for such test shall be checked for accuracy by a person certified by the Department of Emergency Services and Public Protection immediately before and after such test is performed. If a blood test is performed, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse, a physician assistant or a phlebotomist. [The blood samples] A blood sample obtained from an operator pursuant to this subsection shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection.

(c) Each police officer who obtains from a surviving operator any blood, breath or urine sample pursuant to subsection (b) of this section shall submit to the Commissioner of Motor Vehicles a written report providing the results of such sample on a form approved by the commissioner. The commissioner may, after notice and an opportunity for a hearing held in accordance with chapter 54 and section 14-227b, as amended by this act, suspend the motor vehicle operator's license or operating privilege of such person and require such person to install and maintain an ignition interlock device as provided for in subsection (i) of section 14-227b, as amended by this act. Such hearing shall be limited to a determination of the following issues: (1) Was the person operating the motor vehicle; (2) was the person's sample obtained in accordance with the provisions of subsection (b) of this section; and (3) was the examined sample found to have an elevated blood alcohol content, as defined in section 14-227b, as amended by this act, or elevated blood THC content, as defined in section 14-227b, as amended by this act, or was there substantial evidence that the person was operating the motor vehicle under the influence of intoxicating liquor or any drug or both.

Sec. 13. Subsection (c) of section 14-44k of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):
(c) In addition to any other penalties provided by law, and except as provided in subsection (d) of this section, a person is disqualified from operating a commercial motor vehicle for one year if the commissioner finds that such person has refused to submit to a test to determine such person's blood alcohol concentration while operating any motor vehicle, [or has failed such a test when given,] has an elevated blood alcohol content or elevated blood THC content based on such a test pursuant to section 14-227b, as amended by this act, or was found to have been operating under the influence of intoxicating liquor or any drug or both based on a report filed pursuant to the provisions of subsection (d) of section 14-227b, as amended by this act, or pursuant to the provisions of a law of any other state that is deemed by the commissioner to be substantially similar to section 14-227b, as amended by this act. For the purpose of this subsection, [a person shall be deemed to have failed such a test if, when driving a commercial motor vehicle, the ratio of alcohol in the blood of such person was four-hundredths of one per cent or more of alcohol, by weight, or if, when driving any other motor vehicle, the ratio of alcohol in the blood of such person was eight-hundredths of one per cent or more of alcohol, by weight] "elevated blood alcohol content" and "elevated blood THC content" have the same meanings as provided in section 14-227b, as amended by this act.

Sec. 14. Subdivision (3) of subsection (a) of section 14-227n of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(3) For the purposes of this section, "motor vehicle specially designated for carrying children" means any motor vehicle, except for a registered school bus or student transportation vehicle as defined in section 14-212, that is designated or used by a person, firm or corporation for the transportation of children to or from any program or activity organized primarily for persons under the age of eighteen years, with or without charge to the individual being transported, but does not include a passenger motor vehicle normally used for personal, family or household purposes that is operated by a person without a public...
passenger endorsement; and "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" [means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight] has the same meaning as provided in section 14-227b, as amended by this act.

Sec. 15. (NEW) (Effective April 1, 2022) The state traffic safety resource prosecutor, in consultation with the Department of Transportation, the Department of Motor Vehicles, the state-wide drug recognition expert coordinator, the National Highway Traffic Safety Administration and the Connecticut Police Chiefs Association, shall (1) develop educational materials and programs about the drug recognition expert program and drug influence evaluations, and (2) make such materials and programs available to the Judicial Branch and the Connecticut Judges Association.

Sec. 16. Section 15-140q of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(a) Any person who operates a vessel in this state shall be deemed to have consented to (1) a chemical [analysis] test of such person's blood, breath or urine, [and if] and (2) a nontestimonial drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such [an analysis of the minor's blood, breath or urine] test or evaluation.

[(b) If any such person, having been placed under arrest for: (1) Violating subsection (b) of section 53-206d; (2) operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; (3) operating a vessel upon the waters of this state]
while such person has an elevated blood alcohol content, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel shall be suspended in accordance with the provisions of this section if such person refuses to submit to such test or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content and that evidence of any such refusal shall be admissible in accordance with subsection (d) of section 15-140r, and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if such person refuses or is unable to submit to a blood test, the peace officer shall designate the breath or urine test as the test to be taken. The peace officer shall make a notation upon the records of the police department that such officer informed such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation would be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person has an elevated blood alcohol content.

(b) (1) A police officer who has placed a person under arrest for violating subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert or both, after such person has been (A) apprised of
such person's constitutional rights, (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation, (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (d) of section 15-140r, as amended by this act, and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution, and (D) informed that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content or elevated blood THC content, or (iii) the officer believes there is substantial evidence to conclude that such person was operating a vessel under the influence of intoxicating liquor or any drug or both.

(2) If the person refuses to submit to any test or drug evaluation, the test or evaluation shall not be given, except that if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the results indicate that the person does not have an elevated blood alcohol content, the police officer may request that the person submit to a different type of test, except that if the person refuses or is unable to submit to a blood test, the police officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation may be suspended if such person (A) refused to submit to
such test or the nontestimonial portions of a drug influence evaluation;
(B) submitted to such test and the results of such test indicated that such
person had an elevated blood alcohol content or elevated blood THC
content; or (C) the officer believes there is substantial evidence to
conclude that such person was operating a vessel under the influence of
intoxicating liquor or any drug or both.

(c) (1) If the person arrested refuses to submit to such test or [analysis]
nontestimonial portion of a drug influence evaluation, or submits to
such test [or analysis] and the results of such test [or analysis] indicate
that at the time of the alleged offense such person had an elevated blood
alcohol content or elevated blood THC content, the peace officer shall
immediately revoke the safe boating certificate, right to operate a vessel
that requires a safe boating certificate for operation or certificate of
personal watercraft operation, if any, of such person for a twenty-four-
hour period. The peace officer shall prepare a written report of the
incident and shall mail the report, together with any certificate taken
into possession and a copy of the results of any chemical test or analysis,
to the commissioner within three business days, except that failure of an
officer to mail or transmit such report within three business days shall
not impact a decision to suspend a safe boating certificate, right to
operate a vessel that requires a safe boating certificate for operation or
certificate of personal watercraft operation issued by the commissioner
as a condition of operating a vessel and shall not render such report
inadmissible at a proceeding under this section. The report shall be
made on a form approved by the commissioner and shall be subscribed
and sworn to under penalty of false statement as provided in section
53a-157b by the peace officer before whom such refusal was made or
who administered or caused to be administered such test or analysis. If
the person arrested refused to submit to such test or [analysis]
evaluation, the report shall be endorsed by a third person who
witnessed such refusal. The report shall set forth the grounds for the
officer's belief that there was probable cause to arrest such person for
operating such vessel while under the influence of intoxicating liquor or
any drug, or both, or while such person has an elevated blood alcohol content and shall state that such person refused to submit to such test or [analysis] evaluation when requested by such peace officer or that such person submitted to such test [or analysis] and the results of such test [or analysis] indicated that such person at the time of the alleged offense had an elevated blood alcohol content or elevated blood THC content.

[(d) If the person arrested submits to a blood or urine test at the request of the peace officer, and the specimen requires laboratory analysis in order to obtain the test results, and if the test results indicate that such person has an elevated blood alcohol content, the peace officer, immediately upon receipt of the test results, shall notify and submit to the commissioner the written report required pursuant to subsection (c) of this section.]

(d) If a police officer who has placed a person under arrest for violating subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains test results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content or elevated blood THC content, such officer shall:

(1) Advise such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel may be suspended in accordance with the provisions of this section if such police officer believes there is substantial evidence to conclude that such person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and
(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content or elevated THC content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content or elevated blood THC content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, and (B) whether the officer believes that there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer believes there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug or both, the officer shall immediately revoke and take possession of the person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel, for a twenty-four-hour period.

(e) Upon receipt of [such] a report submitted under subsection (c) or (d), the commissioner shall suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person effective as of a date certain, such date certain shall be no later than thirty-five days after the later of the date such person received (A) notice of such person's arrest by the peace officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose safe boating
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1032 certificate, right to operate a vessel that requires a safe boating certificate
1033 for operation or certificate of personal watercraft operation is suspended
1034 in accordance with this subsection shall be entitled to a hearing before
1035 the commissioner to be held prior to the effective date of the suspension.
1036 The commissioner shall send a suspension notice to such person
1037 informing such person that such person's safe boating certificate, right
1038 to operate a vessel that requires a safe boating certificate for operation
1039 or certificate of personal watercraft operation is suspended and shall
1040 specify the date of such suspension and that such person is entitled to a
1041 hearing prior to the effective date of the suspension and may schedule
1042 such hearing by contacting the commissioner not later than seven days
1043 after the date of mailing of such suspension notice.

(f) If such person does not contact the department to schedule a
1044 hearing, the commissioner shall affirm the suspension contained in the
1045 suspension notice for the appropriate period specified in subsection (i)
1046 of this section.

(g) (1) If such person contacts the department to schedule a hearing,
1048 the commissioner shall assign a date, time and place for the hearing,
1049 which date shall be prior to the effective date of the suspension. At the
1050 request of such person and upon a showing of good cause, the
1051 commissioner may grant one continuance for a period not to exceed
1052 thirty days. [The hearing]

(2) A hearing based on a report submitted under subsection (c) of this
1054 section shall be limited to a determination of the following issues: [(1)]
1055 (A) Whether the peace officer had probable cause to arrest the person
1056 for operating the vessel while under the influence of intoxicating liquor
1057 or drugs, or both, or while such person has an elevated blood alcohol
1058 content; [(2)] (B) whether such person was placed under arrest; [(3)] (C)
1059 whether such person [(A)] (i) refused to submit to such test or [analysis]
1060 nontestimonial portion of drug influence evaluation, or [(B)] (ii)
1061 submitted to such test [or analysis] and the results of such test [or
1062 analysis] indicated that at the time of the alleged offense that such
person had an elevated blood alcohol content or elevated blood THC content; and [(4)] (D) whether such person was operating the vessel.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (B) whether such person was placed under arrest; (C) whether there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (D) whether such person was operating the vessel.

(4) At [the] a hearing held under this subsection, the results of the test, [or analysis] if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, except that if the results of an additional test, administered pursuant to section 15-140r, as amended by this act, indicate that the ratio of alcohol in the blood of such person is eight-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and analysis thereof accurately indicate the blood alcohol content at the time of operation. The fees of any witness summoned to appear at [the] a hearing under this subsection shall be the same as provided in section 52-260.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by
the consent of the operator; or (D) reports of drug recognition experts.

(h) If, after [such] a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of [said] the issues in [the negative] subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing or send a notice of the decision by certified mail to such person not later than thirty-five days from the date of notice of such person's arrest by the peace officer or, if a continuance is granted, not later than sixty-five days from the date such person received notice of such person's arrest by the peace officer. The notice of such decision sent by certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended or the suspension is stayed. Unless a continuance of the hearing is granted pursuant to subsection (g) of this section, if the commissioner fails to render a decision within thirty-five days from the date that such person received notice of such person's arrest by the peace officer, the commissioner shall not suspend such person's safe boating certificate,
right to operate a vessel that requires a safe boating certificate for
operation or certificate of personal watercraft operation.

(i) The commissioner shall suspend the operator's safe boating
certificate, right to operate a vessel that requires a safe boating certificate
for operation or certificate of personal watercraft operation of a person
who does not contact the department to schedule a hearing under
subsection (e) of this section, who fails to appear at such hearing, or
against whom, after a hearing, the commissioner holds pursuant to
subsection (g) of this section. Such suspension shall be as of the effective
date contained in the suspension notice or the date the commissioner
renders a decision, whichever is later, for a period of: (1) (A) Except as
provided in subparagraph (B) of this subdivision, ninety days if such
person submitted to a test [or analysis] and the results of such test [or
analysis] indicated that at the time of the alleged offense that such
person had an elevated blood alcohol content or elevated blood THC
content, or such person was found to have been operating a vessel under
the influence of intoxicating liquor or any drug, or both, based on a
report filed pursuant to subsection (d) of this section, or (B) one hundred
twenty days if such person submitted to a test [or analysis] and the
results of such test [or analysis] indicated that the ratio of alcohol in the
blood of such person was sixteen-hundredths of one per cent or more of
alcohol, by weight, or (C) six months if such person refused to submit to
such test; [or analysis;] (2) if such person has previously had such
person's safe boating certificate, right to operate a vessel that requires a
safe boating certificate for operation or certificate of personal watercraft
operation suspended under this section, (A) except as provided in
subparagraph (B) of this subdivision, nine months if such person
submitted to a test [or analysis] and the results of such test [or analysis]
indicated that at the time of the alleged offense that such person had an
elevated blood alcohol content or elevated blood THC content, or such
person was found to have been operating a vessel under the influence
of intoxicating liquor or any drug, or both, based on a report filed
pursuant to subsection (d) of this section, (B) ten months if such person
submitted to a test [or analysis] and the results of such test [or analysis]
indicated that the ratio of alcohol in the blood of such person was
sixteen-hundredths of one per cent or more of alcohol, by weight, and
(C) one year if such person refused to submit to such test; [or analysis;]
and (3) if such person has two or more times previously had such
person's safe boating certificate, right to operate a vessel that requires a
safe boating certificate for operation or certificate of personal watercraft
operation suspended under this section, (A) except as provided in
subparagraph (B) of this subdivision, two years if such person
submitted to a test [or analysis] and the results of such test [or analysis]
indicated that at the time of the alleged offense that such person had an
elevated blood alcohol content or elevated blood THC content, or such
person was found to have been operating a vessel under the influence
of intoxicating liquor or any drug, or both, based, on a report filed
pursuant to subsection (d) of this section, (B) two and one-half years if
such person submitted to a test [or analysis] and the results of such test
[or analysis] indicated that the ratio of alcohol in the blood of such
person was sixteen-hundredths of one per cent or more of alcohol, by
weight, and (C) three years if such person refused to submit to such test;

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
of this section, any peace officer who obtains the results of a chemical
analysis of a blood sample taken from an operator of a vessel involved
in an accident who suffered or allegedly suffered physical injury in such
accident shall notify the commissioner and submit to the commissioner
a written report if such results indicate that at the time of the alleged
offense such person had an elevated blood alcohol content or elevated
blood THC content, or any quantity of an intoxicating liquor or any
drug, or both, in such person's blood, and if such person was arrested
for a violation of section 15-132a, subsection (d) of section 15-133 or
section 15-140l or 15-140n in connection with such accident. The report
shall be made on a form approved by the commissioner containing such
information as the commissioner prescribes and shall be subscribed and
sworn under penalty of false statement, as provided in section 53a-157b, by the peace officer. The commissioner shall, after notice and an opportunity for hearing, which shall be conducted in accordance with chapter 54, suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person for a period of up to ninety days, or, if such person has previously had such person's operating privilege suspended under this section, for a period up to one year. Each hearing conducted under this section shall be limited to a determination of the following issues: (1) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (2) whether such person was placed under arrest; (3) whether such person was operating the vessel; (4) whether the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content or elevated blood THC content, or there is substantial evidence to conclude that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (5) whether the blood sample was obtained in accordance with conditions for admissibility as set forth in section 15-140s. If, after such hearing, the commissioner finds on any issue in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in [subdivision (5)] subparagraph (E) of subdivision (1) of subsection (a) of section 15-140r, as amended by this act.

(l) The provisions of this section do not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who,
at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means: (1) (A) A ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, or (B) a ratio of alcohol in the blood of such person that is between five-hundredths and eight-hundredths of one per cent of alcohol by weight, if such person also tests positive for any quantity of an impairing drug or substance, or (2) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight; and "elevated blood THC content" means, if such person is less than twenty-one years of age, one-half nanogram or more of THC, as defined in section 1 of this act, in the blood of such person, unless such person provides evidence that such person is a qualifying patient with a valid registration certificate from the Department of Consumer Protection pursuant to chapter 420f.

(o) The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

(p) For purposes of this section and section 15-140r, as amended by this act, (1) "drug influence evaluation" means a twelve-part evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the type of drug or drugs causing such impairment; (2) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (3) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug recognition expert that does not include a verbal interview with the subject.
Sec. 17. Section 15-140r of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(a) (1) Except as provided in section 15-140s or subsection (d) of this section, in any criminal prosecution for the violation of section 15-132a, subsection (d) of section 15-133, section 15-140l or 15-140n or subsection (b) of section 53-206d, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis test of the defendant's breath, blood or urine shall be admissible and competent provided: [(1)] (A) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; [(2)] (B) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; [(3)] (C) the test was performed by or at the direction of a certified law enforcement officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection, and if a blood test was performed, it was performed on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, an emergency medical technician II or a registered nurse in accordance with the regulations adopted under subsection (b) of this section; [(4)] (D) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (b) of this section; [(5)] (E) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the peace officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, except that the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and [(i)] such additional...
test was not performed or was not performed within a reasonable time, or (ii) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and [(6)] (F) evidence is presented that the test was commenced within two hours of operation of the vessel or expert testimony establishes the reliability of a test commenced beyond two hours of operation of the vessel. In any prosecution under this section, it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(2) If a law enforcement officer who is a drug recognition expert conducts a drug influence evaluation, the officer's testimony concerning such evaluation shall be admissible and competent as evidence of the operation of a vessel while under the influence of liquor or any drug or both under subdivision (1) of subsection (a) of this section.

(b) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing and analysis of blood, of breath and of urine and certify those methods and types which the Commissioner of Emergency Services and Public Protection finds suitable for use in testing and analysis of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection, after consultation with the Commissioner of Public Health, shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices and the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as the Commissioner of Emergency Services and Public Protection finds necessary to protect the
health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a peace officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency.

(c) If a person is charged with a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140/ or 15-140n, the charge may not be reduced, nolled or dismissed unless the prosecuting authority states in open court such prosecutor's reasons for the reduction, nolle or dismissal.

(d) (1) In any criminal prosecution for a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140/ or 15-140n, evidence that the defendant refused to submit to a blood, breath or urine test or nontestimonial portion of a drug influence evaluation requested in accordance with section 15-140q, as amended by this act, shall be admissible provided the requirements of subsection (a) of said section have been satisfied. If a case involving a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140/ or 15-140n is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to a blood, breath or urine test or evaluation.

(2) A drug recognition expert may testify as to his or her opinion or otherwise as to the significance of any symptoms of impairment or intoxication for which evidence has been admitted or on the condition that such evidence be introduced.

(3) In any prosecution for a violation of subdivision (1) of subsection (a) of this section in which it is alleged that the defendant's operation of a vessel was impaired, in whole or in part, by consumption of cannabis, cannabis products or THC, as those terms are defined in section 1 of this act, the court may take judicial notice that the ingestion of THC (i) can
impaired a person's ability to operate a vessel; (ii) can impair a person's motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control and memory; and (iii) does not enhance a person's ability to safely operate a vessel.

Sec. 18. (NEW) (Effective from passage) (a) There is established a Cannabis Equity Commission, which shall be administered by the Department of Consumer Protection.

(b) The commission shall consist of nine members appointed as follows:

(1) Two appointed by the Governor who shall have a professional background of not less than five years working in the field of either social justice or civil rights;

(2) One appointed by the Governor who shall have a professional background of not less than five years working in the field of economic development;

(3) One appointed by the Governor who shall have a professional background of not less than five years in providing access to capital to minorities, as defined in section 32-9n of the general statutes;

(4) One appointed by the Black and Puerto Rican Caucus of the General Assembly;

(5) The Commissioner of Consumer Protection, or the commissioner's designee;

(6) The Commissioner of Economic and Community Development, or the commissioner's designee;

(7) The Commissioner of Revenue Services, or the commissioner's designee; and
(8) The Labor Commissioner, or the commissioner's designee.

(c) The Governor shall make all appointments not later than thirty days after the effective date of this section and shall appoint the chairperson of the commission.

(d) The Governor shall fill any vacancy for the unexpired term. Each commissioner shall take the oath prescribed for executive officers.

(e) The terms of the appointed members of the commission shall be coterminous with the term of the Governor and subject to the provisions of section 4-1a of the general statutes.

(f) A majority of the members of the commission shall constitute a quorum for the transaction of any business.

(g) The members of the commission shall serve without compensation, but shall, within available appropriations, be reimbursed for expenses necessarily incurred in the performance of their duties.

(h) In making the appointments in subsection (b) of this section, the Governor shall use his or her best efforts to make appointments that reflect the racial, gender and geographic diversity of the population of the state.

Sec. 19. (NEW) (Effective from passage) (a) The commission established pursuant to section 18 of this act shall promote and encourage full participation in the cannabis industry by persons from communities that have been disproportionately harmed by cannabis prohibition and enforcement.

(b) Not later than January 1, 2021, the commission shall make written recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to consumer protection, the judiciary and finance, revenue and bonding, regarding legislation to implement the provisions of sections 18 to 29,
inclusive, of this act, sections 31 to 39, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act. In making such recommendations, the commission shall consider whether to:

(1) Establish an equity applicant status for potential owners of cannabis establishments. For purposes of this section, "equity applicant" means a person who: (A) Either as an adult or a juvenile, was arrested for or convicted of the sale, possession, use, manufacture or cultivation of cannabis, (B) has a parent or child who, either as an adult or a juvenile, was arrested for or convicted of the sale, possession, use, manufacture or cultivation of cannabis, or (C) has been a resident of a disproportionately impacted census tract for not less than five of the previous ten years. For purposes of this subdivision, "disproportionately impacted census tract" means a census tract in a municipality in which the unemployment rate is greater than the state-wide unemployment rate and the percentage of individuals below the federal poverty level is greater than the state-wide percentage of individuals below the federal poverty level;

(2) Provide for expedited or priority license processing for each class of license established pursuant to sections 18 to 25, inclusive, of this act for equity applicants;

(3) Require that any cannabis establishment licensed on or after July 1, 2022, that is not owned by an equity applicant comply with an approved plan to reinvest or provide employment and training opportunities in disproportionately impacted census tract areas or in communities disproportionately impacted by high rates of drug-related arrests, marijuana sale arrests or marijuana possession arrests;

(4) Establish a lower fee structure for equity applicants;

(5) (A) Require that any cannabis establishment owned by an equity applicant shall be not less than a specified per cent, approved by the
commission, owned and controlled by one or more equity applicants, whose primary addresses have been in this state for the past five years and who manage the day-to-day operations and make long-term decisions for the business, and (B) require equity applicants to be approved by the department;

(6) Require that any cannabis establishment owned by an equity applicant shall not, within a specified period of operation, be sold to a nonequity applicant in a manner that results in the total ownership of the cannabis establishment being less than the minimum percentage, approved by the commission, required to be owned and controlled by one or more equity applicants except with approval of the department;

(7) Establish a process to best ensure that equity applicants have access to the capital and training needed to own and operate a cannabis establishment;

(8) Establish cannabis micro business licenses;

(9) Establish requirements regarding the delivery of cannabis and cannabis products to consumers, including, but not limited to, the establishment of a cannabis retail delivery license; and

(10) Provide for the distribution of a portion of tax revenues to support residents in disproportionately impacted census tracts.

Sec. 20. (NEW) (Effective July 1, 2022) (a) Each cannabis establishment shall provide the commission with an annual report for the prior year on or before January fifteenth regarding the diversity of its workforce and ownership. The commission shall make the overall percentages regarding such diversity and ownership available to the public.

(b) Individuals who have been arrested or convicted for the sale or possession of cannabis or for a misdemeanor drug offense that did not involve the use, attempted use or threatened use of physical force against another person shall not be prohibited from participating or
obtaining licensure in the cannabis industry.

(c) All licensees granted a license pursuant to sections 18 to 25, inclusive, of this act shall establish and adhere to policies that encourage diversity for purposes of employment, contracting and other professional service opportunities. Such policies shall be provided by the licensee to the commission upon request.

Sec. 21. (NEW) (Effective July 1, 2022) (a) A producer in good standing may acquire, sell, deliver or transport cannabis or cannabis products to cannabis establishments, laboratories and research programs.

(b) No person shall hold a cannabis establishment license issued pursuant to sections 18 to 25, inclusive, of this act or be employed by a cannabis establishment or a licensee pursuant to chapter 420f unless such person is eighteen years of age or older.

Sec. 22. (NEW) (Effective July 1, 2022) On and after July 1, 2022, the department may issue a license to a person to be a cannabis retailer. No person shall act as a cannabis retailer or represent that such person is a licensed retailer, unless such person has obtained a license from the department pursuant to this section. Such person shall apply for a license on a form and in a manner prescribed by the commissioner.

Sec. 23. (NEW) (Effective July 1, 2022) (a) Except as provided in sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 21a-408t of the general statutes, as amended by this act, or chapter 420f of the general statutes, no person, other than a cannabis retailer, shall sell or deliver cannabis or cannabis products, excluding hemp, to a consumer. Notwithstanding the provisions of this section, research programs may sell cannabis or cannabis products to subjects of a research program, as defined in section 21a-408 of the general statutes.

(b) No cannabis or cannabis product, excluding hemp, shall be sold from, obtained from or transferred to a location outside of this state by a cannabis establishment if such sale would be in violation of federal
(c) Each employee of a cannabis establishment shall apply for a license on a form and in a manner prescribed by the commissioner prior to commencing employment at the cannabis establishment. Such form may require the applicant to provide information sufficient for the department to conduct state and national criminal history records checks in accordance with section 29-17a of the general statutes. The commissioner may establish a cannabis establishment employee registration fee of not more than two hundred fifty dollars.

(d) No person shall act as a backer or represent that such person is a backer unless such person has obtained a license from the department pursuant to this section. Such person shall apply for a license on a form and in a manner prescribed by the commissioner. Such form may require the applicant to provide information sufficient for the department to: (A) Conduct state and national criminal history records checks in accordance with section 29-17a of the general statutes, including a financial history check, to determine the character and fitness of the applicant for the license, (B) assess whether the applicant has an ownership interest in any other cannabis establishment, and (C) obtain such other information as the department determines is consistent with the requirements of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, or chapter 420f of the general statutes.

(e) Any person who receives a license issued pursuant to sections 18 to 25, inclusive, of this act shall notify the department of any changes to the information supplied on the application for such license not later than five business days after such change.

Sec. 24. (NEW) (Effective from passage) (a) Not later than January 1, 2021, the department shall make written recommendations, in
according to the provisions of section 11-4a of the general statutes, regarding cannabis retailers to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to consumer protection, the judiciary and finance, revenue and bonding, regarding legislation to implement the provisions of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, to:

1. Avoid an overconcentration of cannabis retailers in any one area and to ensure that such retailers are located state-wide;
2. Enable the department to license any person that applies for a cannabis retailer license, provided the department deems such applicant qualified to acquire, possess, sell and deliver cannabis;
3. Establish nonrefundable application fees, license fees and renewal fees for each cannabis retailer license;
4. Establish the terms of cannabis retailer licenses;
5. Establish health, safety and security requirements for cannabis retailers, which may include, but need not be limited to, the ability to maintain adequate control against the diversion, theft and loss of cannabis acquired or possessed by the licensed cannabis retailer and the ability to maintain the knowledge, understanding, judgment, operating procedures and security controls to ensure safety and accuracy in the selling, delivering and use of cannabis;
6. Establish processes for online ordering and delivery to consumers to ensure that consumers are of a legal age to purchase cannabis;
7. Prohibit the retail sale of cannabis designed to appeal to children, including, but not limited to banning (A) the use of cartoons, toys, animals or children; (B) products that look like any specific trademarked
(8) Establish restrictions on cannabis advertising, marketing and signage, including, but not limited to, a prohibition on mass-market campaigns that have a high likelihood of reaching children;

(9) Require cannabis products to be sold with a warning label or handout, after consultation with researchers knowledgeable about the risks and benefits of cannabis. Such label or handout may include advice about the potential risks of cannabis and cannabis products, such as: (A) The risks of driving under the influence of cannabis and the fact that doing so is illegal; (B) the risk of cannabis use disorder and where a person may seek assistance for the disorder; (C) potential exacerbation of psychotic disorders; (D) adverse effects unique to younger adults, including those related to the developing mind; (E) potential adverse events and other risks; (F) risks of using cannabis during pregnancy or breast feeding; and (G) the need to safeguard cannabis and cannabis products from children and pets;

(10) Require each licensed cannabis retailer to utilize an electronic inventory control and sale tracking system with the ability to provide reporting as required by the commissioner, in a manner prescribed by the commissioner, to ensure compliance with sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act;

(11) Minimize the cost difference between cannabis and cannabis products authorized pursuant to sections 18 to 25, inclusive, of this act and marijuana and marijuana products sold pursuant to chapter 420f of the general statutes and any regulations adopted pursuant to said chapter, and to maintain and prioritize access to marijuana and marijuana products sold pursuant to chapter 420f of the general statutes and any regulations adopted pursuant to said chapter;
(12) Ensure competition and prevent concentration of ownership, including, but not limited to, establishing licensing requirements for backers;

(13) Establish other licensing, renewal and operational standards deemed necessary by the commissioner;

(14) Establish standards and requirements for cannabis establishments to verify the age and identity of consumers. Such requirements shall be designed to prevent the sale or diversion of cannabis and cannabis products to individuals under twenty-one years of age;

(15) Eliminate the registration fee imposed on medical marijuana patients and caregivers;

(16) Create the standards for cannabis product manufacturing licenses, facilities and products. Cannabis product manufacturing licenses shall include, but may not be limited to, a cannabis product manufacturing facility extraction license and a cannabis product manufacturing facility processing license;

(17) Establish nonrefundable application fees, license fees and renewal fees for cannabis product manufacturing licenses;

(18) Establish the terms of cannabis product manufacturing licenses;

(19) Designate permissible locations for licensed cannabis product manufacturing facilities in this state;

(20) Establish financial requirements for cannabis product manufacturing facilities and backers, under which applicants shall demonstrate the financial capacity to build and operate a cannabis product manufacturing facility;

(21) Establish health, safety and security requirements for licensed cannabis product manufacturing facilities, which shall include, but need
not be limited to, a requirement that the applicant or licensed cannabis product manufacturing facility demonstrates the ability to maintain adequate control against the diversion, theft and loss of cannabis and cannabis products;

(22) Establish other licensing, renewal and operational standards deemed necessary by the commissioner;

(23) Require each licensed cannabis product manufacturing facility to utilize an electronic inventory control and sale-tracking system with reporting capability, as required by the commissioner, to ensure compliance with sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act and section 21a-408t of the general statutes, as amended by this act;

(24) Determine whether a license for cannabis cultivation facilities is necessary or whether the producer license shall be the sole license under which the cultivation of cannabis may occur in this state. If the department determines that a cannabis cultivation license is necessary, it shall also make recommendations to:

(25) Determine the number of such facilities that may be licensed in this state to meet the needs of consumers;

(26) Establish a nonrefundable application fee, license fee and renewal fee for each cannabis cultivation facility license;

(27) Establish the term of a cannabis cultivation facility license;

(28) Establish financial requirements for cannabis cultivation facilities and backers, under which applicants shall demonstrate the financial capacity to build and operate a cannabis cultivation facility;

(29) Establish health, safety and security requirements for licensed cannabis cultivation facilities, which shall include, but need not be limited to, a requirement that each applicant or licensed cannabis cultivation facility demonstrate: (A) The ability to maintain adequate
control against the diversion, theft and loss of cannabis cultivated by the cannabis cultivation facility, and (B) the ability to cultivate such cannabis in a secure manner;

(30) Require each licensed cannabis cultivation facility to utilize an electronic inventory control and sale tracking system with the ability to provide reporting as required by the commissioner, and in a manner prescribed by the commissioner, to ensure compliance with sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act and section 21a-408t of the general statutes, as amended by this act;

(31) Establish other licensing, renewal and operational standards deemed necessary by the commissioner;

(32) Requirements for the transportation and storage of cannabis and cannabis products by cannabis establishments;

(33) Requirements for employment and training for each cannabis establishment, excluding dispensary facilities and producers, and its employees; and

(34) Impose additional requirements for cannabis and cannabis products sold by a cannabis establishment, including labels and packaging requirements for cannabis and cannabis products, including, but not limited to, the following:

(A) A disclosure concerning the length of time it typically takes for the cannabis or cannabis product to affect an individual;

(B) A notation of the amount of cannabis the cannabis product is considered the equivalent to;

(C) A list of ingredients and possible allergens for cannabis and cannabis products;

(D) A nutritional fact panel for cannabis products that includes serving size. The commissioner shall determine which cannabis
products shall require nutritional fact panels;

(E) An opaque, child-resistant packaging, which is designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly, as defined in 16 CFR 1700.1, as amended from time to time;

(F) Identification of edible cannabis products, when practicable, with a standard symbol indicating that it contains cannabis;

(G) The license number of the cannabis product manufacturing facility license or producer license;

(H) The license number of the cannabis retailer;

(I) The batch number of the cannabis or cannabis product;

(J) A net weight statement;

(K) A disclosure of any solvent used in the extraction process of a cannabis product, if applicable;

(L) A recommended use by or expiration date for cannabis or cannabis products;

(M) Standard and uniform packaging and labeling;

(35) Establish health and safety standards for the manufacture of cannabis products;

(36) Establish restrictions or prohibitions on additives to cannabis and cannabis products, including, but not limited to, those that are toxic, designed to make the product more addictive, designed to make the product more appealing to children or misleading to consumers. Such prohibition shall include vitamin E acetate and other vitamin E derivatives for use in cannabis vaping products;

(37) Establish protocols governing visits to cannabis product
manufacturing facilities and producers, including requiring such establishments to maintain a log of visitors;

(38) Establish a definition of the amount of THC that constitutes a single serving in a cannabis product;

(39) Establish standards for the safe manufacture of cannabis products;

(40) Establish requirements that educational materials be disseminated or made available to consumers who purchase cannabis or cannabis products;

(41) Establish requirements for random sample testing to ensure quality control, including requirements that cannabis and cannabis products are accurately labeled. Any such testing shall include, but not be limited to, testing for residual solvents, poisons, toxins, harmful chemicals, dangerous molds or mildew, filth, harmful microbials such as E. Coli or salmonella and pesticides;

(42) Establish a modified process to solicit and review applications from producers and dispensary facilities licensed pursuant to chapter 420f of the general statutes;

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

(44) Establish requirements to ensure the health and safety of the public regarding any vaporizer or inhalation device sold or manufactured by a cannabis establishment;

(45) Establish standards for licensure of backers and restrictions, if deemed appropriate by the department, for cross-ownership of cannabis establishments;

(46) Set restrictions on the total amount of THC per serving in any cannabis product, the total number of milligrams of THC allowed to be
purchased per transaction, forms of cannabis product delivery systems and methods of consumption and dosage amounts for the cannabis products sold; and

(47) Establish responsibilities of licensees under chapter 420f of the general statutes to maintain priority access of product to qualifying patients. Such recommendations may include a recommendation regarding the colocation of a dispensary facility under chapter 420f of the general statutes with a cannabis retailer under sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act and section 21a-408t of the general statutes, as amended by this act.

(b) No standard or requirement enacted pursuant to sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, shall require: (1) A consumer to provide a cannabis retailer with personal information other than government-issued identification to determine the consumer's age; or (2) a cannabis retailer to acquire and record personal information about consumers.

(c) Cannabis products shall be packaged in individual child-resistant packages.

Sec. 25. (NEW) (Effective July 1, 2022) (a) On and after the effective date of this section, the department may issue or renew a license for a person to be a cannabis product manufacturing facility. No person may act as a cannabis product manufacturing facility or represent that such person is a licensed cannabis product manufacturing facility unless such person has obtained a license from the department pursuant to this section.

(b) The department may license any person who applies for a license, provided (1) such person is organized for the purpose of manufacturing cannabis products in this state until federal law allows for the interstate sale of cannabis, and (2) the commissioner finds that such applicant is
qualified to manufacture cannabis products and sell, deliver or transport such products pursuant to sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act or section 21a-408t of the general statutes, as amended by this act. At a minimum, the department shall:

(A) Issue a cannabis product manufacturing facility extraction license that allows the holder of such license to perform any cannabis extractions, chemical synthesis and all other manufacturing activities authorized pursuant to sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act; and

(B) Issue a cannabis product manufacturing facility processing license that permits the licensee to prepare or produce a food, as defined in section 21a-92 of the general statutes, that contains cannabis or cannabis products, or repackage cannabis or cannabis products. Such license shall not allow the holder of such license to perform any cannabis extractions.

(c) No cannabis product manufacturing facility shall manufacture cannabis products for distribution outside of this state in violation of federal law.

Sec. 26. (NEW) (Effective from passage) No employee of the department who carries out the duties and responsibilities of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act, and any regulations enacted pursuant thereto may, directly or indirectly, individually or as a member of a partnership, have any management or financial interest whatsoever in the cultivation, manufacture, sale, transportation, delivery or testing of cannabis, nor receive any commission or profit whatsoever from nor have any interest whatsoever
in purchases or sales made by persons authorized to make such
purchases or sales pursuant to said sections. No provision of this section
shall prevent any such employee from purchasing and keeping in his or
her possession, for his or her personal use or the use of such employee's
family or guests, any cannabis which may be purchased or kept by any
person by virtue of said sections.

Sec. 27. (NEW) (Effective July 1, 2020) (a) Any municipality may, by
amendment to such municipality's zoning regulations or ordinances,
prohibit the establishment of a cannabis establishment, except for a
dispensary facility or producer, or establish reasonable restrictions
regarding the hours and signage within the limits of such municipality.
The chief zoning official of a municipality shall report, in writing, any
zoning changes adopted by the municipality regarding cannabis
establishments pursuant to this subsection to the Secretary of the Office
of Policy and Management and to the department not later than
fourteen days after the adoption of such changes. The chief zoning
official of each municipality shall inform such secretary and the
department, in writing, on or before January 1, 2022, as to whether such
municipality prohibits or restricts cannabis establishments based on
zoning or municipal ordinance.

(b) Any prohibition on the establishment of or restriction regarding
hours and signage of a cannabis establishment adopted by a
municipality shall not apply to an existing cannabis establishment
located in such municipality, for a period of five years after the adoption
of such prohibition or restriction.

(c) The department shall refuse to issue an initial license to an
applicant for a cannabis establishment if such cannabis establishment
would be located in a municipality that has prohibited the establishment
of such a cannabis establishment.

(d) No municipality shall prohibit delivery of cannabis or cannabis
products to a consumer when the delivery is made by a cannabis
retailer, dispensary facility or other person authorized to make such
delivery pursuant to sections 18 to 29, inclusive, of this act, sections 31
to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the
general statutes, as amended by this act, or section 21a-408t of the
general statutes, as amended by this act.

(e) No municipality or local official shall condition any official action,
nor accept any donation in moneys or in kind, from any cannabis
establishment or from an individual or corporation that has applied for
a license to open or operate a cannabis establishment in such
municipality. No municipality may negotiate nor enter into a local host
agreement with a cannabis establishment nor an individual or
corporation that has applied for a license to open or operate a cannabis
establishment in such municipality.

Sec. 28. (NEW) (Effective July 1, 2022) (a) Notwithstanding any
provision of the general statutes, the following acts, when performed by
a cannabis retailer or dispensary facility, or employee of a cannabis
retailer or dispensary facility, when acting within the scope of their
employment with such entity, are not unlawful and shall not be an
offense or a basis for seizure or forfeiture of assets:

(1) Possessing, displaying, storing or transporting cannabis or
cannabis products at, to or from a cannabis retail location or dispensary
facility;

(2) Purchasing cannabis or cannabis products from a producer or a
cannabis product manufacturing facility;

(3) Delivering or transferring cannabis or cannabis products to a
laboratory or research program; and

(4) Delivering or selling cannabis or cannabis products to consumers.

(b) Notwithstanding any other provision of law, the following acts,
when performed by a cannabis product manufacturing facility,
producer or an employee of a cannabis product manufacturing facility
or producer when acting within the scope of their employment, are not
unlawful and shall not be an offense or a basis for seizure or forfeiture
of assets:

(1) Packaging, processing, transporting, manufacturing, displaying
or possessing cannabis or cannabis products at, to or from a cannabis
product manufacturing facility or producer;

(2) Delivering or transferring cannabis or cannabis products to a
laboratory or research program;

(3) Delivering or selling cannabis or cannabis products to a cannabis
retailer, dispensary facility, producer or cannabis product
manufacturing facility; and

(4) Purchasing cannabis or cannabis products from a producer or a
cannabis product manufacturing facility.

(c) Notwithstanding any other provision of law, the following acts,
when performed by a laboratory or a person who is acting in his or her
capacity as an owner, employee or agent of a laboratory, are not
unlawful and shall not be an offense or a basis for seizure or forfeiture
of assets:

(1) Possessing, cultivating, processing, repackaging, storing,
transporting or displaying cannabis or cannabis products at, to or from
a laboratory;

(2) Receiving cannabis or cannabis products from a cannabis
establishment, laboratory, state or local government, research program
or a private individual; and

(3) Returning cannabis or cannabis products to a cannabis
establishment or research program.

Sec. 29. (NEW) (Effective July 1, 2022) No cannabis retailer or
dispensary facility shall display cannabis, cannabis products or drug paraphernalia in a manner that is visible to the general public from a public right-of-way.

Sec. 30. Section 21a-408t of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) The Commissioner of Consumer Protection may approve a research program if such research program will (1) be administered or overseen by (A) a hospital or health care facility licensed by the Connecticut Department of Public Health pursuant to chapter 368v, (B) an institution of higher education, as defined in section 10a-55, (C) a licensed producer or cannabis product manufacturing facility, as defined in section 1 of this act, or (D) a licensed dispensary or (E) a cannabis retailer, as defined in section 1 of this act, and (2) have institutional review board oversight and, if the research program involves the use of animals, have an institutional animal care and use committee.

[b] Except as provided in subsection (c) of this section, no person may act as a research program employee or represent that such person is a licensed research program employee unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(c) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a research program employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a research program employee.

[(d)] (b) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the approval of research programs and licensure of research program employees, (2) establish standards and procedures for the termination
or suspension of a research program, (3) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of a research program employee license, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (4) establish a (A) fee for research program review and approval, and (B) license and renewal fee for each research program employee, provided the aggregate amount of such fees shall not be less than the amount necessary to cover the direct and indirect cost of approving research programs and licensing and regulating research program employees pursuant to the provisions of this chapter, and (5) establish other licensing, renewal and operational standards deemed necessary by the commissioner. Such regulations shall permit research on medical uses of cannabis, provided the research program meets all other applicable statutory and regulatory requirements.

[(e)] (c) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

Sec. 31. (NEW) (Effective July 1, 2022) (a) Each cannabis establishment, except for dispensary facilities, shall establish, maintain and comply with written policies and procedures for the cultivation, processing, manufacture, security, storage, inventory and distribution of cannabis and cannabis products, as applicable to the specific license type. Such policies and procedures shall include methods for identifying, recording and reporting diversion, theft or loss, and for correcting all errors and inaccuracies in inventories. Cannabis establishments shall include in their written policies and procedures, a process for each of the following, if the establishment engages in such activity:

(1) Handling mandatory and voluntary recalls of cannabis and cannabis products. Such process shall be adequate to deal with recalls due to any order of the commissioner and any voluntary action by the cannabis establishment to remove defective or potentially defective
cannabis or cannabis products from the market or any action undertaken to promote public health and safety by replacing existing cannabis or cannabis products with improved products or packaging;

(2) Preparing for, protecting against, and handling any crisis that affects the security or operation of any cannabis establishment facility in the event of a strike, fire, flood or other natural disaster, or other situations of local, state or national emergency;

(3) Ensuring that any outdated, damaged, deteriorated, misbranded or adulterated cannabis or cannabis products are segregated from all other inventory and destroyed. Such procedure shall provide for written documentation of the cannabis and cannabis product disposition; and

(4) Ensuring the oldest stock of a cannabis or cannabis product is sold, delivered or dispensed first. Such procedure may permit deviation from this requirement, if such deviation is temporary and approved by the commissioner.

(b) A cannabis establishment shall (1) store all cannabis and cannabis products in such a manner as to prevent diversion, theft or loss, (2) make cannabis and cannabis products accessible only to the minimum number of specifically authorized employees essential for efficient operation, and (3) return any cannabis and cannabis products to a secure location at the end of the scheduled business day.

Sec. 32. (NEW) (Effective July 1, 2022) (a) If allowed by the commissioner, qualifying patients registered pursuant to chapter 420f of the general statutes shall be permitted to purchase cannabis products of higher potency and in a larger amount than are generally available for retail purchase, as determined by the commissioner. Such determination, if any, shall be published on the Department of Consumer Protection's Internet web site.

(b) Notwithstanding any provision of the general statutes, the sale or delivery of drug paraphernalia to a qualifying patient, primary
Sec. 33. (NEW) (Effective July 1, 2022) (a) Each cannabis establishment shall maintain all records necessary to fully demonstrate business transactions related to cannabis and cannabis products for a period covering the current taxable year and the three immediately preceding taxable years, all of which shall be made available to the department pursuant to subsection (c) of this section.

(b) The commissioner may require any licensee to furnish such information as the commissioner considers necessary for the proper administration of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, and may require an audit of any cannabis establishment, the expense thereof to be paid by such cannabis establishment.

(c) Each person required by sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, to prepare, obtain or keep documents such as records, logs or reports, and each person in charge, or having custody, of such documents, shall maintain such documents in an auditable format for not less than three years. Upon request, such person shall make such documents immediately available for inspection and copying by the commissioner or others authorized by sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act,
to review and obtain copies of such documents. When possible, such documents shall be provided to the commissioner in electronic format. In complying with the provisions of this subsection, no person shall use a foreign language, codes or symbols to designate cannabis or cannabis product types or persons in the keeping of any required document.

(d) For purposes of the supervision and enforcement of the provisions of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-408t of the general statutes, as amended by this act, and section 21a-243 of the general statutes, as amended by this act, the commissioner is authorized to:

(1) Enter any place, including a vehicle, in which cannabis or cannabis products are held, sold, produced, delivered, transported, manufactured or otherwise disposed of;

(2) Inspect a cannabis establishment and all pertinent equipment, finished and unfinished material, containers and labeling, and all things in such place, including records, files, financial data, sales data, shipping data, pricing data, employee data, research, papers, processes, controls and facilities; and

(3) Inventory any stock of cannabis and cannabis products therein and obtain samples of any cannabis or cannabis product, any labels or containers, paraphernalia and of any finished or unfinished material.

Sec. 34. (NEW) (Effective July 1, 2022) (a) For sufficient cause found pursuant to subsection (b) of this section, the commissioner may suspend, revoke, issue fines of not more than one thousand dollars per violation, accept an offer in compromise or refuse to grant or renew a license issued pursuant to sections 18 to 25, inclusive, of this act or place such licensee on probation, place conditions on such licensee or take other actions permitted by statute or regulation.

(b) Any of the following shall constitute sufficient cause for such action by the commissioner. Such list includes, but is not limited to:
(1) Furnishing of false or fraudulent information in any application;

(2) A civil judgment against or criminal conviction of a licensee or applicant, which criminal history shall be reviewed in accordance with section 46a-80 of the general statutes;

(3) Failure to maintain effective controls against diversion, theft or loss of cannabis, cannabis products or other controlled substances;

(4) Discipline by, or a pending disciplinary action or an unresolved complaint regarding any professional license or registration of any federal, state or local government;

(5) Failure to keep accurate records and to account for the cultivation, manufacture, packaging or sale of cannabis and cannabis products;

(6) Denial, suspension or revocation of a license or registration, or the denial of a renewal of a license or registration, by any federal, state or local government or a foreign jurisdiction;

(7) False, misleading or deceptive representations to the public or the department;

(8) Return to regular stock of any cannabis or cannabis product where:

(A) The package or container containing the cannabis or cannabis product has been opened, breached or tampered with; or

(B) The cannabis or cannabis product has been previously sold to an end user or research program subject;

(9) Involvement in a fraudulent or deceitful practice or transaction;

(10) Performance of incompetent or negligent work;

(11) Failure to maintain the entire cannabis establishment or laboratory and contents in a clean, orderly and sanitary condition;
(12) Permitting another person to use the licensee's license;

(13) Failure to cooperate or give information to the department, local law enforcement authorities or any other enforcement agency upon any matter arising out of conduct at a cannabis establishment or laboratory or in connection with a research program; or

(14) Failure to comply with any provision of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act.

(c) No person whose application for a license has been denied due to the applicant's character and fitness may make another application for a license under the provisions of sections 18 to 25, inclusive, of this act for at least one year after the date of such denial.

(d) No person whose license has been revoked may apply for a license under the provisions of sections 18 to 25, inclusive, of this act for a period of at least one year after the date of such revocation.

(e) If a license is voluntarily surrendered or is not renewed, the commissioner shall not be prohibited from suspending or revoking such license or imposing other penalties permitted by sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act.

Sec. 35. (NEW) (Effective from passage) The commissioner may adopt regulations in accordance with chapter 54 of the general statutes, including emergency regulations pursuant to section 4-168 of the general statutes, to implement the provisions of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act.
Sec. 36. (NEW) (Effective July 1, 2022) Not later than January 1, 2023, the department shall make written recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to consumer protection, the judiciary and finance, revenue and bonding, as to:

(1) Whether to allow consumers or qualifying patients under chapter 420f of the general statutes, who are twenty-one years of age and older, to cultivate cannabis for personal use. In making such recommendation the commission shall consider: (A) Reasonable precautions to ensure that the plants are secure from unauthorized access or access by any individual under twenty-one years of age; (B) the location where such cannabis may be grown; (C) how other states allow home growing and how such states are regulating personal cultivation; (D) if personal cultivation in other states has improved access for patients and consumers; and (E) any other related public safety or regulatory issues the department deems necessary;

(2) Whether to allow on-site consumption, including whether to establish a cannabis on-site consumption license; and

(3) Whether to permit the establishment of state-run retailers.

Sec. 37. (NEW) (Effective from passage) Not later than January 1, 2021, the Banking Commissioner shall report to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to banking, the judiciary and finance, revenue and bonding, regarding recommended legislation to implement the provisions of sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, to facilitate the use of electronic payments by cannabis establishments and consumers and regarding access to depository banking by cannabis establishments.
Sec. 38. (NEW) (Effective from passage) Not later than January 1, 2021, the Insurance Commissioner shall report to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to insurance regarding access to insurance by cannabis establishments.

Sec. 39. (NEW) (Effective from passage) Not later than January 1, 2022, the Commissioners of the Department of Mental Health and Addiction Services, Public Health, the State Department of Education, the Department of Children and Families and the executive director of the Office of Higher Education shall, in consultation with the presidents of the Connecticut State Colleges and Universities and The University of Connecticut, make recommendations to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to public health, the judiciary and finance, revenue and bonding regarding efforts to promote public health, mitigate the misuse of cannabis and the effective treatment of addiction to cannabis with a particular focus on individuals under twenty-one years of age.

Sec. 40. Subsection (e) of section 21a-243 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(e) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, not later than [January 1, 2013] July 1, 2022, the Commissioner of Consumer Protection shall submit amendments to sections 21a-243-7 and 21a-243-8 of the regulations of Connecticut state agencies to the standing legislative regulation review committee to [reclassify] remove marijuana as a controlled substance [in schedule II] under the Connecticut controlled substance scheduling regulations, except that for any marijuana product that has been approved by the federal Food and Drug Administration or successor agency to have a medical use and that is reclassified in any schedule of controlled substances or unscheduled by the federal Drug Enforcement Administration or successor agency, the commissioner shall adopt the
schedule designated by the Drug Enforcement Administration or successor agency.

Sec. 41. (NEW) (Effective July 1, 2020) The commissioner shall make a determination regarding what the equivalent amount of any cannabis product is to one ounce of cannabis and shall post such determination on the department's Internet web site.

Sec. 42. Section 19a-342 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) As used in this section: ["smoke"]

(1) "Smoke" or "smoking" means the burning of a lighted cigarette, cigar, pipe or any other similar device, whether containing, wholly or in part, tobacco or cannabis;

(2) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment; and

(3) "Cannabis" means a cannabis-type substance, as defined in section 21a-240.

(b) (1) Notwithstanding the provisions of section 31-40q, as amended by this act, no person shall smoke: (A) In any area of a building or portion of a building, partially enclosed shelter on a rail platform or bus shelter owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail establishment accessed by the general public; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-
37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) within in any area of a school building or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home, as defined in section 19a-77, such smoking is prohibited only when a child enrolled in such home is present; (H) in any passenger elevator; provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that smoking is prohibited by state law; (I) in any area of a dormitory in any public or private institution of higher education; or (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; or (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, "school" has the same meaning as provided in section 10-154a and "child care facility" has the same meaning as provided in section 19a-342a, as amended by this act.

(2) [This section] Subdivision (1) of this subsection shall not apply to [(A) correctional facilities; (B) designated smoking areas in psychiatric facilities; (C) public] the following: [(A) Public housing projects, as defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom where demonstration smoking is taking place as part of a medical or scientific experiment or lesson; [(E) smoking rooms provided by employers for employees, pursuant to section 31-40q; (F)] (C) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee
listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the smoking prohibition or signage requirements of this subparagraph; [(G)] (D) any medical research site where smoking is integral to the research being conducted; [or (H)] (E) any tobacco bar or tobacco specialist, provided no tobacco bar shall expand in size or change its location from its size or location as of December 31, 2002; or (F) any location licensed for on-site smoking of cannabis. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in the calendar year ending December 31, 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, [and] "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco. "tobacco product" does not include cannabis, and "tobacco specialist" means an establishment engaged in the sale of tobacco products that generates at least seventy-five per cent of its annual gross income from the on-site sale of tobacco products and the rental of on-site humidors.

[(c) The operator of a hotel, motel or similar lodging may allow guests to smoke in not more than twenty-five per cent of the rooms offered as accommodations to guests.] [(d) (c) In each room, elevator, area or building in which smoking is prohibited by this section, the person in control of the premises shall post or cause to be posted in a conspicuous place signs stating that smoking is prohibited by state law. Such signs, except in elevators, restaurants, establishments with permits to sell alcoholic liquor to
consumers issued pursuant to chapter 545, hotels, motels or similar lodgings, and health care institutions, shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide.

[(e) (d) Any person found guilty of smoking in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. Nothing in this section shall be construed to require the person in control of a building to post such signs in every room of the building, provided such signs are posted in a conspicuous place in the building.

[(f) (e) Nothing in this section shall be construed to require any smoking area inside or outside any building or the entryway to any building or on any property.

[(g) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to smoking effective prior to, on or after October 1, 1993.]

Sec. 43. Section 19a-342a of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

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

(1) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment;

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

[(2)] (3) "Electronic nicotine delivery system" [has the same meaning
as provided in section 21a-415;] means an electronic device used in the
delivery of nicotine or other substances to a person inhaling from the
device, and includes, but is not limited to, an electronic cigarette,
electronic cigar, electronic cigarillo, electronic pipe or electronic hookah
and any related device and any cartridge or other component of such
device, including, but not limited to, electronic cigarette liquid;

(4) "Electronic cannabis delivery system" means an electronic device
that may be used to simulate smoking in the delivery of cannabis to a
person inhaling the device and includes, but is not limited to, an
electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
electronic hookah and any related device and any cartridge or other
component of such device;

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

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

[(4) (7) "Vapor product" [has the same meaning as provided in
section 21a-415] means any product that employs a heating element,
power source, electronic circuit or other electronic, chemical or
mechanical means, regardless of shape or size, to produce a vapor that
may include nicotine or cannabis and is inhaled by the user of such
product. "Vapor product" does not include a medicinal or therapeutic
product that is (A) used by a licensed health care provider to treat a
patient in a health care setting, (B) used by a patient, as prescribed or
directed by a licensed health care provider in any setting, or (C) any
drug or device, as defined in the federal Food, Drug and Cosmetic Act,
21 USC 321, as amended from time to time, any combination product,
as described in said act, 21 USC 353(g), as amended from time to time,
or any biological product, as defined in 42 USC 262, as amended from
time to time, and 21 CFR 600.3, as amended from time to time,
authorized for sale by the United States Food and Drug Administration.

(b) (1) No person shall use an electronic nicotine or cannabis delivery
system or vapor product: (A) In any area of a building or portion of a
building owned and operated or leased and operated by the state or any
political subdivision thereof; (B) in any area of a health care institution,
including, but not limited to, a psychiatric facility; (C) in any area of a
retail [food store] establishment accessed by the public; (D) in any
restaurant; (E) in any area of an establishment with a permit issued for
the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-
37e or 30-37f, in any area of establishment with a permit issued for the
sale of alcoholic liquor pursuant to section 30-23 issued after May 1,
2003, or the bar area of a bowling establishment holding a permit
pursuant to subsection (a) of section 30-37c; (F) [within] in any area of a
school building or on the grounds of such school; (G) within a child care
care facility or on the grounds of such child care facility, except, if the child
care facility is a family child care home as defined in section 19a-77, such
use is prohibited only when a child enrolled in such home is present;
(H) in any passenger elevator; [¸ provided no person shall be arrested
for violating this subsection unless there is posted in such elevator a sign
which indicates that such use is prohibited by state law.] (I) in any area
of a dormitory in any public or private institution of higher education;
[or] (J) in any area of a dog race track or a facility equipped with screens
for the simulcasting of off-track betting race programs or jai alai games;
or (K) in any room offered as an accommodation to guests by the
operator of a hotel, motel or similar lodging. For purposes of this
subsection, "restaurant" means space, in a suitable and permanent
building, kept, used, maintained, advertised and held out to the public
to be a place where meals are regularly served to the public, and "school"
has the same meaning as provided in section 10-154a.
(2) [This section] Subdivision (1) of this subsection shall not apply to
(A) correctional facilities; (B) designated smoking areas in psychiatric
facilities; (C) public the following: (A) Public housing projects, as
defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
where a demonstration of the use of an electronic nicotine or cannabis
delivery system or vapor product is taking place as part of a medical or
scientific experiment or lesson; [(E)] (C) any medical research site where
the use of an electronic nicotine or cannabis delivery system or vapor
product is integral to the research being conducted; [(F)] (D)
establishments without a permit for the sale of alcoholic liquor that sell
electronic nicotine delivery systems, vapor products or liquid nicotine
containers on-site and allow their customers to use such systems,
products or containers on-site; [(G)] smoking rooms provided by
employers for employees, pursuant to section 31-40q; (H)] (E) any
location licensed for on-site use of an electronic cannabis delivery
system; (F) notwithstanding the provisions of subparagraph (E) of
subdivision (1) of this subsection, the outdoor portion of the premises of
any permittee listed in subparagraph (E) of subdivision (1) of this
subsection, provided, in the case of any seating area maintained for the
service of food, at least seventy-five per cent of the outdoor seating
capacity is an area in which smoking is prohibited and which is clearly
designated with written signage as a nonsmoking area, except that any
temporary seating area established for special events and not used on a
regular basis shall not be subject to the prohibition on the use of an
electronic nicotine or cannabis delivery system or vapor product or the
signage requirements of this subparagraph; or [(I)] (G) any tobacco bar,
provided no tobacco bar shall expand in size or change its location from
its size or location as of October 1, 2015. For purposes of this subdivision,
"outdoor" means an area which has no roof or other ceiling enclosure,
"tobacco bar" means an establishment with a permit for the sale of
alcoholic liquor to consumers issued pursuant to chapter 545 that, in the
calendar year ending December 31, 2015, generated ten per cent or more
of its total annual gross income from the on-site sale of tobacco products
and the rental of on-site humidors, [and] "tobacco product" means any
substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco, and "tobacco product" does not include cannabis.

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

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

[(e)] (d) Any person found guilty of using an electronic nicotine or cannabis delivery system or vapor product in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. Nothing in this subsection shall be construed to require the person in control of a building to post such signs in every room of the building, provided such signs are posted in a conspicuous place in the building.

[(f)] (e) Nothing in this section shall be construed to require the designation of any area for the use of electronic nicotine or cannabis delivery system or vapor product [in] inside or outside any building or the entryway to any building or on any property.

[(g) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to the use of an electronic nicotine delivery system or vapor product effective prior to,
Sec. 44. Section 31-40q of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) As used in this section and sections 45 and 46 of this act:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons;]

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision thereof;]

(3) "Employee" means any person engaged in service to an employer in the business of his employer;]

(4) "Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. The term "business facility" does not include: (A) Facilities listed in subparagraph (A), (C) or (H) of subdivision (2) of subsection (b) of section 19a-342, as amended by this act, or subdivision (2) of subsection (b) of 19a-342a, as amended by this act; (B) any establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued on or before May 1, 2003; (C) for any business that is engaged in the testing or development of tobacco, tobacco products or cannabis, the areas of such business designated for such testing or development; or (D) during the period from October 1, 2003, to April 1, 2004, establishments with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c;]

(5) ["Smoking"] "Smoke" or "smoking" means the burning of a lighted cigar, cigarette, pipe or any other [matter or substance which contains tobacco.] similar device, whether containing, wholly or in part, tobacco
or cannabis;
(6) "Cannabis" means a cannabis-type substance, as defined in section 21a-240;
(7) "Electronic nicotine delivery system" means an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid;
(8) "Electronic cannabis delivery system" means an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device;
(9) "Vapor product" means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as defined in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the United States Food and Drug Administration; and
(10) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment.

[(b) Each employer with fewer than five employees in a business facility shall establish one or more work areas, sufficient to accommodate nonsmokers who request to utilize such an area, within each business facility under his control, where smoking is prohibited. The employer shall clearly designate the existence and boundaries of each nonsmoking area by posting signs which can be readily seen by employees and visitors. In the areas within the business facility where smoking is permitted, existing physical barriers and ventilation systems shall be used to the extent practicable to minimize the effect of smoking in adjacent nonsmoking areas.]

[(c) (1)] (b) Each employer [with five or more employees] shall prohibit smoking [in] and the use of electronic nicotine and cannabis delivery systems and vapor products in any area of any business facility under said employer's control, [, except that an employer may designate one or more smoking rooms.]

[(2) Each employer that provides a smoking room pursuant to this subsection shall provide sufficient nonsmoking break rooms for nonsmoking employees.

(3) Each smoking room designated by an employer pursuant to this subsection shall meet the following requirements: (A) Air from the smoking room shall be exhausted directly to the outside by an exhaust fan, and no air from such room shall be recirculated to other parts of the building; (B) the employer shall comply with any ventilation standard adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii) the United States Secretary of Labor under the authority of the Occupational Safety and Health Act of 1970, as from time to time amended, or (iii) the federal Environmental Protection Agency; (C) such
room shall be located in a nonwork area, where no employee, as part of
his or her work responsibilities, is required to enter, except such work
responsibilities shall not include any custodial or maintenance work
carried out in the smoking room when it is unoccupied; and (D) such
room shall be for the use of employees only.]

[(d)] (c) Nothing in this section may be construed to prohibit an
employer from designating an entire business facility and the real
property on which the business facility is located as a nonsmoking area.

Sec. 45. (NEW) (Effective July 1, 2020) (a) No employer shall be
required to make accommodations for an employee or be required to
allow an employee to: (1) Perform his or her duties while under the
influence of cannabis, or (2) possess, use or otherwise consume cannabis
while performing such duties.

(b) An employer may implement a policy prohibiting the possession,
use or other consumption of cannabis by an employee, except as
provided in section 21a-408p of the general statutes, provided such
policy is: (1) In writing, (2) equally applicable to each employee, and (3)
made available to each employee prior to the enactment of such policy.
The employer shall provide any such written policy in writing to each
prospective employee at the time the employer makes an offer of
employment to the prospective employee.

Sec. 46. (NEW) (Effective July 1, 2022) (a) As used in this section,"screening test" means a test of a person's blood, urine, hair or oral fluid
to detect the general presence of cannabis or THC, and "THC" means
delta-9-tetrahydrocannabinol.

(b) No employer or agent of any employer shall require, as a
condition of employment, that any employee or prospective employee
refrain from using cannabis outside the course of his or her
employment, or otherwise discriminate against any employee with
respect to compensation, terms, conditions or privileges of employment
for using cannabis outside the course of his or her employment.
(c) No employer shall fail to or refuse to hire a prospective employee because the prospective employee submitted to a screening test and the results of the screening test indicate the presence of cannabis or THC.

(d) If an employer requires an employee to submit to a screening test within the first thirty days of employment, the employee shall have the right to submit to an additional screening test, at his or her own expense, to rebut the results of the initial screening test. The employer shall accept and give appropriate consideration to the results of such additional screening test.

(e) Except as otherwise provided in this section or pursuant to federal law, it shall be an unlawful discriminatory practice for an employer, labor organization, employment agency or agent thereof to require a prospective employee to submit to a screening test as a condition of employment.

(f) The provisions of subsections (b) to (e), inclusive, of this section shall not apply to drug testing, conditions of continued employment or conditions for hiring employees required pursuant to:

1. Any regulation of the federal Department of Transportation, if such regulation requires testing of a prospective employee in accordance with 49 CFR 40 or any regulation of Connecticut state agencies that adopts a federal regulation for purposes of enforcing the requirements of such regulation with respect to intrastate commerce;

2. Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;

3. Any federal or state statute, regulation or order that requires drug testing of prospective employees for safety or security purposes; or

4. Any applicant whose prospective employer is a party to a valid
collective bargaining agreement that specifically addresses preemployment drug testing of such applicant.

(g) If an employer has violated any provision of subsections (b) to (e), inclusive, of this section, an individual aggrieved by such violation may bring a civil action for judicial enforcement of such provision in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. Any individual who prevails in such civil action shall be awarded reasonable attorney's fees and costs, to be taxed by the court.

(h) The provisions of subsections (b) to (e), inclusive, of this section shall not apply if the prospective employee is applying for a position as, or if a current employee holds a position as:

(1) A firefighter;

(2) An emergency medical technician;

(3) A police officer or peace officer, or in a position with a law enforcement or investigative function at a state or local agency;

(4) An employee required to operate a motor vehicle, for which federal or state law requires such employee to submit to screening tests, including, but not limited to, any position requiring a commercial driver's license;

(5) The extent that such provisions are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement;

(6) To the extent that such provisions are inconsistent or otherwise in conflict with any provision of federal law;

(7) A position of employment funded by a federal grant;

(8) Any position requiring certification of completion of a course in
construction safety and health approved by the United States Department of Labor's occupational safety and health administration;

(9) Any position requiring the supervision or care of children, medical patients or vulnerable persons;

(10) Any position with the potential to adversely impact the health or safety of employees or members of the public, in the determination of the employer; or

(11) Any position at a nonprofit organization or corporation the primary purpose of which is to discourage use of cannabis products by the general public.

Sec. 47. Subparagraph (H) of subdivision (7) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

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

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

(iii) Regulate auctions and garage and tag sales;

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

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

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

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

(viii) Preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises;

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

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

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

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

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

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

(xv) Make and enforce regulations for the prevention and remediation of housing blight, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define housing blight and require such municipality to give written notice of any violation to the owner and occupant of the property and provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil penalties for the violation of such regulations of not less than ten or more than one hundred dollars for each day that a violation continues and, if such civil penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-152c;

(xvi) Regulate, on any property owned by or under the control of the municipality, any activity deemed to be deleterious to public health, including the [lighting or carrying] burning of a lighted cigarette, cigar, pipe or similar device, whether containing, wholly or in part, tobacco or a cannabis-type substance, as defined in section 21a-240, and the use or consumption of a cannabis-type substance, including, but not limited to, electronic cannabis delivery systems, as defined in section 19a-342a, as amended by this act, or vapor products, as defined in said section, containing a cannabis-type substance. Municipalities may prohibit the smoking of cannabis-type substances and the use of electronic cannabis delivery systems and vapor products containing a cannabis-type substance in the outdoor sections of a restaurant;
Sec. 48. (NEW) (Effective July 1, 2020) (a) No institution of higher education or hotel, motel or similar lodging shall prohibit the legal consumption of a cannabis-type substance, as defined in section 21a-240 of the general statutes, in any nonpublic area of such institution, hotel, motel or similar lodging.

(b) Notwithstanding the provisions of subsection (a) of this section, an institution of higher education and hotel, motel and similar lodging may prohibit the smoking of a cannabis-type substance and the use of an electronic cannabis delivery system, as defined in section 19a-342a of the general statutes, as amended by this act, and vapor product, as defined in said section, containing a cannabis-type substance in any location of such institution or hotel, motel or similar lodging.

Sec. 49. (NEW) (Effective July 1, 2020) (a) No employer shall be required to make accommodations for an employee or be required to allow an employee to: (1) Perform his or her duties while under the influence of a cannabis-type substance, or (2) possess, use or otherwise consume a cannabis-type substance while performing such duties.

(b) An employer may implement a policy prohibiting the possession, use or other consumption of a cannabis-type substance by an employee, except as provided in section 21a-408p of the general statutes, provided such policy is: (1) In writing, (2) equally applicable to each employee, and (3) provided to each employee prior to the enactment of such policy. The employer shall provide any such enacted policy in writing to each prospective employee at the time an offer of employment is made by the employer to the prospective employee. An employer shall make reasonable accommodations for an employee who uses cannabis for medical purposes pursuant to chapter 420f of the general statutes.

(c) For purposes of this section, "employer" and "employee" have the same meanings as provided in section 31-40q of the general statutes.

Sec. 50. (NEW) (Effective July 1, 2022) (a) As used in this section, (1) "screening test" means a test of a person's blood, urine, hair or oral fluid
to detect the general presence of a controlled substance or any other
drug, and (2) "cannabis" and "THC" have the same meanings as
provided in section 1 of this act.

(b) No employer shall fail to or refuse to hire a prospective employee
because the prospective employee submitted to a screening test and the
results of the screening test indicate the presence of cannabis or THC.

c) If an employer requires an employee to submit to a screening test
within the first thirty days of employment, the employee shall have the
right to submit to an additional screening test, at his or her own expense,
to rebut the results of the initial screening test. The employer shall accept
and give appropriate consideration to the results of such additional
screening test.

d) Except as otherwise provided by law, it shall be an unlawful
discriminatory practice for an employer, labor organization,
employment agency or agent thereof to require a prospective employee
to submit to testing for the presence of cannabis or THC in such
prospective employee's system as a condition of employment.

e) The provisions of subsections (b) to (d), inclusive, of this section
shall not apply if the prospective employee is applying for a position as,
or if a current employee holds a position as:

(1) A firefighter;

(2) An emergency medical technician;

(3) A police officer or peace officer, or in a position with a law
enforcement or investigative function at a state or local agency; or

(4) An employee required to operate a motor vehicle, for which
federal or state law requires such employee to submit to screening tests,
including, but not limited to, any position requiring a commercial
driver's license.
(f) The provisions of subsections (b) to (d), inclusive, of this section shall not apply to:

1. The extent that said provisions are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement;

2. To the extent that said provisions are inconsistent or otherwise in conflict with any provision of federal law;

3. A position of employment funded by a federal grant;

4. Any position requiring certification of completion of a course in construction safety and health approved by the United States Department of Labor's occupational safety and health administration;

5. Any position requiring the supervision or care of children, medical patients or vulnerable persons; or

6. Any position with the potential to adversely impact the health or safety of employees or members of the public, in the determination of the employer.

(g) The provisions of subsections (b) to (d), inclusive, of this section shall not apply to drug testing required pursuant to:

1. Any regulation promulgated by the federal Department of Transportation, if such regulation requires testing of a prospective employee in accordance with 49 CFR 40 or any regulation promulgated by the Department of Transportation of this state adopting such federal regulation for purposes of enforcing the requirements of such regulation with respect to intrastate commerce;

2. Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;
(3) Any federal or state statute, regulation or order that requires drug testing of prospective employees for safety or security purposes; or

(4) Any applicant whose prospective employer is a party to a valid collective bargaining agreement that specifically addresses preemployment drug testing of such applicant.

(h) If an employer has violated any of the provisions of subsection (b), (c) or (d) of this section, an individual aggrieved by such violation may bring a civil action for judicial enforcement of such provisions in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. Any individual who prevails in such civil action shall be awarded reasonable attorney's fees and costs, to be taxed by the court.

Sec. 51. (NEW) (Effective July 1, 2022) (a) As used in this section and sections 52 and 53 of this act:

(1) "Cannabis" has the same meaning as provided in section 1 of this act;

(2) "Cannabis flower" means the flower of a plant of the genus cannabis that has been harvested, dried and cured, and prior to any processing whereby the flower material is transformed into a cannabis product. "Cannabis flower" does not include (A) the leaves or stem of such plant, or (B) industrial hemp, as defined in 7 USC 5940, as amended from time to time;

(3) "Cannabis product" has the same meaning as provided in section 1 of this act;

(4) "Cannabis product manufacturing facility" has the same meaning as provided in section 1 of this act;

(5) "Cannabis retailer" has the same meaning as provided in section 1 of this act;
(6) "Cannabis trim" means all parts of a plant of the genus cannabis, other than cannabis flowers, that have been harvested, dried and cured, and prior to any processing whereby the plant material is transformed into a cannabis product. "Cannabis trim" does not include industrial hemp, as defined in 7 USC 5940, as amended from time to time;

(7) "Consumer" has the same meaning as provided in section 1 of this act;

(8) "Municipality" has the same meaning as provided in section 1 of this act;

(9) "Producer" has the same meaning as provided in section 1 of this act; and

(10) "Wet cannabis" means the whole plant of the genus cannabis that has been harvested and weighed within two hours of harvesting and has not undergone any processing such as drying, curing, trimming or increasing the ambient temperature in the room in which such plant is held.

(b) (1) Beginning on the first day of the month in which a cannabis product manufacturing facility may legally operate within the state or a producer may legally sell cannabis, there is imposed a tax on the following:

(A) On the first sale to a cannabis retailer in the state of cannabis flowers, cannabis trim or wet cannabis, at the rate of (i) one dollar and twenty-five cents per dry-weight gram of cannabis flowers, (ii) fifty cents per dry-weight gram of cannabis trim, and (iii) twenty-eight cents per gram of wet cannabis; or

(B) On the first use, by a cannabis product manufacturing facility or a producer in the manufacture or production of a cannabis product, of cannabis flowers, cannabis trim or wet cannabis, at the rate of (i) one dollar and twenty-five cents per dry-weight gram of cannabis flowers,
(ii) fifty cents per dry-weight gram of cannabis trim, and (iii) twenty-eight cents per gram of wet cannabis.

(c) On or before the last day of each month, each cannabis product manufacturing facility and producer shall file with the Commissioner of Revenue Services a return for the calendar month immediately preceding. Such returns shall be in such form and contain such information as the commissioner prescribes, and shall be accompanied by a payment of the amount of the tax shown to be due thereon.

(d) If any person fails to pay the amount of tax reported due on its report within the time specified under this section, there shall be imposed a penalty equal to ten per cent of such amount due and unpaid, or fifty dollars, whichever is greater. Such amount shall bear interest at the rate of one per cent per month or fraction thereof, from the due date of such tax until the date of payment. Subject to the provisions of section 12-3a of the general statutes, the commissioner may waive all or part of the penalties provided under this section when it is proven to the commissioner's satisfaction that the failure to pay any tax was due to reasonable cause and was not intentional or due to neglect.

(e) Each person, other than a cannabis product manufacturing facility or producer, who is required, on behalf of such facility or producer, to collect, truthfully account for and pay over a tax imposed on such facility or producer under this section and who wilfully fails to collect, truthfully account for and pay over such tax or who wilfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over, including any penalty or interest attributable to such wilful failure to collect or truthfully account for and pay over such tax or such wilful attempt to evade or defeat such tax, provided such penalty shall only be imposed against such person in the event that such tax, penalty or interest cannot otherwise be collected from such facility or producer. The amount of such penalty with respect to which a person
may be personally liable under this section shall be collected in accordance with the provisions of section 12-555a of the general statutes and any amount so collected shall be allowed as a credit against the amount of such tax, penalty or interest due and owing from the facility or producer. The dissolution of the facility or producer shall not discharge any person in relation to any personal liability under this section for wilful failure to collect or truthfully account for and pay over such tax or for a wilful attempt to evade or defeat such tax prior to dissolution, except as otherwise provided in this section. For purposes of this section, "person" includes any individual, corporation, limited liability company or partnership and any officer or employee of any corporation, including a dissolved corporation, and a member or employee of any partnership or limited liability company who, as such officer, employee or member, is under a duty to file a tax return under this section on behalf of a cannabis product manufacturing facility or producer or to collect or truthfully account for and pay over a tax imposed under this section on behalf of such facility or producer.

(f) The provisions of sections 12-551 to 12-554, inclusive, and section 12-555a of the general statutes shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of said sections had been incorporated in full into this section and had expressly referred to the tax under this section, except to the extent that any provision is inconsistent with a provision in this section.

(g) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

(h) At the close of each fiscal year in which the tax imposed under the provisions of this section are received by the commissioner, the Comptroller is authorized to record as revenue for such fiscal year the amounts of such tax that are received by the commissioner not later than five business days from the July thirty-first immediately following the end of such fiscal year.
Sec. 52. (NEW) (Effective July 1, 2022) (a) There is imposed a tax at the rate of three per cent on the gross receipts from the sale of cannabis and cannabis products by a cannabis retailer. Such tax shall be in addition to the tax imposed under section 51 of this act and chapter 219 of the general statutes.

(b) (1) On or before the last day of each month, each cannabis retailer shall file with the tax collector of the municipality in which such retailer is located and the Commissioner of Revenue Services a return reporting such retailer’s gross receipts from the sale of cannabis and cannabis products during the calendar month immediately preceding and the amount of the tax imposed under this section shown to be due thereon. Such returns shall be in such form and contain such information as the commissioner prescribes. The return filed with the tax collector shall be accompanied by a payment of the amount of the tax shown to be due thereon.

(2) The tax reported on such return shall be paid to the tax collector of the municipality in which the cannabis retailer is located and shall become part of the general revenue of the municipality. If a cannabis retailer location is located in contiguous municipalities, such retailer shall additionally file the return required under subdivision (1) of this subsection with the tax collector of each such municipality and the tax due under this section shall be evenly divided between or among the relevant municipalities.

(c) (1) Whenever the commissioner makes a deficiency assessment for any taxes payable to the state under chapter 219 of the general statutes, the commissioner is authorized to make a deficiency assessment for any taxes payable under this section to a municipality and to hold a hearing, when requested by any cannabis retailer aggrieved by the action of the commissioner in fixing the amount of any tax, penalty or interest provided for by this section on or before the sixtieth day after notice of such action is delivered or mailed to such person.
(2) Any cannabis retailer aggrieved by a final determination of an assessment under this section may, not later than thirty days after service of notice upon the cannabis retailer of such determination, take an appeal therefrom to the superior court for the judicial district of New Britain in accordance with the provisions of section 12-422 of the general statutes.

(d) (1) The deficiency assessment for any taxes payable under this section to a municipality shall bear interest at the rate of one per cent per month or fraction thereof from the date when the original tax was due and payable.

(2) When it appears to the commissioner that any part of the deficiency for which a deficiency assessment is made is due to negligence or intentional disregard of the provisions of this section, there shall be imposed a penalty equal to ten per cent of the amount of such deficiency assessment, or fifty dollars, whichever is greater.

(3) When it appears to the commissioner that any part of the deficiency for which a deficiency assessment is made is due to fraud or intent to evade the provisions of this section, there shall be imposed a penalty equal to twenty-five per cent of the amount of such deficiency assessment.

(4) No taxpayer shall be subject to more than one penalty under this section in relation to the same tax period.

(e) (1) Once a deficiency assessment for any taxes payable under this section to a municipality is no longer the subject of a timely filed administrative appeal to the commissioner or of a timely filed appeal pending before any court of competent jurisdiction, the commissioner may collect, on behalf of such municipality, such taxes, and all penalties and interest added thereto by law, under the provisions of section 12-35 of the general statutes as if such taxes, penalties or interest due such municipality were tax due the state, as such term is defined in section 12-35 of the general statutes, and as if such term expressly included
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(2) Any tax, penalty and interest collected under the provisions of subdivision (1) of this subsection shall be paid to such municipality.

(f) Any consumer who purchases cannabis or cannabis products and who overpays the tax under this section to a cannabis retailer may submit a claim for refund with the Commissioner of Revenue Services in accordance with the provisions of section 12-425 of the general statutes, in such form and manner as the commissioner prescribes. The commissioner shall notify the relevant tax collector of any amount to be refunded and such refund shall be issued not later than thirty days after such notification. No such consumer shall have a cause of action against a cannabis retailer for the recovery of any such overpayment under any provision of the general statutes.

Sec. 53. (NEW) (Effective July 1, 2022) (a) No exemption set forth in chapter 219 of the general statutes shall apply to the sale, acceptance or receipt of cannabis or cannabis products.

(b) No tax credit or credits shall be allowable against the tax imposed under (1) section 51 or 52 of this act, or (2) chapter 219 of the general statutes with respect to the sale, acceptance or receipt of cannabis or cannabis products.

(c) Notwithstanding the provisions of section 12-425 of the general statutes, no refunds shall be issued to a cannabis product manufacturing facility, producer or cannabis retailer by the Commissioner of Revenue Services or a municipal tax collector with respect to the tax under (1) section 51 or 52 of this act, or (2) chapter 219 of the general statutes from the sale, acceptance or receipt of cannabis or cannabis products. If the commissioner determines that any tax, penalty or interest under section
51 or 52 of this act or chapter 219 of the general statutes with respect to the sale, acceptance or receipt of cannabis or cannabis products has been unintentionally paid more than once or has been erroneously or illegally collected or computed, the commissioner may allow such amount to be used to offset the tax liability of the facility, producer or retailer in future taxable periods. If the commissioner makes such a determination with respect to any tax, penalty or interest under section 52 of this act, the commissioner shall notify the relevant municipal tax collector.

Sec. 54. Subdivision (120) of section 12-412 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(120) [On and after April 1, 2015, sales] Sales of the following nonprescription drugs or medicines available for purchase for use in or on the body: Vitamin or mineral concentrates; dietary supplements; natural or herbal drugs or medicines; products intended to be taken for coughs, cold, asthma or allergies, or antihistamines; laxatives; antidiarrheal medicines; analgescs; antibiotic, antibacterial, antiviral and antifungal medicines; antiseptics; astringents; anesthetics; steroidal medicines; anthelmintics; emetics and antiemetics; antacids; and any medication prepared to be used in the eyes, ears or nose. Nonprescription drugs or medicines [shall] do not include cosmetics, [dentrifrices] dentifrices, mouthwash, shaving and hair care products, soaps, [or] deodorants or products containing cannabis, as defined in section 1 of this act, or cannabinoids, other than palliative marijuana sold under the provisions of chapter 420f.

Sec. 55. (NEW) (Effective from passage) Notwithstanding the provisions of chapter 228d of the general statutes, revision of 1958, revised to January 1, 2019, any potential liabilities or outstanding assessments under said chapter that are (1) for any period prior to July 1, 2022, and (2) related to the sale, purchase, acquisition or possession within the state or transport or importation into the state of marijuana, as defined in section 21a-240 of the general statutes, shall be cancelled. The
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Commissioner of Revenue Services may take any action necessary to effectuate the cancellation of such liabilities and assessments. No cancellation pursuant to this section shall entitle any person affected by such cancellation to a refund or credit of any amount previously paid or collected.

Sec. 56. Section 12-650 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

As used in this chapter:

(1) "Marijuana" means any marijuana, whether real or counterfeit, as defined in subdivision (29) of section 21a-240] "Cannabis" means any cannabis, as defined in section 1 of this act, that is held, possessed, transported, sold or offered to be sold in violation of any provision of the general statutes;

(2) "Cannabis concentrate" has the same meaning as provided in section 1 of this act;

(3) "Cannabis product" has the same meaning as provided in section 1 of this act;

(4) "THC" has the same meaning as provided in section 1 of this act;

[(2)] (5) "Controlled substance" means any controlled substance, as defined in [subdivision (9) of] section 21a-240, that is held, possessed, transported, sold or offered to be sold in violation of any provision of the general statutes;

[(3)] (6) "Dealer" means any person who, in violation of any provision of the general statutes, manufactures, produces, ships, transports, or imports into the state or in any manner acquires or possesses more than forty-two and one-half grams of [marijuana] cannabis or seven or more grams of any controlled substance or ten or more dosage units of any controlled substance [which] that is not sold by weight; and
"Commissioner" means the Commissioner of Revenue Services.

Sec. 57. Section 12-651 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) A tax is imposed on any marijuana or controlled substances purchased, acquired, transported or imported into the state. Payment thereof shall be evidenced by the permanent affixing of stamps on the marijuana documentation provided by the commissioner under subsection (c) of section 12-651, as amended by this act, for any cannabis or controlled substance immediately after receipt. Each stamp or other official indicia for which tax is due under this chapter. Any such documentation may be used only once.

(b) The tax imposed pursuant to this section shall be at the following rates:

[(1)] (A) On each gram of marijuana or portion of a gram, three dollars and fifty cents, ounce of cannabis plant material, four hundred dollars;

(B) On each milligram of THC contained in a cannabis product, ten dollars;

(C) On each gram of cannabis concentrate, one hundred dollars;

(D) On each immature plant of the genus cannabis, two hundred dollars;

(E) On each mature plant of the genus cannabis, one thousand dollars, but not to exceed four hundred dollars per ounce of cannabis plant material; and

[(2) on] (F) On each gram of a controlled substance, or portion of a gram, two hundred dollars or on each fifty dosage units of a controlled substance that is not sold by weight, or portion thereof, two thousand
(2) For the purpose of calculating the tax due under this section, an ounce [of marijuana] or gram of cannabis or other controlled substance is measured by the weight of the cannabis or substance in the dealer's possession.

[(c) Any tax imposed pursuant to this section is due and payable immediately upon acquisition or possession in this state by a dealer.]

Sec. 58. Section 12-652 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) No dealer may possess any [marijuana] cannabis or controlled substance upon which a tax is imposed pursuant to section 12-651, as amended by this act, unless the tax has been paid on the [marijuana] cannabis or controlled substance as evidenced by [a stamp or other official indicia] documentation provided by the commissioner under subsection (c) of this section.

(b) Each dealer shall pay one hundred per cent of the tax due under section 12-651, as amended by this act, within thirty days prior to the purchase, acquisition, transportation, importation or possession of cannabis or a controlled substance within this state.

(c) The commissioner shall provide documentation, in such form and manner as prescribed by the commissioner, to each dealer who pays such tax. Such documentation shall be valid for thirty days from the date of issuance and the dealer may use such documentation as evidence of payment of such tax.

Sec. 59. Section 12-655 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) Each dealer shall keep complete and accurate records of all [marijuana] cannabis or controlled substances on which a tax [is imposed] has been paid. Such records shall be a kind and in such form
as the commissioner may prescribe and shall be preserved for three years in such manner as to [insure] ensure permanency and accessibility for inspection by the commissioner or [his] the commissioner's authorized agents. The commissioner and [his] the commissioner's authorized agents may examine the books, papers and records of any dealer for the purpose of determining whether the tax imposed by this chapter has been paid and may examine any [marijuana] cannabis or controlled substances upon any premises where such [marijuana] cannabis or controlled substances are possessed to determine if the provisions of this chapter are being obeyed.

(b) If, after an examination of the invoices, books and records of a dealer, or if, from any other information obtained by [him or his] the commissioner or the commissioner's authorized agents, the commissioner determines that the dealer has not [purchased sufficient stamps] paid sufficient tax to cover [his] the dealer's receipts and sales or other disposition of any [marijuana] cannabis or controlled substances, [he] the commissioner shall thereupon assess the deficiency in tax.

(2) There shall be imposed a penalty of ten per cent of the deficiency or fifty dollars, whichever amount is greater, and interest shall accrue on the tax at the rate of one per cent per month from the due date of such tax to the date of payment. In any case where a dealer cannot produce [evidence of sufficient stamp purchases to cover] documentation provided by the commissioner under subsection (c) of section 12-652, as amended by this act, that covers the receipt of any [marijuana] cannabis or controlled substances, [it shall be presumed] the commissioner shall presume that such [marijuana] cannabis or controlled substances were sold without having the proper [stamps affixed] tax paid. If the commissioner determines that the deficiency or any part thereof is due to a fraudulent intent to evade the tax, there shall be imposed a penalty of twenty-five per cent of the deficiency and interest shall accrue on the tax at the rate of one per cent per month or fraction thereof from the due date of such tax to the date of payment. Subject to the provisions of
section 12-3a, the commissioner may waive all or part of the penalties provided under this chapter when it is proven to [his] the commissioner's satisfaction that the failure to pay any tax on time was due to reasonable cause and was not intentional or due to neglect.

(3) The amount of any tax, penalty or interest due and unpaid under the provisions of this chapter may be collected under the provisions of section 12-35. The warrant therein provided for shall be signed by the commissioner or [his] the commissioner's authorized agent. The amount of any such tax, penalty and interest shall be a lien, from the last day of the month next preceding the due date of such tax until discharged by payment, against all real estate of the taxpayer within the state, and a certificate of such lien signed by the commissioner may be filed for record in the office of the clerk of any town in which such real estate is situated, provided no such lien shall be effective as against any bona fide purchaser or qualified encumbrancer of any interest in any such property. When any tax with respect to which a lien has been recorded under the provisions of this section has been satisfied, the commissioner, upon request of any interested party, shall issue a certificate discharging such lien, which certificate shall be recorded in the same office in which the lien is recorded. Any action for the foreclosure of such lien shall be brought by the Attorney General in the name of the state in the superior court for the judicial district in which the property subject to such lien is situated, or, if such property is located in two or more judicial districts, in the superior court for any one such judicial district, and the court may limit the time for redemption or order the sale of such property or make such other or further decree as it judges equitable.

(c) Except in the case of a wilfully false or fraudulent intent to evade the tax, no assessment of additional tax with respect to any return shall be made after the expiration of more than three years from the date of the filing of such return or from the original due date of such return, whichever is later, provided, if no return has been filed as provided in this chapter, the Commissioner of Revenue Services may determine the
amount of tax due from the best information available and assess such
tax together with statutory penalties and interest at any time. If prior to
the expiration of the period prescribed in this section for the assessment
of additional tax, a taxpayer has consented in writing that such period
may be extended, the amount of such additional tax due may be
determined at any time within such extended period. Any such
extended period may be further extended by consent in writing before
the expiration of such extended period.

(d) The provisions of sections 12-553 and 12-554 shall apply to the
provisions of this chapter in the same manner and with the same force
and effect as if the language of said sections had been incorporated in
full into [said] this chapter and had expressly referred to the tax
imposed under [said] this chapter, except to the extent that any such
 provision is inconsistent with a provision of [said] this chapter.

Sec. 60. Section 12-656 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2022):

(a) The commissioner and any agent of the commissioner authorized
to conduct any inquiry, investigation or hearing hereunder shall have
power to administer oaths and take testimony under oath relative to the
matter of inquiry or investigation.

(b) At any hearing ordered by the commissioner, the commissioner
or [his] the commissioner’s agent authorized to conduct such hearing
and having authority by law to issue such process may subpoena
witnesses and require the production of books, papers and documents
pertinent to such inquiry. If any person disobeys such process or, having
appeared in obedience thereto, refuses to answer any pertinent question
[put to him by the commissioner or his authorized agent] or to produce
any books and papers pursuant thereto, the commissioner or such agent
may apply to the superior court of the judicial district wherein the
taxpayer resides or wherein the business has been conducted, or to any
judge of said court if the same is not in session, setting forth such
disobedience to process or refusal to answer, and said court or such
judge shall cite such person to appear before said court or such judge to
answer such question or to produce such books and papers, and, upon
such person's refusal so to do, shall commit such person to a
community correctional center until he or she testifies, but not for a
longer period than sixty days. Notwithstanding the serving of the term
of such commitment by any person, the commissioner may proceed in
all respects with such inquiry and examination as if the witness had not
previously been called upon to testify.

(c) Officers who serve subpoenas issued by the commissioner or
under the commissioner's authority and witnesses attending
hearings conducted by the commissioner hereunder shall receive fees
and compensation at the same rates as officers and witnesses in the
courts of this state, to be paid on vouchers of the commissioner on order
of the Comptroller from the proper appropriation for the administration
of this chapter.

Sec. 61. Section 12-658 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2022):

The provisions of this chapter shall not be construed to require
persons lawfully in possession of marijuana cannabis or a controlled
substance pursuant to any provision of the general statutes to pay the
tax imposed pursuant to section 12-651, as amended by this act.

Sec. 62. Section 12-659 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2022):

Notwithstanding the provisions of the Freedom of Information Act,
as defined in section 1-200, or any other provision of law, the
commissioner shall withhold from disclosure to any person any
information contained in a report or return required under this chapter.
No information contained in such report or return may be used against
the dealer in any criminal proceeding, unless otherwise obtained, except
in connection with a proceeding involving taxes due under this chapter.
from the taxpayer making the return.

Sec. 63. Section 12-660 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) Any dealer who violates any provision of [this chapter] section 12-651, as amended by this act, 12-652, as amended by this act, or 12-655, as amended by this act, shall pay a penalty of one hundred per cent of the tax in addition to the tax imposed pursuant to section 12-651, as amended by this act.

(b) In addition to the penalty imposed pursuant to subsection (a) of this section, any person who violates any provision of [this chapter] section 12-651, as amended by this act, 12-652, as amended by this act, or 12-655, as amended by this act, shall be fined not more than ten thousand dollars or imprisoned not more than six years, or both.

[(c) Notwithstanding the provisions of subsection (c) of section 54-193, a person may be prosecuted for a violation of any provision of this chapter more than five years after such violation.]

Sec. 64. Sections 12-653 and 12-654 of the general statutes are repealed. (Effective July 1, 2022)

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### Statement of Purpose:
To implement the Governor's budget recommendations.

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