



General Assembly

February Session, 2020

Governor's Bill No. 16

LCO No. 724



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:

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

5 (1) "Backer" means any person with a direct or indirect financial
6 interest in a cannabis establishment. "Backer" does not include a person
7 with an investment interest in a cannabis establishment, provided the
8 interest held by such person and such person's coworkers, employees,
9 spouse, parent or child, in the aggregate, does not exceed five per cent
10 of the total ownership or interest rights in such cannabis establishment
11 and such person does not participate directly or indirectly in the control,
12 management or operation of the cannabis establishment;

13 (2) "Cannabis" means marijuana, as defined in section 21a-240 of the
14 general statutes;

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

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

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

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

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

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

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

40 (10) "Consumer" means an individual who is twenty-one years of age
41 or older;

42 (11) "Cultivation" has the same meaning as provided in section 21a-
43 408 of the general statutes;

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

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

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

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

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

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

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

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

65 (20) "Paraphernalia" means drug paraphernalia, as defined in section
66 21a-240 of the general statutes;

67 (21) "Person" means every individual, partnership, limited liability
68 company, society, association, joint stock company, corporation, estate,

69 receiver, trustee, assignee, referee and any other person acting in a
70 fiduciary or representative capacity, whether appointed by a court or
71 otherwise, and any combination thereof;

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

74 (23) "Research program" has the same meaning as provided in section
75 21a-408 of the general statutes;

76 (24) "Sale" or "sell" has the same meaning as provided in section 21a-
77 240 of the general statutes; and

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

79 Sec. 2. Subsection (a) of section 21a-279 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective July 1,*
81 *2020*):

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

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

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

94 Sec. 3. Section 21a-279a of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2020*):

96 (a) A consumer twenty-one years of age or older may possess, use
97 and otherwise consume cannabis and cannabis products, provided the
98 amount of all such cannabis, including the amount contained in any
99 cannabis product, does not exceed such consumer's possession limit of
100 one and one-half ounces of cannabis, of which no more than five grams
101 may be in the form of a cannabis concentrate.

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

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

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

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

127 [(b)] (e) The law enforcement officer issuing a complaint for a
128 violation of subsection [(a)] (b), (c) or (d) of this section shall seize the
129 cannabis-type substance and cause such substance to be destroyed as
130 contraband in accordance with law.

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

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

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

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

154 (b) Any person who has been convicted on October 1, 2015, or
155 thereafter, in any court in this state of a violation of section 21a-279, as
156 amended by this act, for possession of a cannabis-type substance and
157 the amount possessed was less than or equal to four ounces of such

158 substance, may file a petition with the Superior Court at the location in
159 which such conviction was effected, or with the Superior Court at the
160 location having custody of the records of such conviction or if such
161 conviction was in the Court of Common Pleas, Circuit Court, municipal
162 court or by a trial justice, in the Superior Court where venue would
163 currently exist for criminal prosecution, for an order of erasure. As part
164 of such petition, such person shall include a copy of the arrest record or
165 an affidavit supporting such person's petition that such person
166 possessed four ounces or less of a cannabis-type substance for which
167 such person was convicted. If such petition is in order, the Superior
168 Court shall direct all police and court records and records of the state's
169 or prosecuting attorney pertaining to such offense for an order of
170 erasure. No fee may be charged in any court with respect to any petition
171 under this subsection.

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

180 *Sec. 5. (NEW) (Effective July 1, 2021)* (a) Whenever prior to October 1,
181 2015, any person has been convicted in any court of this state of
182 possession of less than four ounces of a cannabis-type substance under
183 subsection (c) of section 21a-279 of the general statutes, all police and
184 court records and records of the state's or prosecuting attorney or the
185 prosecuting grand juror pertaining to such a conviction in any court of
186 this state shall be erased by operation of law consistent with the
187 provisions of section 54-142d of the general statutes, as amended by this
188 act.

189 (b) Nothing in this section shall limit any other procedure for erasure

190 of criminal history record information, as defined in section 54-142g of
191 the general statutes, or prohibit a person from participating in any such
192 procedure, even if such person's electronic criminal history record
193 information has been erased pursuant to this section.

194 Sec. 6. (NEW) (*Effective July 1, 2022*) Notwithstanding any provision
195 of the general statutes, no cannabis retailer or consumer may be subject
196 to arrest or prosecution, penalized in any manner, including, but not
197 limited to, being subject to any civil penalty, or denied any right or
198 privilege, including, but not limited to, being subject to any disciplinary
199 action by a professional licensing board, for the acquisition, distribution,
200 possession, use or transportation of cannabis or paraphernalia related to
201 cannabis in accordance with the provisions of section 21a-243 of the
202 general statutes, as amended by this act, section 21a-279a of the general
203 statutes, as amended by this act, section 21a-408t of the general statutes,
204 as amended by this act, sections 18 to 29, inclusive, of this act, sections
205 31 to 35, inclusive, of this act or section 41 of this act.

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

219 Sec. 8. (NEW) (*Effective July 1, 2022*) (a) Except as provided in chapter
220 420b or 420f of the general statutes or subsection (b) of this section, no
221 person, other than a cannabis retailer, as provided in sections 18 to 29,

222 inclusive, of this act, sections 31 to 33, inclusive, of this act or section
223 21a-408t of the general statutes, as amended by this act, may deliver, sell
224 or offer cannabis or cannabis products to a consumer.

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

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

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

238 (b) (1) Except as provided in subsection (c) of this section, in any
239 criminal prosecution for violation of subsection (a) of this section,
240 evidence respecting the amount of alcohol or drug in the defendant's
241 blood or urine at the time of the alleged offense, as shown by a chemical
242 [analysis] test of the defendant's breath, blood or urine, shall be
243 admissible and competent provided: [(1)] (A) The defendant was
244 afforded a reasonable opportunity to telephone an attorney prior to the
245 performance of the test and consented to the taking of the test upon
246 which such analysis is made; [(2)] (B) a true copy of the report of the test
247 result was mailed to or personally delivered to the defendant within
248 twenty-four hours or by the end of the next regular business day, after
249 such result was known, whichever is later; [(3)] (C) the test was
250 performed by or at the direction of a police officer according to methods
251 and with equipment approved by the Department of Emergency
252 Services and Public Protection and was performed in accordance with

253 the regulations adopted under subsection (d) of this section; ~~[(4)] (D)~~ the
254 device used for such test was checked for accuracy in accordance with
255 the regulations adopted under subsection (d) of this section; ~~[(5)] (E)~~ an
256 additional chemical test of the same type was performed at least ten
257 minutes after the initial test was performed or, if requested by the police
258 officer for reasonable cause, an additional chemical test of a different
259 type was performed, including a test to detect the presence of a drug or
260 drugs other than or in addition to alcohol, provided the results of the
261 initial test shall not be inadmissible under this subsection if reasonable
262 efforts were made to have such additional test performed in accordance
263 with the conditions set forth in this subsection and (i) such additional
264 test was not performed or was not performed within a reasonable time,
265 or (ii) the results of such additional test are not admissible for failure to
266 meet a condition set forth in this subsection; and ~~[(6)] (F)~~ evidence is
267 presented that the test was commenced within two hours of operation.
268 In any prosecution under this section it shall be a rebuttable
269 presumption that the results of such chemical analysis establish the ratio
270 of alcohol in the blood of the defendant at the time of the alleged offense,
271 except that if the results of the additional test indicate that the ratio of
272 alcohol in the blood of such defendant is ten-hundredths of one per cent
273 or less of alcohol, by weight, and is higher than the results of the first
274 test, evidence shall be presented that demonstrates that the test results
275 and the analysis thereof accurately indicate the blood alcohol content at
276 the time of the alleged offense.

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

282 (c) In any prosecution for a violation of subdivision (1) of subsection
283 (a) of this section, reliable evidence respecting the amount of alcohol in
284 the defendant's blood or urine at the time of the alleged offense, as
285 shown by a chemical analysis of the defendant's blood, breath or urine,

286 otherwise admissible under subdivision (1) of subsection (b) of this
287 section, shall be admissible only at the request of the defendant.

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

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

315 (2) A drug recognition expert may testify as to his or her opinion or
316 otherwise as to the significance of any symptoms of impairment or
317 intoxication for which evidence has been admitted or on the condition

318 that such evidence be introduced.

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

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

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

338 [(b) If any such person, having been placed under arrest for a
339 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
340 subsection (a) of section 14-227n, and thereafter, after being apprised of
341 such person's constitutional rights, having been requested to submit to
342 a blood, breath or urine test at the option of the police officer, having
343 been afforded a reasonable opportunity to telephone an attorney prior
344 to the performance of such test and having been informed that such
345 person's license or nonresident operating privilege may be suspended
346 in accordance with the provisions of this section if such person refuses
347 to submit to such test, or if such person submits to such test and the
348 results of such test indicate that such person has an elevated blood

349 alcohol content, and that evidence of any such refusal shall be
350 admissible in accordance with subsection (e) of section 14-227a and may
351 be used against such person in any criminal prosecution, refuses to
352 submit to the designated test, the test shall not be given; provided, if the
353 person refuses or is unable to submit to a blood test, the police officer
354 shall designate the breath or urine test as the test to be taken. The police
355 officer shall make a notation upon the records of the police department
356 that such officer informed the person that such person's license or
357 nonresident operating privilege may be suspended if such person
358 refused to submit to such test or if such person submitted to such test
359 and the results of such test indicated that such person had an elevated
360 blood alcohol content.]

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

382 conclude that such person was operating a motor vehicle under the
383 influence of intoxicating liquor or any drug or both.

384 (2) If the person refuses to submit to any test or drug influence
385 evaluation, the test or evaluation shall not be given, except if the person
386 refuses or is unable to submit to a blood test, the police officer shall
387 designate another test to be taken. If a person submits to a breath test
388 and the results indicate that the person does not have an elevated blood
389 alcohol content, the police officer may request that the person submit to
390 a different type of test, except that if the person refuses or is unable to
391 submit to a blood test, the officer shall designate a urine test to be taken.
392 The police officer shall make a notation upon the records of the police
393 department that such officer informed the person that such person's
394 license or operating privilege may be suspended if (A) such person
395 refused to submit to such test or nontestimonial portion of a drug
396 influence evaluation; (B) such person submitted to such test and the
397 results of such test indicated that such person had an elevated blood
398 alcohol content or elevated blood THC content; or (C) the officer
399 believes there is substantial evidence to conclude that such person was
400 operating a motor vehicle under the influence of intoxicating liquor or
401 any drug or both.

402 (c) If the person arrested refuses to submit to such test or [analysis]
403 nontestimonial portion of a drug influence evaluation or submits to such
404 test, [or analysis,] commenced within two hours of the time of operation,
405 and the results of such test [or analysis] indicate that such person has an
406 elevated blood alcohol content or elevated blood THC content, the
407 police officer, acting on behalf of the Commissioner of Motor Vehicles,
408 shall immediately revoke and take possession of the motor vehicle
409 operator's license or, if such person is not licensed or is a nonresident,
410 suspend the [nonresident] operating privilege of such person, for a
411 twenty-four-hour period. The police officer shall prepare a report of the
412 incident and shall mail or otherwise transmit in accordance with this
413 subsection the report and a copy of the results of any chemical test [or
414 analysis] to the Department of Motor Vehicles within three business

415 days, except that failure of an officer to mail or transmit such report
416 within three business days shall not impact a decision to suspend such
417 person's license or operating privilege and shall not render such report
418 inadmissible at a proceeding under this section. The report shall contain
419 such information as prescribed by the Commissioner of Motor Vehicles
420 and shall be subscribed and sworn to under penalty of false statement
421 as provided in section 53a-157b by the arresting officer. If the person
422 arrested refused to submit to such test or [analysis] evaluation, the
423 report shall be endorsed by a third person who witnessed such refusal.
424 The report shall set forth the grounds for the officer's belief that there
425 was probable cause to arrest such person for a violation of section 14-
426 227a, as amended by this act, or 14-227m or subdivision (1) or (2) of
427 subsection (a) of section 14-227n and shall state that such person had
428 refused to submit to such test or [analysis] evaluation when requested
429 by such police officer to do so or that such person submitted to such test
430 or, [analysis,] commenced within two hours of the time of operation,
431 and the results of such test or analysis indicated that such person had
432 an elevated blood alcohol content or elevated blood THC content. The
433 Commissioner of Motor Vehicles may accept a police report under this
434 subsection that is prepared and transmitted as an electronic record,
435 including electronic signature or signatures, subject to such security
436 procedures as the commissioner may specify and in accordance with the
437 provisions of sections 1-266 to 1-286, inclusive. In any hearing
438 conducted pursuant to the provisions of subsection (g) of this section, it
439 shall not be a ground for objection to the admissibility of a police report
440 that it is an electronic record prepared by electronic means.

441 [(d) If the person arrested submits to a blood or urine test at the
442 request of the police officer, and the specimen requires laboratory
443 analysis in order to obtain the test results, the police officer shall not take
444 possession of the motor vehicle operator's license of such person or,
445 except as provided in this subsection, follow the procedures subsequent
446 to taking possession of the operator's license as set forth in subsection
447 (c) of this section. If the test results indicate that such person has an

448 elevated blood alcohol content, the police officer, immediately upon
449 receipt of the test results, shall notify the Commissioner of Motor
450 Vehicles and submit to the commissioner the written report required
451 pursuant to subsection (c) of this section.]

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

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

465 (2) Submit a report to the commissioner in accordance with the
466 procedure set forth in subsection (c) of this section and, if such report
467 contains the results of a blood, breath or urine test that does not show
468 an elevated blood alcohol content or elevated blood THC content, such
469 report shall conform to the requirements in subsection (c) of this section
470 for reports that contain results showing an elevated blood alcohol
471 content or elevated blood THC content. In any report submitted under
472 this subdivision, the officer shall document (A) the basis for the officer's
473 belief that there was probable cause to arrest such person for a violation
474 of section 14-227a, as amended by this act, or 14-227m or subdivision (1)
475 or (2) of subsection (a) of section 14-227n, and (B) whether the officer
476 believes that there is substantial evidence to conclude that the person
477 was operating a motor vehicle under the influence of intoxicating liquor
478 or any drug or both. With such report, the officer may submit other
479 supporting documentation indicating the person's intoxication by

480 liquor or any drug or both. If the officer believes there is substantial
481 evidence to conclude that the person was operating a motor vehicle
482 under the influence of intoxicating liquor or any drug or both, the officer
483 shall immediately revoke and take possession of the motor vehicle
484 operator's license or, if such person is not licensed or is a nonresident,
485 suspend the operating privilege of such person, for a twenty-four-hour
486 period.

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

506 (2) [If the person arrested (A) is] Upon receipt of a report that (A) the
507 person's arrest involved [in] an accident resulting in a fatality, or (B) the
508 person has previously had such person's operator's license or
509 [nonresident] operating privilege suspended under the provisions of
510 section 14-227a, as amended by this act, 14-227m or 14-227n, as amended
511 by this act, during the ten-year period preceding the present arrest,
512 [upon receipt of such report, the Commissioner of Motor Vehicles] the

513 commissioner may suspend any operator's license or [nonresident]
514 operating privilege of such person effective as of the date specified in a
515 notice of such suspension to such person. [Any] A person whose
516 operator's license or [nonresident] operating privilege has been
517 suspended in accordance with this subdivision shall automatically be
518 entitled to a hearing before the commissioner, to be held in accordance
519 with the provisions of chapter 54. The commissioner shall send a
520 suspension notice to such person informing such person that such
521 person's operator's license or [nonresident] operating privilege is
522 suspended as of the date specified in such suspension notice, and that
523 such person is entitled to a hearing and may schedule such hearing by
524 contacting the Department of Motor Vehicles not later than seven days
525 after the date of mailing of such suspension notice. Any suspension
526 issued under this subdivision shall remain in effect until such
527 suspension is affirmed under subsection (f) of this section or such
528 operator's license or [nonresident] operating privilege is reinstated in
529 accordance with [subsections (f) and] subsection (h) of this section.

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

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

544 (2) A hearing based on a report submitted under subsection (c) of this

545 section shall be limited to a determination of the following issues: [(1)]
546 (A) Did the police officer have probable cause to arrest the person for
547 operating a motor vehicle while under the influence of intoxicating
548 liquor or any drug or both; [(2)] (B) was such person placed under arrest;
549 [(3)] (C) did such person (i) refuse to submit to such test or [analysis or
550 did such person] nontestimonial portion of a drug influence evaluation,
551 or (ii) submit to such test, [or analysis,] commenced within two hours of
552 the time of operation, and the results of such test [or analysis] indicated
553 that such person had an elevated blood alcohol content or elevated
554 blood THC content; and [(4)] (D) was such person operating the motor
555 vehicle.

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

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

574 (5) In a hearing based on a report submitted under subsection (d) of
575 this section, evidence of operation under the influence of intoxicating
576 liquor or any drug or both shall be admissible. Such evidence may

577 include, but need not be limited to, (A) the police officer's observations
578 of intoxication, as documented in a report submitted to the
579 commissioner under subsection (d) of this section; (B) the results of any
580 chemical test administered under this section or a toxicology report
581 certified by the Division of Scientific Services; (C) hospital or medical
582 records obtained in accordance with subsection (j) of this section or by
583 the consent of the operator; (D) the results of any tests conducted by, or
584 the report of, an officer trained in advanced roadside impaired driving
585 enforcement; or (E) reports of drug recognition experts.

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

606 (i) (1) The commissioner shall suspend the operator's license or
607 [nonresident] operating privilege of a person who did not contact the
608 department to schedule a hearing, who failed to appear at a hearing, or
609 against whom a decision was issued, after a hearing, pursuant to

610 subsection (h) of this section, as of the effective date contained in the
611 suspension notice, for a period of forty-five days. As a condition for the
612 restoration of such operator's license or [nonresident] operating
613 privilege, such person shall be required to install an ignition interlock
614 device on each motor vehicle owned or operated by such person and,
615 upon such restoration, be prohibited from operating a motor vehicle
616 unless such motor vehicle is equipped with a functioning, approved
617 ignition interlock device, as defined in section 14-227j, for the longer of
618 either (A) the period prescribed in subdivision (2) of this subsection for
619 the present arrest and suspension, or (B) the period prescribed in
620 subdivision (1), (2) or (3) of subsection (g) of section 14-227a or
621 subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
622 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
623 arrest and conviction, if any.

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

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

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

656 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
657 of this section, any police officer who obtains the results of a chemical
658 analysis of a blood sample taken from or a urine sample provided by an
659 operator of a motor vehicle who was involved in an accident and
660 suffered or allegedly suffered physical injury in such accident, or who
661 was otherwise deemed by a police officer to require treatment or
662 observation at a hospital, shall notify the [Commissioner of Motor
663 Vehicles] commissioner and submit to the commissioner a written
664 report if such results indicate that such person had an elevated blood
665 alcohol content or elevated blood THC content, or any quantity of an
666 intoxicating liquor or any drug or both in such person's blood, and if
667 such person was arrested for violation of section 14-227a, as amended
668 by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of
669 section 14-227n. The report shall be made on a form approved by the
670 commissioner containing such information as the commissioner
671 prescribes, and shall be subscribed and sworn to under penalty of false
672 statement, as provided in section 53a-157b, by the police officer. The
673 commissioner may, after notice and an opportunity for hearing, which
674 shall be conducted by a hearing officer on behalf of the commissioner in
675 accordance with chapter 54, suspend the motor vehicle operator's

676 license or [nonresident] operating privilege of such person for the
677 appropriate period of time specified in subsection (i) of this section and
678 require such person to install and maintain an ignition interlock device
679 for the appropriate period of time prescribed in subsection (i) of this
680 section. Each hearing conducted under this subsection shall be limited
681 to a determination of the following issues: (1) Whether the police officer
682 had probable cause to arrest the person for operating a motor vehicle
683 while under the influence of intoxicating liquor or drug or both; (2)
684 whether such person was placed under arrest; (3) whether such person
685 was operating the motor vehicle; (4) whether the results of the analysis
686 of the blood or urine of such person indicate that such person had an
687 elevated blood alcohol content or elevated blood THC content, or there
688 is substantial evidence to conclude that the person was operating a
689 motor vehicle under the influence of intoxicating liquor or any drug or
690 both; and (5) in the event that a blood sample was taken, whether the
691 blood sample was obtained in accordance with conditions for
692 admissibility and competence as evidence as set forth in subsection (k)
693 of section 14-227a. If, after such hearing, the commissioner finds on any
694 one of the said issues in the negative, the commissioner shall not impose
695 a suspension. The fees of any witness summoned to appear at the
696 hearing shall be the same as provided by the general statutes for
697 witnesses in criminal cases, as provided in section 52-260.

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

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

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

708 (n) For the purposes of this section, "elevated blood alcohol content"
709 means (1) (A) a ratio of alcohol in the blood of such person that is eight-
710 hundredths of one per cent or more of alcohol, by weight, or (B) a ratio
711 of alcohol in the blood of such person that is between five-hundredths
712 and eight-hundredths of one per cent of alcohol, by weight, if such
713 person also tests positive for any quantity of a drug, (2) if such person is
714 operating a commercial motor vehicle, a ratio of alcohol in the blood of
715 such person that is four-hundredths of one per cent or more of alcohol,
716 by weight, or (3) if such person is less than twenty-one years of age, a
717 ratio of alcohol in the blood of such person that is two-hundredths of
718 one per cent or more of alcohol, by weight; and "elevated blood THC
719 content" means, if such person is less than twenty-one years of age, one-
720 half nanogram or more of THC, as defined in section 1 of this act, in the
721 blood of such person, unless such person provides evidence that such
722 person is a qualifying patient with a valid registration certificate from
723 the Department of Consumer Protection pursuant to chapter 420f.

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

726 (p) For purposes of this section and section 14-227a, as amended by
727 this act, (1) "advanced roadside impaired driving enforcement" means a
728 program developed by the National Highway Traffic Safety
729 Administration with the International Association of Chiefs of Police
730 and the Technical Advisory Panel, which focuses on impaired driving;
731 (2) "drug influence evaluation" means a twelve-part evaluation
732 developed by the National Highway Traffic Safety Administration and
733 the International Association of Chiefs of Police that is conducted by a
734 drug recognition expert to determine the level of a person's impairment
735 from the use of drugs and the type of drug or drugs causing such
736 impairment; (3) "drug recognition expert" means a person certified by
737 the International Association of Chiefs of Police as having met all
738 requirements of the International Drug Evaluation and Classification
739 Program; and (4) "nontestimonial portion of a drug influence
740 evaluation" means a drug influence evaluation conducted by a drug

741 recognition expert that does not include a verbal interview with the
742 subject.

743 Sec. 12. Section 14-227c of the general statutes is repealed and the
744 following is substituted in lieu thereof (*Effective April 1, 2022*):

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

758 (b) A blood, [or] breath or urine sample shall be obtained from any
759 surviving operator whose motor vehicle is involved in an accident
760 resulting in the serious physical injury, as defined in section 53a-3, or
761 death of another person, if (1) a police officer has probable cause to
762 believe that such operator operated such motor vehicle while under the
763 influence of intoxicating liquor or any drug, or both, or (2) such operator
764 has been charged with a motor vehicle violation in connection with such
765 accident and a police officer has a reasonable and articulable suspicion
766 that such operator operated such motor vehicle while under the
767 influence of intoxicating liquor or any drug, or both. The test shall be
768 performed by or at the direction of a police officer according to methods
769 and with equipment approved by the Department of Emergency
770 Services and Public Protection and shall be performed by a person
771 certified or recertified for such purpose by said department or
772 recertified by persons certified as instructors by the Commissioner of

773 Emergency Services and Public Protection. The equipment used for such
774 test shall be checked for accuracy by a person certified by the
775 Department of Emergency Services and Public Protection immediately
776 before and after such test is performed. If a blood test is performed, it
777 shall be on a blood sample taken by a person licensed to practice
778 medicine and surgery in this state, a qualified laboratory technician, a
779 registered nurse, a physician assistant or a phlebotomist. [The blood
780 samples] A blood sample obtained from an operator pursuant to this
781 subsection shall be examined for the presence and concentration of
782 alcohol and any drug by the Division of Scientific Services within the
783 Department of Emergency Services and Public Protection.

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

802 Sec. 13. Subsection (c) of section 14-44k of the general statutes is
803 repealed and the following is substituted in lieu thereof (*Effective April*
804 *1, 2022*):

805 (c) In addition to any other penalties provided by law, and except as
806 provided in subsection (d) of this section, a person is disqualified from
807 operating a commercial motor vehicle for one year if the commissioner
808 finds that such person has refused to submit to a test to determine such
809 person's blood alcohol concentration while operating any motor vehicle,
810 [or has failed such a test when given,] has an elevated blood alcohol
811 content or elevated blood THC content based on such a test pursuant to
812 section 14-227b, as amended by this act, or was found to have been
813 operating under the influence of intoxicating liquor or any drug or both
814 based on a report filed pursuant to the provisions of subsection (d) of
815 section 14-227b, as amended by this act, or pursuant to the provisions of
816 a law of any other state that is deemed by the commissioner to be
817 substantially similar to section 14-227b, as amended by this act. For the
818 purpose of this subsection, [a person shall be deemed to have failed such
819 a test if, when driving a commercial motor vehicle, the ratio of alcohol
820 in the blood of such person was four-hundredths of one per cent or more
821 of alcohol, by weight, or if, when driving any other motor vehicle, the
822 ratio of alcohol in the blood of such person was eight-hundredths of one
823 per cent or more of alcohol, by weight] "elevated blood alcohol content"
824 and "elevated blood THC content" have the same meanings as provided
825 in section 14-227b, as amended by this act.

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

829 (3) For the purposes of this section, "motor vehicle specially
830 designated for carrying children" means any motor vehicle, except for a
831 registered school bus or student transportation vehicle as defined in
832 section 14-212, that is designated or used by a person, firm or
833 corporation for the transportation of children to or from any program or
834 activity organized primarily for persons under the age of eighteen years,
835 with or without charge to the individual being transported, but does not
836 include a passenger motor vehicle normally used for personal, family or
837 household purposes that is operated by a person without a public

838 passenger endorsement; and "elevated blood alcohol content" means a
839 ratio of alcohol in the blood of such person that is eight-hundredths of
840 one per cent or more of alcohol, by weight, except that if such person is
841 operating a commercial motor vehicle, "elevated blood alcohol content"
842 [means a ratio of alcohol in the blood of such person that is four-
843 hundredths of one per cent or more of alcohol, by weight, and if such
844 person is under twenty-one years of age, "elevated blood alcohol
845 content" means a ratio of alcohol in the blood of such person that is two-
846 hundredths of one per cent or more of alcohol, by weight] has the same
847 meaning as provided in section 14-227b, as amended by this act.

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

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

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

865 [(b) If any such person, having been placed under arrest for: (1)
866 Violating subsection (b) of section 53-206d; (2) operating a vessel upon
867 the waters of this state while under the influence of intoxicating liquor
868 or any drug, or both; (3) operating a vessel upon the waters of this state

869 while such person has an elevated blood alcohol content, and thereafter,
870 after being apprised of such person's constitutional rights, having been
871 requested to submit to a blood, breath or urine test at the option of the
872 police officer, having been afforded a reasonable opportunity to
873 telephone an attorney prior to the performance of such test and having
874 been informed that such person's safe boating certificate, right to
875 operate a vessel that requires a safe boating certificate for operation or
876 certificate of personal watercraft operation issued by the commissioner
877 as a condition of operating a vessel shall be suspended in accordance
878 with the provisions of this section if such person refuses to submit to
879 such test or if such person submits to such test and the results of such
880 test indicate that such person has an elevated blood alcohol content and
881 that evidence of any such refusal shall be admissible in accordance with
882 subsection (d) of section 15-140r, and may be used against such person
883 in any criminal prosecution, refuses to submit to the designated test, the
884 test shall not be given; provided, if such person refuses or is unable to
885 submit to a blood test, the peace officer shall designate the breath or
886 urine test as the test to be taken. The peace officer shall make a notation
887 upon the records of the police department that such officer informed
888 such person that such person's safe boating certificate, right to operate
889 a vessel that requires a safe boating certificate for operation or certificate
890 of personal watercraft operation would be suspended if such person
891 refused to submit to such test or if such person submitted to such test
892 and the results of such test indicated that such person has an elevated
893 blood alcohol content.]

894 (b) (1) A police officer who has placed a person under arrest for
895 violating subsection (b) of section 53-206d; operating a vessel upon the
896 waters of this state while under the influence of intoxicating liquor or
897 any drug, or both; or operating a vessel upon the waters of this state
898 while such person has an elevated blood alcohol content, may request
899 that such person submit to a blood, breath or urine test at the option of
900 the police officer, a drug influence evaluation conducted by a drug
901 recognition expert or both, after such person has been (A) apprised of

902 such person's constitutional rights, (B) afforded a reasonable
903 opportunity to telephone an attorney prior to the performance of such
904 test or evaluation, (C) informed that evidence of any refusal to submit
905 to such test or evaluation shall be admissible in accordance with
906 subsection (d) of section 15-140r, as amended by this act, and may be
907 used against such person in any criminal prosecution, except that
908 refusal to submit to the testimonial portions of a drug influence
909 evaluation shall not be considered evidence of refusal of such evaluation
910 for purposes of any criminal prosecution, and (D) informed that such
911 person's safe boating certificate, right to operate a vessel that requires a
912 safe boating certificate for operation or certificate of personal watercraft
913 operation issued by the commissioner as a condition of operating a
914 vessel may be suspended in accordance with the provisions of this
915 section if (i) such person refuses to submit to such test or nontestimonial
916 portion of a drug influence evaluation, (ii) such person submits to such
917 test and the results of such test indicate that such person has an elevated
918 blood alcohol content or elevated blood THC content, or (iii) the officer
919 believes there is substantial evidence to conclude that such person was
920 operating a vessel under the influence of intoxicating liquor or any drug
921 or both.

922 (2) If the person refuses to submit to any test or drug evaluation, the
923 test or evaluation shall not be given, except that if the person refuses or
924 is unable to submit to a blood test, the police officer shall designate
925 another test to be taken. If a person submits to a breath test and the
926 results indicate that the person does not have an elevated blood alcohol
927 content, the police officer may request that the person submit to a
928 different type of test, except that if the person refuses or is unable to
929 submit to a blood test, the police officer shall designate a urine test to be
930 taken. The police officer shall make a notation upon the records of the
931 police department that such officer informed the person that such
932 person's safe boating certificate, right to operate a vessel that requires a
933 safe boating certificate for operation or certificate of personal watercraft
934 operation may be suspended if such person (A) refused to submit to

935 such test or the nontestimonial portions of a drug influence evaluation;
936 (B) submitted to such test and the results of such test indicated that such
937 person had an elevated blood alcohol content or elevated blood THC
938 content; or (C) the officer believes there is substantial evidence to
939 conclude that such person was operating a vessel under the influence of
940 intoxicating liquor or any drug or both.

941 (c) (1) If the person arrested refuses to submit to such test or [analysis]
942 nontestimonial portion of a drug influence evaluation, or submits to
943 such test [or analysis] and the results of such test [or analysis] indicate
944 that at the time of the alleged offense such person had an elevated blood
945 alcohol content or elevated blood THC content, the peace officer shall
946 immediately revoke the safe boating certificate, right to operate a vessel
947 that requires a safe boating certificate for operation or certificate of
948 personal watercraft operation, if any, of such person for a twenty-four-
949 hour period. The peace officer shall prepare a written report of the
950 incident and shall mail the report, together with any certificate taken
951 into possession and a copy of the results of any chemical test or analysis,
952 to the commissioner within three business days, except that failure of an
953 officer to mail or transmit such report within three business days shall
954 not impact a decision to suspend a safe boating certificate, right to
955 operate a vessel that requires a safe boating certificate for operation or
956 certificate of personal watercraft operation issued by the commissioner
957 as a condition of operating a vessel and shall not render such report
958 inadmissible at a proceeding under this section. The report shall be
959 made on a form approved by the commissioner and shall be subscribed
960 and sworn to under penalty of false statement as provided in section
961 53a-157b by the peace officer before whom such refusal was made or
962 who administered or caused to be administered such test or analysis. If
963 the person arrested refused to submit to such test or [analysis]
964 evaluation, the report shall be endorsed by a third person who
965 witnessed such refusal. The report shall set forth the grounds for the
966 officer's belief that there was probable cause to arrest such person for
967 operating such vessel while under the influence of intoxicating liquor or

968 any drug, or both, or while such person has an elevated blood alcohol
969 content and shall state that such person refused to submit to such test or
970 [analysis] evaluation when requested by such peace officer or that such
971 person submitted to such test [or analysis] and the results of such test
972 [or analysis] indicated that such person at the time of the alleged offense
973 had an elevated blood alcohol content or elevated blood THC content.

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

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

991 (1) Advise such person that such person's safe boating certificate,
992 right to operate a vessel that requires a safe boating certificate for
993 operation or certificate of personal watercraft operation issued by the
994 commissioner as a condition of operating a vessel may be suspended in
995 accordance with the provisions of this section if such police officer
996 believes there is substantial evidence to conclude that such person was
997 operating a vessel under the influence of intoxicating liquor or any drug,
998 or both; and

999 (2) Submit a report to the commissioner in accordance with the
1000 procedure set forth in subsection (c) of this section and, if such report
1001 contains the results of a blood, breath or urine test that does not show
1002 an elevated blood alcohol content or elevated THC content, such report
1003 shall conform to the requirements in subsection (c) of this section for
1004 reports that contain results showing an elevated blood alcohol content
1005 or elevated blood THC content. In any report submitted under this
1006 subdivision, the officer shall document (A) the basis for the officer's
1007 belief that there was probable cause to arrest such person for a violation
1008 of subsection (b) of section 53-206d; operating a vessel upon the waters
1009 of this state while under the influence of intoxicating liquor or any drug,
1010 or both; or operating a vessel upon the waters of this state while such
1011 person has an elevated blood alcohol content, and (B) whether the
1012 officer believes that there is substantial evidence to conclude that the
1013 person was operating a vessel under the influence of intoxicating liquor
1014 or any drug, or both. With such report, the officer may submit other
1015 supporting documentation indicating the person's intoxication by
1016 liquor or any drug, or both. If the officer believes there is substantial
1017 evidence to conclude that the person was operating a vessel under the
1018 influence of intoxicating liquor or any drug or both, the officer shall
1019 immediately revoke and take possession of the person's safe boating
1020 certificate, right to operate a vessel that requires a safe boating certificate
1021 for operation or certificate of personal watercraft operation issued by
1022 the commissioner as a condition of operating a vessel, for a twenty-four-
1023 hour period.

1024 (e) Upon receipt of [such] a report submitted under subsection (c) or
1025 (d), the commissioner shall suspend the safe boating certificate, right to
1026 operate a vessel that requires a safe boating certificate for operation or
1027 certificate of personal watercraft operation of such person effective as of
1028 a date certain, such date certain shall be no later than thirty-five days
1029 [after] from the later of the date such person received (A) notice of such
1030 person's arrest by the peace officer, or (B) the results of a blood or urine
1031 test or a drug influence evaluation. Any person whose safe boating

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.

1044 (f) If such person does not contact the department to schedule a
1045 hearing, the commissioner shall affirm the suspension contained in the
1046 suspension notice for the appropriate period specified in subsection (i)
1047 of this section.

1048 (g) (1) If such person contacts the department to schedule a hearing,
1049 the commissioner shall assign a date, time and place for the hearing,
1050 which date shall be prior to the effective date of the suspension. At the
1051 request of such person and upon a showing of good cause, the
1052 commissioner may grant one continuance for a period not to exceed
1053 thirty days. [The hearing]

1054 (2) A hearing based on a report submitted under subsection (c) of this
1055 section shall be limited to a determination of the following issues: [(1)]
1056 (A) Whether the peace officer had probable cause to arrest the person
1057 for operating the vessel while under the influence of intoxicating liquor
1058 or drugs, or both, or while such person has an elevated blood alcohol
1059 content; [(2)] (B) whether such person was placed under arrest; [(3)] (C)
1060 whether such person [(A)] (i) refused to submit to such test or [analysis]
1061 nontestimonial portion of drug influence evaluation, or [(B)] (ii)
1062 submitted to such test [or analysis] and the results of such test [or
1063 analysis] indicated that at the time of the alleged offense that such

1064 person had an elevated blood alcohol content or elevated blood THC
1065 content; and [(4)] (D) whether such person was operating the vessel.

1066 (3) A hearing based on a report submitted under subsection (d) of this
1067 section shall be limited to a determination of the following issues: (A)
1068 Whether the peace officer had probable cause to arrest the person for
1069 operating a vessel while under the influence of intoxicating liquor or
1070 drugs, or both, or while such person has an elevated blood alcohol
1071 content; (B) whether such person was placed under arrest; (C) whether
1072 there is substantial evidence to conclude that the person was operating
1073 a vessel under the influence of intoxicating liquor or any drug, or both;
1074 and (D) whether such person was operating the vessel.

1075 (4) At [the] a hearing held under this subsection, the results of the
1076 test, [or analysis] if administered, shall be sufficient to indicate the ratio
1077 of alcohol in the blood of such person at the time of operation, except
1078 that if the results of an additional test, administered pursuant to section
1079 15-140r, as amended by this act, indicate that the ratio of alcohol in the
1080 blood of such person is eight-hundredths of one per cent or less of
1081 alcohol, by weight, and is higher than the results of the first test,
1082 evidence shall be presented that demonstrates that the test results and
1083 analysis thereof accurately indicate the blood alcohol content at the time
1084 of operation. The fees of any witness summoned to appear at [the] a
1085 hearing under this subsection shall be the same as provided in section
1086 52-260.

1087 (5) In a hearing based on a report submitted under subsection (d) of
1088 this section, evidence of operation under the influence of intoxicating
1089 liquor or any drug, or both shall be admissible. Such evidence may
1090 include, but need not be limited to, (A) the police officer's observations
1091 of intoxication, as documented in a report submitted to the
1092 commissioner under subsection (d) of this section; (B) the results of any
1093 chemical test administered under this section or a toxicology report
1094 certified by the Division of Scientific Services; (C) hospital or medical
1095 records obtained in accordance with subsection (j) of this section or by

1096 the consent of the operator; or (D) reports of drug recognition experts.

1097 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
1098 this section, the commissioner finds in the negative on any one of [said]
1099 the issues in [the negative] subparagraph (A), (B), (C) or (D) of said
1100 subdivision, the commissioner shall stay the safe boating certificate,
1101 right to operate a vessel that requires a safe boating certificate for
1102 operation or certificate of personal watercraft operation suspension. If,
1103 after a hearing under subdivision (3) of subsection (g) of this section, the
1104 commissioner finds in the negative on any one of the issues in
1105 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
1106 shall stay the safe boating certificate, right to operate a vessel that
1107 requires a safe boating certificate for operation or certificate of personal
1108 watercraft operation suspension. If, after such hearing under
1109 subdivision (2) or (3) of subsection (g) of this section, the commissioner
1110 does not find on any one of said issues in the negative or if such person
1111 fails to appear at such hearing, the commissioner shall affirm the
1112 suspension contained in the suspension notice for the appropriate
1113 period specified in subsection (i) of this section. The commissioner shall
1114 render a decision at the conclusion of such hearing or send a notice of
1115 the decision by certified mail to such person not later than thirty-five
1116 days from the date of notice of such person's arrest by the peace officer
1117 or, if a continuance is granted, not later than sixty-five days from the
1118 date such person received notice of such person's arrest by the peace
1119 officer. The notice of such decision sent by certified mail to the address
1120 of such person as shown by the records of the commissioner shall be
1121 sufficient notice to such person that such person's safe boating
1122 certificate, right to operate a vessel that requires a safe boating certificate
1123 for operation or certificate of personal watercraft operation is suspended
1124 or the suspension is stayed. Unless a continuance of the hearing is
1125 granted pursuant to subsection (g) of this section, if the commissioner
1126 fails to render a decision within thirty-five days from the date that such
1127 person received notice of such person's arrest by the peace officer, the
1128 commissioner shall not suspend such person's safe boating certificate,

1129 right to operate a vessel that requires a safe boating certificate for
1130 operation or certificate of personal watercraft operation.

1131 (i) The commissioner shall suspend the operator's safe boating
1132 certificate, right to operate a vessel that requires a safe boating certificate
1133 for operation or certificate of personal watercraft operation of a person
1134 who does not contact the department to schedule a hearing under
1135 subsection (e) of this section, who fails to appear at such hearing, or
1136 against whom, after a hearing, the commissioner holds pursuant to
1137 subsection (g) of this section. Such suspension shall be as of the effective
1138 date contained in the suspension notice or the date the commissioner
1139 renders a decision, whichever is later, for a period of: (1) (A) Except as
1140 provided in subparagraph (B) of this subdivision, ninety days if such
1141 person submitted to a test [or analysis] and the results of such test [or
1142 analysis] indicated that at the time of the alleged offense that such
1143 person had an elevated blood alcohol content or elevated blood THC
1144 content, or such person was found to have been operating a vessel under
1145 the influence of intoxicating liquor or any drug, or both, based on a
1146 report filed pursuant to subsection (d) of this section, or (B) one hundred
1147 twenty days if such person submitted to a test [or analysis] and the
1148 results of such test [or analysis] indicated that the ratio of alcohol in the
1149 blood of such person was sixteen-hundredths of one per cent or more of
1150 alcohol, by weight, or (C) six months if such person refused to submit to
1151 such test; [or analysis;] (2) if such person has previously had such
1152 person's safe boating certificate, right to operate a vessel that requires a
1153 safe boating certificate for operation or certificate of personal watercraft
1154 operation suspended under this section, (A) except as provided in
1155 subparagraph (B) of this subdivision, nine months if such person
1156 submitted to a test [or analysis] and the results of such test [or analysis]
1157 indicated that at the time of the alleged offense that such person had an
1158 elevated blood alcohol content or elevated blood THC content, or such
1159 person was found to have been operating a vessel under the influence
1160 of intoxicating liquor or any drug, or both, based on a report filed
1161 pursuant to subsection (d) of this section, (B) ten months if such person

1162 submitted to a test [or analysis] and the results of such test [or analysis]
1163 indicated that the ratio of alcohol in the blood of such person was
1164 sixteen-hundredths of one per cent or more of alcohol, by weight, and
1165 (C) one year if such person refused to submit to such test; [or analysis;]
1166 and (3) if such person has two or more times previously had such
1167 person's safe boating certificate, right to operate a vessel that requires a
1168 safe boating certificate for operation or certificate of personal watercraft
1169 operation suspended under this section, (A) except as provided in
1170 subparagraph (B) of this subdivision, two years if such person
1171 submitted to a test [or analysis] and the results of such test [or analysis]
1172 indicated that at the time of the alleged offense that such person had an
1173 elevated blood alcohol content or elevated blood THC content, or such
1174 person was found to have been operating a vessel under the influence
1175 of intoxicating liquor or any drug, or both, based, on a report filed
1176 pursuant to subsection (d) of this section, (B) two and one-half years if
1177 such person submitted to a test [or analysis] and the results of such test
1178 [or analysis] indicated that the ratio of alcohol in the blood of such
1179 person was sixteen-hundredths of one per cent or more of alcohol, by
1180 weight, and (C) three years if such person refused to submit to such test,
1181 [or analysis.]

1182 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
1183 of this section, any peace officer who obtains the results of a chemical
1184 analysis of a blood sample taken from an operator of a vessel involved
1185 in an accident who suffered or allegedly suffered physical injury in such
1186 accident shall notify the commissioner and submit to the commissioner
1187 a written report if such results indicate that at the time of the alleged
1188 offense such person had an elevated blood alcohol content or elevated
1189 blood THC content, or any quantity of an intoxicating liquor or any
1190 drug, or both, in such person's blood, and if such person was arrested
1191 for a violation of section 15-132a, subsection (d) of section 15-133 or
1192 section 15-140l or 15-140n in connection with such accident. The report
1193 shall be made on a form approved by the commissioner containing such
1194 information as the commissioner prescribes and shall be subscribed and

1195 sworn under penalty of false statement, as provided in section 53a-157b,
1196 by the peace officer. The commissioner shall, after notice and an
1197 opportunity for hearing, which shall be conducted in accordance with
1198 chapter 54, suspend the safe boating certificate, right to operate a vessel
1199 that requires a safe boating certificate for operation or certificate of
1200 personal watercraft operation of such person for a period of up to ninety
1201 days, or, if such person has previously had such person's operating
1202 privilege suspended under this section, for a period up to one year. Each
1203 hearing conducted under this section shall be limited to a determination
1204 of the following issues: (1) Whether the peace officer had probable cause
1205 to arrest the person for operating a vessel while under the influence of
1206 intoxicating liquor or drugs, or both, or while such person has an
1207 elevated blood alcohol content; (2) whether such person was placed
1208 under arrest; (3) whether such person was operating the vessel; (4)
1209 whether the results of the analysis of the blood of such person indicate
1210 that such person had an elevated blood alcohol content or elevated
1211 blood THC content, or there is substantial evidence to conclude that the
1212 person was operating a vessel under the influence of intoxicating liquor
1213 or any drug, or both; and (5) whether the blood sample was obtained in
1214 accordance with conditions for admissibility as set forth in section 15-
1215 140s. If, after such hearing, the commissioner finds on any issue in the
1216 negative, the commissioner shall not impose a suspension. The fees of
1217 any witness summoned to appear at the hearing shall be the same as
1218 provided by the general statutes for witnesses in criminal cases.

1219 (k) The provisions of this section shall apply with the same effect to
1220 the refusal by any person to submit to an additional chemical test as
1221 provided in [subdivision (5)] subparagraph (E) of subdivision (1) of
1222 subsection (a) of section 15-140r, as amended by this act.

1223 (l) The provisions of this section do not apply to any person whose
1224 physical condition is such that, according to competent medical advice,
1225 such test would be inadvisable.

1226 (m) The state shall pay the reasonable charges of any physician who,

1227 at the request of a municipal police department, takes a blood sample
1228 for purposes of a test under the provisions of this section.

1229 (n) For the purposes of this section, "elevated blood alcohol content"
1230 means: (1) (A) A ratio of alcohol in the blood of such person that is eight-
1231 hundredths of one per cent or more of alcohol, by weight, or (B) a ratio
1232 of alcohol in the blood of such person that is between five-hundredths
1233 and eight-hundredths of one per cent of alcohol by weight, if such
1234 person also tests positive for any quantity of an impairing drug or
1235 substance, or (2) if such person is under twenty-one years of age, a ratio
1236 of alcohol in the blood of such person that is two-hundredths of one per
1237 cent or more of alcohol, by weight; and "elevated blood THC content"
1238 means, if such person is less than twenty-one years of age, one-half
1239 nanogram or more of THC, as defined in section 1 of this act, in the blood
1240 of such person, unless such person provides evidence that such person
1241 is a qualifying patient with a valid registration certificate from the
1242 Department of Consumer Protection pursuant to chapter 420f.

1243 (o) The commissioner may adopt regulations, in accordance with
1244 chapter 54, to implement the provisions of this section.

1245 (p) For purposes of this section and section 15-140r, as amended by
1246 this act, (1) "drug influence evaluation" means a twelve-part evaluation
1247 developed by the National Highway Traffic Safety Administration and
1248 the International Association of Chiefs of Police that is conducted by a
1249 drug recognition expert to determine the level of a person's impairment
1250 from the use of drugs and the type of drug or drugs causing such
1251 impairment; (2) "drug recognition expert" means a person certified by
1252 the International Association of Chiefs of Police as having met all
1253 requirements of the International Drug Evaluation and Classification
1254 Program; and (3) "nontestimonial portion of a drug influence
1255 evaluation" means a drug influence evaluation conducted by a drug
1256 recognition expert that does not include a verbal interview with the
1257 subject.

1258 Sec. 17. Section 15-140r of the general statutes is repealed and the
1259 following is substituted in lieu thereof (*Effective April 1, 2022*):

1260 (a) (1) Except as provided in section 15-140s or subsection (d) of this
1261 section, in any criminal prosecution for the violation of section 15-132a,
1262 subsection (d) of section 15-133, section 15-140l or 15-140n or subsection
1263 (b) of section 53-206d, evidence respecting the amount of alcohol or drug
1264 in the defendant's blood or urine at the time of the alleged offense, as
1265 shown by a chemical [analysis] test of the defendant's breath, blood or
1266 urine shall be admissible and competent provided: [(1)] (A) The
1267 defendant was afforded a reasonable opportunity to telephone an
1268 attorney prior to the performance of the test and consented to the taking
1269 of the test upon which such analysis is made; [(2)] (B) a true copy of the
1270 report of the test result was mailed to or personally delivered to the
1271 defendant within twenty-four hours or by the end of the next regular
1272 business day, after such result was known, whichever is later; [(3)] (C)
1273 the test was performed by or at the direction of a certified law
1274 enforcement officer according to methods and with equipment
1275 approved by the Department of Emergency Services and Public
1276 Protection, and if a blood test was performed, it was performed on a
1277 blood sample taken by a person licensed to practice medicine and
1278 surgery in this state, a qualified laboratory technician, an emergency
1279 medical technician II or a registered nurse in accordance with the
1280 regulations adopted under subsection (b) of this section; [(4)] (D) the
1281 device used for such test was checked for accuracy in accordance with
1282 the regulations adopted under subsection (b) of this section; [(5)] (E) an
1283 additional chemical test of the same type was performed at least ten
1284 minutes after the initial test was performed or, if requested by the peace
1285 officer for reasonable cause, an additional chemical test of a different
1286 type was performed, including a test to detect the presence of a drug or
1287 drugs other than or in addition to alcohol, except that the results of the
1288 initial test shall not be inadmissible under this subsection if reasonable
1289 efforts were made to have such additional test performed in accordance
1290 with the conditions set forth in this subsection and (i) such additional

1291 test was not performed or was not performed within a reasonable time,
1292 or (ii) the results of such additional test are not admissible for failure to
1293 meet a condition set forth in this subsection; and ~~[(6)]~~ (F) evidence is
1294 presented that the test was commenced within two hours of operation
1295 of the vessel or expert testimony establishes the reliability of a test
1296 commenced beyond two hours of operation of the vessel. In any
1297 prosecution under this section, it shall be a rebuttable presumption that
1298 the results of such chemical analysis establish the ratio of alcohol in the
1299 blood of the defendant at the time of the alleged offense, except that if
1300 the results of the additional test indicate that the ratio of alcohol in the
1301 blood of such defendant is ten-hundredths of one per cent or less of
1302 alcohol, by weight, and is higher than the results of the first test,
1303 evidence shall be presented that demonstrates that the test results and
1304 the analysis thereof accurately indicate the blood alcohol content at the
1305 time of the alleged offense.

1306 (2) If a law enforcement officer who is a drug recognition expert
1307 conducts a drug influence evaluation, the officer's testimony concerning
1308 such evaluation shall be admissible and competent as evidence of the
1309 operation of a vessel while under the influence of liquor or any drug or
1310 both under subdivision (1) of subsection (a) of this section.

1311 (b) The Commissioner of Emergency Services and Public Protection
1312 shall ascertain the reliability of each method and type of device offered
1313 for chemical testing and analysis of blood, of breath and of urine and
1314 certify those methods and types which the Commissioner of Emergency
1315 Services and Public Protection finds suitable for use in testing and
1316 analysis of blood, breath and urine, respectively, in this state. The
1317 Commissioner of Emergency Services and Public Protection, after
1318 consultation with the Commissioner of Public Health, shall adopt
1319 regulations, in accordance with chapter 54, governing the conduct of
1320 chemical tests, the operation and use of chemical test devices and the
1321 training and certification of operators of such devices and the drawing
1322 or obtaining of blood, breath or urine samples as the Commissioner of
1323 Emergency Services and Public Protection finds necessary to protect the

1324 health and safety of persons who submit to chemical tests and to insure
1325 reasonable accuracy in testing results. Such regulations shall not require
1326 recertification of a peace officer solely because such officer terminates
1327 such officer's employment with the law enforcement agency for which
1328 certification was originally issued and commences employment with
1329 another such agency.

1330 (c) If a person is charged with a violation of section 15-132a,
1331 subsection (d) of section 15-133 or section 15-140l or 15-140n, the charge
1332 may not be reduced, nolle or dismissed unless the prosecuting
1333 authority states in open court such prosecutor's reasons for the
1334 reduction, nolle or dismissal.

1335 (d) (1) In any criminal prosecution for a violation of section 15-132a,
1336 subsection (d) of section 15-133 or section 15-140l or 15-140n, evidence
1337 that the defendant refused to submit to a blood, breath or urine test or
1338 nontestimonial portion of a drug influence evaluation requested in
1339 accordance with section 15-140q, as amended by this act, shall be
1340 admissible provided the requirements of subsection (a) of said section
1341 have been satisfied. If a case involving a violation of section 15-132a,
1342 subsection (d) of section 15-133 or section 15-140l or 15-140n is tried to a
1343 jury, the court shall instruct the jury as to any inference that may or may
1344 not be drawn from the defendant's refusal to submit to a blood, breath
1345 or urine test or evaluation.

1346 (2) A drug recognition expert may testify as to his or her opinion or
1347 otherwise as to the significance of any symptoms of impairment or
1348 intoxication for which evidence has been admitted or on the condition
1349 that such evidence be introduced.

1350 (3) In any prosecution for a violation of subdivision (1) of subsection
1351 (a) of this section in which it is alleged that the defendant's operation of
1352 a vessel was impaired, in whole or in part, by consumption of cannabis,
1353 cannabis products or THC, as those terms are defined in section 1 of this
1354 act, the court may take judicial notice that the ingestion of THC (i) can

1355 impair a person's ability to operate a vessel; (ii) can impair a person's
1356 motor function, reaction time, tracking ability, cognitive attention,
1357 decision-making, judgment, perception, peripheral vision, impulse
1358 control and memory; and (iii) does not enhance a person's ability to
1359 safely operate a vessel.

1360 Sec. 18. (NEW) (*Effective from passage*) (a) There is established a
1361 Cannabis Equity Commission, which shall be administered by the
1362 Department of Consumer Protection.

1363 (b) The commission shall consist of nine members appointed as
1364 follows:

1365 (1) Two appointed by the Governor who shall have a professional
1366 background of not less than five years working in the field of either
1367 social justice or civil rights;

1368 (2) One appointed by the Governor who shall have a professional
1369 background of not less than five years working in the field of economic
1370 development;

1371 (3) One appointed by the Governor who shall have a professional
1372 background of not less than five years in providing access to capital to
1373 minorities, as defined in section 32-9n of the general statutes;

1374 (4) One appointed by the Black and Puerto Rican Caucus of the
1375 General Assembly;

1376 (5) The Commissioner of Consumer Protection, or the commissioner's
1377 designee;

1378 (6) The Commissioner of Economic and Community Development,
1379 or the commissioner's designee;

1380 (7) The Commissioner of Revenue Services, or the commissioner's
1381 designee; and

1382 (8) The Labor Commissioner, or the commissioner's designee.

1383 (c) The Governor shall make all appointments not later than thirty
1384 days after the effective date of this section and shall appoint the
1385 chairperson of the commission.

1386 (d) The Governor shall fill any vacancy for the unexpired term. Each
1387 commissioner shall take the oath prescribed for executive officers.

1388 (e) The terms of the appointed members of the commission shall be
1389 coterminous with the term of the Governor and subject to the provisions
1390 of section 4-1a of the general statutes.

1391 (f) A majority of the members of the commission shall constitute a
1392 quorum for the transaction of any business.

1393 (g) The members of the commission shall serve without
1394 compensation, but shall, within available appropriations, be reimbursed
1395 for expenses necessarily incurred in the performance of their duties.

1396 (h) In making the appointments in subsection (b) of this section, the
1397 Governor shall use his or her best efforts to make appointments that
1398 reflect the racial, gender and geographic diversity of the population of
1399 the state.

1400 Sec. 19. (NEW) (*Effective from passage*) (a) The commission established
1401 pursuant to section 18 of this act shall promote and encourage full
1402 participation in the cannabis industry by persons from communities
1403 that have been disproportionately harmed by cannabis prohibition and
1404 enforcement.

1405 (b) Not later than January 1, 2021, the commission shall make written
1406 recommendations, in accordance with the provisions of section 11-4a of
1407 the general statutes, to the Governor and the joint standing committees
1408 of the General Assembly having cognizance of matters relating to
1409 consumer protection, the judiciary and finance, revenue and bonding,
1410 regarding legislation to implement the provisions of sections 18 to 29,

1411 inclusive, of this act, sections 31 to 39, inclusive, of this act, section 41 of
1412 this act, section 21a-243 of the general statutes, as amended by this act,
1413 and section 21a-408t of the general statutes, as amended by this act. In
1414 making such recommendations, the commission shall consider whether
1415 to:

1416 (1) Establish an equity applicant status for potential owners of
1417 cannabis establishments. For purposes of this section, "equity applicant"
1418 means a person who: (A) Either as an adult or a juvenile, was arrested
1419 for or convicted of the sale, possession, use, manufacture or cultivation
1420 of cannabis, (B) has a parent or child who, either as an adult or a juvenile,
1421 was arrested for or convicted of the sale, possession, use, manufacture
1422 or cultivation of cannabis, or (C) has been a resident of a
1423 disproportionately impacted census tract for not less than five of the
1424 previous ten years. For purposes of this subdivision,
1425 "disproportionately impacted census tract" means a census tract in a
1426 municipality in which the unemployment rate is greater than the state-
1427 wide unemployment rate and the percentage of individuals below the
1428 federal poverty level is greater than the state-wide percentage of
1429 individuals below the federal poverty level;

1430 (2) Provide for expedited or priority license processing for each class
1431 of license established pursuant to sections 18 to 25, inclusive, of this act
1432 for equity applicants;

1433 (3) Require that any cannabis establishment licensed on or after July
1434 1, 2022, that is not owned by an equity applicant comply with an
1435 approved plan to reinvest or provide employment and training
1436 opportunities in disproportionately impacted census tract areas or in
1437 communities disproportionately impacted by high rates of drug-related
1438 arrests, marijuana sale arrests or marijuana possession arrests;

1439 (4) Establish a lower fee structure for equity applicants;

1440 (5) (A) Require that any cannabis establishment owned by an equity
1441 applicant shall be not less than a specified per cent, approved by the

1442 commission, owned and controlled by one or more equity applicants,
1443 whose primary addresses have been in this state for the past five years
1444 and who manage the day-to-day operations and make long-term
1445 decisions for the business, and (B) require equity applicants to be
1446 approved by the department;

1447 (6) Require that any cannabis establishment owned by an equity
1448 applicant shall not, within a specified period of operation, be sold to a
1449 nonequity applicant in a manner that results in the total ownership of
1450 the cannabis establishment being less than the minimum percentage,
1451 approved by the commission, required to be owned and controlled by
1452 one or more equity applicants except with approval of the department;

1453 (7) Establish a process to best ensure that equity applicants have
1454 access to the capital and training needed to own and operate a cannabis
1455 establishment;

1456 (8) Establish cannabis micro business licenses;

1457 (9) Establish requirements regarding the delivery of cannabis and
1458 cannabis products to consumers, including, but not limited to, the
1459 establishment of a cannabis retail delivery license; and

1460 (10) Provide for the distribution of a portion of tax revenues to
1461 support residents in disproportionately impacted census tracts.

1462 Sec. 20. (NEW) (*Effective July 1, 2022*) (a) Each cannabis establishment
1463 shall provide the commission with an annual report for the prior year
1464 on or before January fifteenth regarding the diversity of its workforce
1465 and ownership. The commission shall make the overall percentages
1466 regarding such diversity and ownership available to the public.

1467 (b) Individuals who have been arrested or convicted for the sale or
1468 possession of cannabis or for a misdemeanor drug offense that did not
1469 involve the use, attempted use or threatened use of physical force
1470 against another person shall not be prohibited from participating or

1471 obtaining licensure in the cannabis industry.

1472 (c) All licensees granted a license pursuant to sections 18 to 25,
1473 inclusive, of this act shall establish and adhere to policies that encourage
1474 diversity for purposes of employment, contracting and other
1475 professional service opportunities. Such policies shall be provided by
1476 the licensee to the commission upon request.

1477 Sec. 21. (NEW) (*Effective July 1, 2022*) (a) A producer in good standing
1478 may acquire, sell, deliver or transport cannabis or cannabis products to
1479 cannabis establishments, laboratories and research programs.

1480 (b) No person shall hold a cannabis establishment license issued
1481 pursuant to sections 18 to 25, inclusive, of this act or be employed by a
1482 cannabis establishment or a licensee pursuant to chapter 420f unless
1483 such person is eighteen years of age or older.

1484 Sec. 22. (NEW) (*Effective July 1, 2022*) On and after July 1, 2022, the
1485 department may issue a license to a person to be a cannabis retailer. No
1486 person shall act as a cannabis retailer or represent that such person is a
1487 licensed retailer, unless such person has obtained a license from the
1488 department pursuant to this section. Such person shall apply for a
1489 license on a form and in a manner prescribed by the commissioner.

1490 Sec. 23. (NEW) (*Effective July 1, 2022*) (a) Except as provided in
1491 sections 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this
1492 act, section 21a-408t of the general statutes, as amended by this act, or
1493 chapter 420f of the general statutes, no person, other than a cannabis
1494 retailer, shall sell or deliver cannabis or cannabis products, excluding
1495 hemp, to a consumer. Notwithstanding the provisions of this section,
1496 research programs may sell cannabis or cannabis products to subjects of
1497 a research program, as defined in section 21a-408 of the general statutes.

1498 (b) No cannabis or cannabis product, excluding hemp, shall be sold
1499 from, obtained from or transferred to a location outside of this state by
1500 a cannabis establishment if such sale would be in violation of federal

1501 law.

1502 (c) Each employee of a cannabis establishment shall apply for a
1503 license on a form and in a manner prescribed by the commissioner prior
1504 to commencing employment at the cannabis establishment. Such form
1505 may require the applicant to provide information sufficient for the
1506 department to conduct state and national criminal history records
1507 checks in accordance with section 29-17a of the general statutes. The
1508 commissioner may establish a cannabis establishment employee
1509 registration fee of not more than two hundred fifty dollars.

1510 (d) No person shall act as a backer or represent that such person is a
1511 backer unless such person has obtained a license from the department
1512 pursuant to this section. Such person shall apply for a license on a form
1513 and in a manner prescribed by the commissioner. Such form may
1514 require the applicant to provide information sufficient for the
1515 department to: (A) Conduct state and national criminal history records
1516 checks in accordance with section 29-17a of the general statutes,
1517 including a financial history check, to determine the character and
1518 fitness of the applicant for the license, (B) assess whether the applicant
1519 has an ownership interest in any other cannabis establishment, and (C)
1520 obtain such other information as the department determines is
1521 consistent with the requirements of sections 18 to 29, inclusive, of this
1522 act, sections 31 to 35, inclusive, of this act, section 41 of this act, section
1523 21a-243 of the general statutes, as amended by this act, and section 21a-
1524 408t of the general statutes, as amended by this act, or chapter 420f of
1525 the general statutes.

1526 (e) Any person who receives a license issued pursuant to sections 18
1527 to 25, inclusive, of this act shall notify the department of any changes to
1528 the information supplied on the application for such license not later
1529 than five business days after such change.

1530 Sec. 24. (NEW) (*Effective from passage*) (a) Not later than January 1,
1531 2021, the department shall make written recommendations, in

1532 accordance with the provisions of section 11-4a of the general statutes,
1533 regarding cannabis retailers to the Governor and the joint standing
1534 committees of the General Assembly having cognizance of matters
1535 relating to consumer protection, the judiciary and finance, revenue and
1536 bonding, regarding legislation to implement the provisions of sections
1537 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act,
1538 section 41 of this act, section 21a-243 of the general statutes, as amended
1539 by this act, and section 21a-408t of the general statutes, as amended by
1540 this act, to:

1541 (1) Avoid an overconcentration of cannabis retailers in any one area
1542 and to ensure that such retailers are located state-wide;

1543 (2) Enable the department to license any person that applies for a
1544 cannabis retailer license, provided the department deems such
1545 applicant qualified to acquire, possess, sell and deliver cannabis;

1546 (3) Establish nonrefundable application fees, license fees and renewal
1547 fees for each cannabis retailer license;

1548 (4) Establish the terms of cannabis retailer licenses;

1549 (5) Establish health, safety and security requirements for cannabis
1550 retailers, which may include, but need not be limited to, the ability to
1551 maintain adequate control against the diversion, theft and loss of
1552 cannabis acquired or possessed by the licensed cannabis retailer and the
1553 ability to maintain the knowledge, understanding, judgment, operating
1554 procedures and security controls to ensure safety and accuracy in the
1555 selling, delivering and use of cannabis;

1556 (6) Establish processes for online ordering and delivery to consumers
1557 to ensure that consumers are of a legal age to purchase cannabis;

1558 (7) Prohibit the retail sale of cannabis designed to appeal to children,
1559 including, but not limited to banning (A) the use of cartoons, toys,
1560 animals or children; (B) products that look like any specific trademarked

1561 food product; and (C) advertising in time, place, location or mediums,
1562 including online, which may reach underage individuals.

1563 (8) Establish restrictions on cannabis advertising, marketing and
1564 signage, including, but not limited to, a prohibition on mass-market
1565 campaigns that have a high likelihood of reaching children;

1566 (9) Require cannabis products to be sold with a warning label or
1567 handout, after consultation with researchers knowledgeable about the
1568 risks and benefits of cannabis. Such label or handout may include advice
1569 about the potential risks of cannabis and cannabis products, such as: (A)
1570 The risks of driving under the influence of cannabis and the fact that
1571 doing so is illegal; (B) the risk of cannabis use disorder and where a
1572 person may seek assistance for the disorder; (C) potential exacerbation
1573 of psychotic disorders; (D) adverse effects unique to younger adults,
1574 including those related to the developing mind; (E) potential adverse
1575 events and other risks; (F) risks of using cannabis during pregnancy or
1576 breast feeding; and (G) the need to safeguard cannabis and cannabis
1577 products from children and pets;

1578 (10) Require each licensed cannabis retailer to utilize an electronic
1579 inventory control and sale tracking system with the ability to provide
1580 reporting as required by the commissioner, in a manner prescribed by
1581 the commissioner, to ensure compliance with sections 18 to 29, inclusive,
1582 of this act, sections 31 to 35, inclusive, of this act, section 41 of this act,
1583 section 21a-243 of the general statutes, as amended by this act, and
1584 section 21a-408t of the general statutes, as amended by this act;

1585 (11) Minimize the cost difference between cannabis and cannabis
1586 products authorized pursuant to sections 18 to 25, inclusive, of this act
1587 and marijuana and marijuana products sold pursuant to chapter 420f of
1588 the general statutes and any regulations adopted pursuant to said
1589 chapter, and to maintain and prioritize access to marijuana and
1590 marijuana products sold pursuant to chapter 420f of the general statutes
1591 and any regulations adopted pursuant to said chapter;

1592 (12) Ensure competition and prevent concentration of ownership,
1593 including, but not limited to, establishing licensing requirements for
1594 backers;

1595 (13) Establish other licensing, renewal and operational standards
1596 deemed necessary by the commissioner;

1597 (14) Establish standards and requirements for cannabis
1598 establishments to verify the age and identity of consumers. Such
1599 requirements shall be designed to prevent the sale or diversion of
1600 cannabis and cannabis products to individuals under twenty-one years
1601 of age;

1602 (15) Eliminate the registration fee imposed on medical marijuana
1603 patients and caregivers;

1604 (16) Create the standards for cannabis product manufacturing
1605 licenses, facilities and products. Cannabis product manufacturing
1606 licenses shall include, but may not be limited to, a cannabis product
1607 manufacturing facility extraction license and a cannabis product
1608 manufacturing facility processing license;

1609 (17) Establish nonrefundable application fees, license fees and
1610 renewal fees for cannabis product manufacturing licenses;

1611 (18) Establish the terms of cannabis product manufacturing licenses;

1612 (19) Designate permissible locations for licensed cannabis product
1613 manufacturing facilities in this state;

1614 (20) Establish financial requirements for cannabis product
1615 manufacturing facilities and backers, under which applicants shall
1616 demonstrate the financial capacity to build and operate a cannabis
1617 product manufacturing facility;

1618 (21) Establish health, safety and security requirements for licensed
1619 cannabis product manufacturing facilities, which shall include, but need

1620 not be limited to, a requirement that the applicant or licensed cannabis
1621 product manufacturing facility demonstrates the ability to maintain
1622 adequate control against the diversion, theft and loss of cannabis and
1623 cannabis products;

1624 (22) Establish other licensing, renewal and operational standards
1625 deemed necessary by the commissioner;

1626 (23) Require each licensed cannabis product manufacturing facility to
1627 utilize an electronic inventory control and sale-tracking system with
1628 reporting capability, as required by the commissioner, to ensure
1629 compliance with sections 18 to 29, inclusive, of this act, sections 31 to 35,
1630 inclusive, of this act and section 21a-408t of the general statutes, as
1631 amended by this act;

1632 (24) Determine whether a license for cannabis cultivation facilities is
1633 necessary or whether the producer license shall be the sole license under
1634 which the cultivation of cannabis may occur in this state. If the
1635 department determines that a cannabis cultivation license is necessary,
1636 it shall also make recommendations to:

1637 (25) Determine the number of such facilities that may be licensed in
1638 this state to meet the needs of consumers;

1639 (26) Establish a nonrefundable application fee, license fee and
1640 renewal fee for each cannabis cultivation facility license;

1641 (27) Establish the term of a cannabis cultivation facility license;

1642 (28) Establish financial requirements for cannabis cultivation facilities
1643 and backers, under which applicants shall demonstrate the financial
1644 capacity to build and operate a cannabis cultivation facility;

1645 (29) Establish health, safety and security requirements for licensed
1646 cannabis cultivation facilities, which shall include, but need not be
1647 limited to, a requirement that each applicant or licensed cannabis
1648 cultivation facility demonstrate: (A) The ability to maintain adequate

1649 control against the diversion, theft and loss of cannabis cultivated by the
1650 cannabis cultivation facility, and (B) the ability to cultivate such
1651 cannabis in a secure manner;

1652 (30) Require each licensed cannabis cultivation facility to utilize an
1653 electronic inventory control and sale tracking system with the ability to
1654 provide reporting as required by the commissioner, and in a manner
1655 prescribed by the commissioner, to ensure compliance with sections 18
1656 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act and
1657 section 21a-408t of the general statutes, as amended by this act;

1658 (31) Establish other licensing, renewal and operational standards
1659 deemed necessary by the commissioner;

1660 (32) Requirements for the transportation and storage of cannabis and
1661 cannabis products by cannabis establishments;

1662 (33) Requirements for employment and training for each cannabis
1663 establishment, excluding dispensary facilities and producers, and its
1664 employees; and

1665 (34) Impose additional requirements for cannabis and cannabis
1666 products sold by a cannabis establishment, including labels and
1667 packaging requirements for cannabis and cannabis products, including,
1668 but not limited to, the following:

1669 (A) A disclosure concerning the length of time it typically takes for
1670 the cannabis or cannabis product to affect an individual;

1671 (B) A notation of the amount of cannabis the cannabis product is
1672 considered the equivalent to;

1673 (C) A list of ingredients and possible allergens for cannabis and
1674 cannabis products;

1675 (D) A nutritional fact panel for cannabis products that includes
1676 serving size. The commissioner shall determine which cannabis

- 1677 products shall require nutritional fact panels;
- 1678 (E) An opaque, child-resistant packaging, which is designed or
1679 constructed to be significantly difficult for children under five years of
1680 age to open and not difficult for adults to use properly, as defined in 16
1681 CFR 1700.1, as amended from time to time;
- 1682 (F) Identification of edible cannabis products, when practicable, with
1683 a standard symbol indicating that it contains cannabis;
- 1684 (G) The license number of the cannabis product manufacturing
1685 facility license or producer license;
- 1686 (H) The license number of the cannabis retailer;
- 1687 (I) The batch number of the cannabis or cannabis product;
- 1688 (J) A net weight statement;
- 1689 (K) A disclosure of any solvent used in the extraction process of a
1690 cannabis product, if applicable;
- 1691 (L) A recommended use by or expiration date for cannabis or
1692 cannabis products;
- 1693 (M) Standard and uniform packaging and labeling;
- 1694 (35) Establish health and safety standards for the manufacture of
1695 cannabis products;
- 1696 (36) Establish restrictions or prohibitions on additives to cannabis
1697 and cannabis products, including, but not limited to, those that are toxic,
1698 designed to make the product more addictive, designed to make the
1699 product more appealing to children or misleading to consumers. Such
1700 prohibition shall include vitamin E acetate and other vitamin E
1701 derivatives for use in cannabis vaping products;
- 1702 (37) Establish protocols governing visits to cannabis product

1703 manufacturing facilities and producers, including requiring such
1704 establishments to maintain a log of visitors;

1705 (38) Establish a definition of the amount of THC that constitutes a
1706 single serving in a cannabis product;

1707 (39) Establish standards for the safe manufacture of cannabis
1708 products;

1709 (40) Establish requirements that educational materials be
1710 disseminated or made available to consumers who purchase cannabis
1711 or cannabis products;

1712 (41) Establish requirements for random sample testing to ensure
1713 quality control, including requirements that cannabis and cannabis
1714 products are accurately labeled. Any such testing shall include, but not
1715 be limited to, testing for residual solvents, poisons, toxins, harmful
1716 chemicals, dangerous molds or mildew, filth, harmful microbials such
1717 as E. Coli or salmonella and pesticides;

1718 (42) Establish a modified process to solicit and review applications
1719 from producers and dispensary facilities licensed pursuant to chapter
1720 420f of the general statutes;

1721 (43) Establish standards for the operation of laboratories, including
1722 requirements for equipment and qualifications for personnel;

1723 (44) Establish requirements to ensure the health and safety of the
1724 public regarding any vaporizer or inhalation device sold or
1725 manufactured by a cannabis establishment;

1726 (45) Establish standards for licensure of backers and restrictions, if
1727 deemed appropriate by the department, for cross-ownership of
1728 cannabis establishments;

1729 (46) Set restrictions on the total amount of THC per serving in any
1730 cannabis product, the total number of milligrams of THC allowed to be

1731 purchased per transaction, forms of cannabis product delivery systems
1732 and methods of consumption and dosage amounts for the cannabis
1733 products sold; and

1734 (47) Establish responsibilities of licensees under chapter 420f of the
1735 general statutes to maintain priority access of product to qualifying
1736 patients. Such recommendations may include a recommendation
1737 regarding the colocation of a dispensary facility under chapter 420f of
1738 the general statutes with a cannabis retailer under sections 18 to 29,
1739 inclusive, of this act, sections 31 to 35, inclusive, of this act and section
1740 21a-408t of the general statutes, as amended by this act.

1741 (b) No standard or requirement enacted pursuant to sections 18 to 29,
1742 inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of
1743 this act, section 21a-243 of the general statutes, as amended by this act,
1744 and section 21a-408t of the general statutes, as amended by this act, shall
1745 require: (1) A consumer to provide a cannabis retailer with personal
1746 information other than government-issued identification to determine
1747 the consumer's age; or (2) a cannabis retailer to acquire and record
1748 personal information about consumers.

1749 (c) Cannabis products shall be packaged in individual child-resistant
1750 packages.

1751 Sec. 25. (NEW) (*Effective July 1, 2022*) (a) On and after the effective
1752 date of this section, the department may issue or renew a license for a
1753 person to be a cannabis product manufacturing facility. No person may
1754 act as a cannabis product manufacturing facility or represent that such
1755 person is a licensed cannabis product manufacturing facility unless such
1756 person has obtained a license from the department pursuant to this
1757 section.

1758 (b) The department may license any person who applies for a license,
1759 provided (1) such person is organized for the purpose of manufacturing
1760 cannabis products in this state until federal law allows for the interstate
1761 sale of cannabis, and (2) the commissioner finds that such applicant is

1762 qualified to manufacture cannabis products and sell, deliver or
1763 transport such products pursuant to sections 18 to 29, inclusive, of this
1764 act, sections 31 to 35, inclusive, of this act or section 21a-408t of the
1765 general statutes, as amended by this act. At a minimum, the department
1766 shall:

1767 (A) Issue a cannabis product manufacturing facility extraction license
1768 that allows the holder of such license to perform any cannabis
1769 extractions, chemical synthesis and all other manufacturing activities
1770 authorized pursuant to sections 18 to 29, inclusive, of this act, sections
1771 31 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the
1772 general statutes, as amended by this act, and section 21a-408t of the
1773 general statutes, as amended by this act; and

1774 (B) Issue a cannabis product manufacturing facility processing
1775 license that permits the licensee to prepare or produce a food, as defined
1776 in section 21a-92 of the general statutes, that contains cannabis or
1777 cannabis products, or repackage cannabis or cannabis products. Such
1778 license shall not allow the holder of such license to perform any cannabis
1779 extractions.

1780 (c) No cannabis product manufacturing facility shall manufacture
1781 cannabis products for distribution outside of this state in violation of
1782 federal law.

1783 Sec. 26. (NEW) (*Effective from passage*) No employee of the department
1784 who carries out the duties and responsibilities of sections 18 to 29,
1785 inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of
1786 this act, section 21a-243 of the general statutes, as amended by this act,
1787 or section 21a-408t of the general statutes, as amended by this act, and
1788 any regulations enacted pursuant thereto may, directly or indirectly,
1789 individually or as a member of a partnership, have any management or
1790 financial interest whatsoever in the cultivation, manufacture, sale,
1791 transportation, delivery or testing of cannabis, nor receive any
1792 commission or profit whatsoever from nor have any interest whatsoever

1793 in purchases or sales made by persons authorized to make such
1794 purchases or sales pursuant to said sections. No provision of this section
1795 shall prevent any such employee from purchasing and keeping in his or
1796 her possession, for his or her personal use or the use of such employee's
1797 family or guests, any cannabis which may be purchased or kept by any
1798 person by virtue of said sections.

1799 Sec. 27. (NEW) (*Effective July 1, 2020*) (a) Any municipality may, by
1800 amendment to such municipality's zoning regulations or ordinances,
1801 prohibit the establishment of a cannabis establishment, except for a
1802 dispensary facility or producer, or establish reasonable restrictions
1803 regarding the hours and signage within the limits of such municipality.
1804 The chief zoning official of a municipality shall report, in writing, any
1805 zoning changes adopted by the municipality regarding cannabis
1806 establishments pursuant to this subsection to the Secretary of the Office
1807 of Policy and Management and to the department not later than
1808 fourteen days after the adoption of such changes. The chief zoning
1809 official of each municipality shall inform such secretary and the
1810 department, in writing, on or before January 1, 2022, as to whether such
1811 municipality prohibits or restricts cannabis establishments based on
1812 zoning or municipal ordinance.

1813 (b) Any prohibition on the establishment of or restriction regarding
1814 hours and signage of a cannabis establishment adopted by a
1815 municipality shall not apply to an existing cannabis establishment
1816 located in such municipality, for a period of five years after the adoption
1817 of such prohibition or restriction.

1818 (c) The department shall refuse to issue an initial license to an
1819 applicant for a cannabis establishment if such cannabis establishment
1820 would be located in a municipality that has prohibited the establishment
1821 of such a cannabis establishment.

1822 (d) No municipality shall prohibit delivery of cannabis or cannabis
1823 products to a consumer when the delivery is made by a cannabis

1824 retailer, dispensary facility or other person authorized to make such
1825 delivery pursuant to sections 18 to 29, inclusive, of this act, sections 31
1826 to 35, inclusive, of this act, section 41 of this act, section 21a-243 of the
1827 general statutes, as amended by this act, or section 21a-408t of the
1828 general statutes, as amended by this act.

1829 (e) No municipality or local official shall condition any official action,
1830 nor accept any donation in moneys or in kind, from any cannabis
1831 establishment or from an individual or corporation that has applied for
1832 a license to open or operate a cannabis establishment in such
1833 municipality. No municipality may negotiate nor enter into a local host
1834 agreement with a cannabis establishment nor an individual or
1835 corporation that has applied for a license to open or operate a cannabis
1836 establishment in such municipality.

1837 Sec. 28. (NEW) (*Effective July 1, 2022*) (a) Notwithstanding any
1838 provision of the general statutes, the following acts, when performed by
1839 a cannabis retailer or dispensary facility, or employee of a cannabis
1840 retailer or dispensary facility, when acting within the scope of their
1841 employment with such entity, are not unlawful and shall not be an
1842 offense or a basis for seizure or forfeiture of assets:

1843 (1) Possessing, displaying, storing or transporting cannabis or
1844 cannabis products at, to or from a cannabis retail location or dispensary
1845 facility;

1846 (2) Purchasing cannabis or cannabis products from a producer or a
1847 cannabis product manufacturing facility;

1848 (3) Delivering or transferring cannabis or cannabis products to a
1849 laboratory or research program; and

1850 (4) Delivering or selling cannabis or cannabis products to consumers.

1851 (b) Notwithstanding any other provision of law, the following acts,
1852 when performed by a cannabis product manufacturing facility,

1853 producer or an employee of a cannabis product manufacturing facility
1854 or producer when acting within the scope of their employment, are not
1855 unlawful and shall not be an offense or a basis for seizure or forfeiture
1856 of assets:

1857 (1) Packaging, processing, transporting, manufacturing, displaying
1858 or possessing cannabis or cannabis products at, to or from a cannabis
1859 product manufacturing facility or producer;

1860 (2) Delivering or transferring cannabis or cannabis products to a
1861 laboratory or research program;

1862 (3) Delivering or selling cannabis or cannabis products to a cannabis
1863 retailer, dispensary facility, producer or cannabis product
1864 manufacturing facility; and

1865 (4) Purchasing cannabis or cannabis products from a producer or a
1866 cannabis product manufacturing facility.

1867 (c) Notwithstanding any other provision of law, the following acts,
1868 when performed by a laboratory or a person who is acting in his or her
1869 capacity as an owner, employee or agent of a laboratory, are not
1870 unlawful and shall not be an offense or a basis for seizure or forfeiture
1871 of assets:

1872 (1) Possessing, cultivating, processing, repackaging, storing,
1873 transporting or displaying cannabis or cannabis products at, to or from
1874 a laboratory;

1875 (2) Receiving cannabis or cannabis products from a cannabis
1876 establishment, laboratory, state or local government, research program
1877 or a private individual; and

1878 (3) Returning cannabis or cannabis products to a cannabis
1879 establishment or research program.

1880 Sec. 29. (NEW) (*Effective July 1, 2022*) No cannabis retailer or

1881 dispensary facility shall display cannabis, cannabis products or drug
1882 paraphernalia in a manner that is visible to the general public from a
1883 public right-of-way.

1884 Sec. 30. Section 21a-408t of the general statutes is repealed and the
1885 following is substituted in lieu thereof (*Effective July 1, 2022*):

1886 (a) The Commissioner of Consumer Protection may approve a
1887 research program if such research program will (1) be administered or
1888 overseen by (A) a hospital or health care facility licensed by the
1889 Connecticut Department of Public Health pursuant to chapter 368v, (B)
1890 an institution of higher education, as defined in section 10a-55, (C) a
1891 licensed producer or cannabis product manufacturing facility, as
1892 defined in section 1 of this act, [or] (D) a licensed dispensary or (E) a
1893 cannabis retailer, as defined in section 1 of this act, and (2) have
1894 institutional review board oversight and, if the research program
1895 involves the use of animals, have an institutional animal care and use
1896 committee.

1897 [(b) Except as provided in subsection (c) of this section, no person
1898 may act as a research program employee or represent that such person
1899 is a licensed research program employee unless such person has
1900 obtained a license from the Commissioner of Consumer Protection
1901 pursuant to this section.

1902 (c) Prior to the effective date of regulations adopted under this
1903 section, the Commissioner of Consumer Protection may issue a
1904 temporary certificate of registration to a research program employee.
1905 The commissioner shall prescribe the standards, procedures and fees for
1906 obtaining a temporary certificate of registration as a research program
1907 employee.]

1908 [(d)] (b) The Commissioner of Consumer Protection shall adopt
1909 regulations, in accordance with chapter 54, to (1) provide for the
1910 approval of research programs and licensure of research program
1911 employees, (2) establish standards and procedures for the termination

1912 or suspension of a research program, (3) establish standards and
1913 procedures for the revocation, suspension, summary suspension and
1914 nonrenewal of a research program employee license, provided such
1915 standards and procedures are consistent with the provisions of
1916 subsection (c) of section 4-182, (4) establish a (A) fee for research
1917 program review and approval, and (B) license and renewal fee for each
1918 research program employee, provided the aggregate amount of such
1919 fees shall not be less than the amount necessary to cover the direct and
1920 indirect cost of approving research programs and licensing and
1921 regulating research program employees pursuant to the provisions of
1922 this chapter, and (5) establish other licensing, renewal and operational
1923 standards deemed necessary by the commissioner. Such regulations
1924 shall permit research on medical uses of cannabis, provided the research
1925 program meets all other applicable statutory and regulatory
1926 requirements.

1927 [(e)] (c) Any fees collected by the Department of Consumer Protection
1928 under this section shall be paid to the State Treasurer and credited to the
1929 General Fund.

1930 Sec. 31. (NEW) (*Effective July 1, 2022*) (a) Each cannabis establishment,
1931 except for dispensary facilities, shall establish, maintain and comply
1932 with written policies and procedures for the cultivation, processing,
1933 manufacture, security, storage, inventory and distribution of cannabis
1934 and cannabis products, as applicable to the specific license type. Such
1935 policies and procedures shall include methods for identifying, recording
1936 and reporting diversion, theft or loss, and for correcting all errors and
1937 inaccuracies in inventories. Cannabis establishments shall include in
1938 their written policies and procedures, a process for each of the
1939 following, if the establishment engages in such activity:

1940 (1) Handling mandatory and voluntary recalls of cannabis and
1941 cannabis products. Such process shall be adequate to deal with recalls
1942 due to any order of the commissioner and any voluntary action by the
1943 cannabis establishment to remove defective or potentially defective

1944 cannabis or cannabis products from the market or any action
1945 undertaken to promote public health and safety by replacing existing
1946 cannabis or cannabis products with improved products or packaging;

1947 (2) Preparing for, protecting against, and handling any crisis that
1948 affects the security or operation of any cannabis establishment facility in
1949 the event of a strike, fire, flood or other natural disaster, or other
1950 situations of local, state or national emergency;

1951 (3) Ensuring that any outdated, damaged, deteriorated, misbranded
1952 or adulterated cannabis or cannabis products are segregated from all
1953 other inventory and destroyed. Such procedure shall provide for written
1954 documentation of the cannabis and cannabis product disposition; and

1955 (4) Ensuring the oldest stock of a cannabis or cannabis product is sold,
1956 delivered or dispensed first. Such procedure may permit deviation from
1957 this requirement, if such deviation is temporary and approved by the
1958 commissioner.

1959 (b) A cannabis establishment shall (1) store all cannabis and cannabis
1960 products in such a manner as to prevent diversion, theft or loss, (2) make
1961 cannabis and cannabis products accessible only to the minimum
1962 number of specifically authorized employees essential for efficient
1963 operation, and (3) return any cannabis and cannabis products to a secure
1964 location at the end of the scheduled business day.

1965 Sec. 32. (NEW) (*Effective July 1, 2022*) (a) If allowed by the
1966 commissioner, qualifying patients registered pursuant to chapter 420f of
1967 the general statutes shall be permitted to purchase cannabis products of
1968 higher potency and in a larger amount than are generally available for
1969 retail purchase, as determined by the commissioner. Such
1970 determination, if any, shall be published on the Department of
1971 Consumer Protection's Internet web site.

1972 (b) Notwithstanding any provision of the general statutes, the sale or
1973 delivery of drug paraphernalia to a qualifying patient, primary

1974 caregiver or person licensed pursuant to sections 18 to 25, inclusive, of
1975 this act or chapter 420f of the general statutes, shall not be considered a
1976 violation of the provisions of sections 18 to 29, inclusive, of this act,
1977 sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-
1978 243 of the general statutes, as amended by this act, or section 21a-408t of
1979 the general statutes, as amended by this act.

1980 Sec. 33. (NEW) (*Effective July 1, 2022*) (a) Each cannabis establishment
1981 shall maintain all records necessary to fully demonstrate business
1982 transactions related to cannabis and cannabis products for a period
1983 covering the current taxable year and the three immediately preceding
1984 taxable years, all of which shall be made available to the department
1985 pursuant to subsection (c) of this section.

1986 (b) The commissioner may require any licensee to furnish such
1987 information as the commissioner considers necessary for the proper
1988 administration of sections 18 to 29, inclusive, of this act, sections 31 to
1989 35, inclusive, of this act, section 41 of this act, section 21a-243 of the
1990 general statutes, as amended by this act, and section 21a-408t of the
1991 general statutes, as amended by this act, and may require an audit of
1992 any cannabis establishment, the expense thereof to be paid by such
1993 cannabis establishment.

1994 (c) Each person required by sections 18 to 29, inclusive, of this act,
1995 sections 31 to 35, inclusive, of this act, section 41 of this act, section 21a-
1996 243 of the general statutes, as amended by this act, and section 21a-408t
1997 of the general statutes, as amended by this act, to prepare, obtain or keep
1998 documents such as records, logs or reports, and each person in charge,
1999 or having custody, of such documents, shall maintain such documents
2000 in an auditable format for not less than three years. Upon request, such
2001 person shall make such documents immediately available for inspection
2002 and copying by the commissioner or others authorized by sections 18 to
2003 29, inclusive, of this act, sections 31 to 35, inclusive, of this act, section
2004 41 of this act, section 21a-243 of the general statutes, as amended by this
2005 act, and section 21a-408t of the general statutes, as amended by this act,

2006 to review and obtain copies of such documents. When possible, such
2007 documents shall be provided to the commissioner in electronic format.
2008 In complying with the provisions of this subsection, no person shall use
2009 a foreign language, codes or symbols to designate cannabis or cannabis
2010 product types or persons in the keeping of any required document.

2011 (d) For purposes of the supervision and enforcement of the
2012 provisions of sections 18 to 29, inclusive, of this act, sections 31 to 35,
2013 inclusive, of this act, section 41 of this act, section 21a-408t of the general
2014 statutes, as amended by this act, and section 21a-243 of the general
2015 statutes, as amended by this act, the commissioner is authorized to:

2016 (1) Enter any place, including a vehicle, in which cannabis or cannabis
2017 products are held, sold, produced, delivered, transported,
2018 manufactured or otherwise disposed of;

2019 (2) Inspect a cannabis establishment and all pertinent equipment,
2020 finished and unfinished material, containers and labeling, and all things
2021 in such place, including records, files, financial data, sales data, shipping
2022 data, pricing data, employee data, research, papers, processes, controls
2023 and facilities; and

2024 (3) Inventory any stock of cannabis and cannabis products therein
2025 and obtain samples of any cannabis or cannabis product, any labels or
2026 containers, paraphernalia and of any finished or unfinished material.

2027 Sec. 34. (NEW) (*Effective July 1, 2022*) (a) For sufficient cause found
2028 pursuant to subsection (b) of this section, the commissioner may
2029 suspend, revoke, issue fines of not more than one thousand dollars per
2030 violation, accept an offer in compromise or refuse to grant or renew a
2031 license issued pursuant to sections 18 to 25, inclusive, of this act or place
2032 such licensee on probation, place conditions on such licensee or take
2033 other actions permitted by statute or regulation.

2034 (b) Any of the following shall constitute sufficient cause for such
2035 action by the commissioner. Such list includes, but is not limited to:

- 2036 (1) Furnishing of false or fraudulent information in any application;
- 2037 (2) A civil judgment against or criminal conviction of a licensee or
2038 applicant, which criminal history shall be reviewed in accordance with
2039 section 46a-80 of the general statutes;
- 2040 (3) Failure to maintain effective controls against diversion, theft or
2041 loss of cannabis, cannabis products or other controlled substances;
- 2042 (4) Discipline by, or a pending disciplinary action or an unresolved
2043 complaint regarding any professional license or registration of any
2044 federal, state or local government;
- 2045 (5) Failure to keep accurate records and to account for the cultivation,
2046 manufacture, packaging or sale of cannabis and cannabis products;
- 2047 (6) Denial, suspension or revocation of a license or registration, or the
2048 denial of a renewal of a license or registration, by any federal, state or
2049 local government or a foreign jurisdiction;
- 2050 (7) False, misleading or deceptive representations to the public or the
2051 department;
- 2052 (8) Return to regular stock of any cannabis or cannabis product
2053 where:
- 2054 (A) The package or container containing the cannabis or cannabis
2055 product has been opened, breached or tampered with; or
- 2056 (B) The cannabis or cannabis product has been previously sold to an
2057 end user or research program subject;
- 2058 (9) Involvement in a fraudulent or deceitful practice or transaction;
- 2059 (10) Performance of incompetent or negligent work;
- 2060 (11) Failure to maintain the entire cannabis establishment or
2061 laboratory and contents in a clean, orderly and sanitary condition;

2062 (12) Permitting another person to use the licensee's license;

2063 (13) Failure to cooperate or give information to the department, local
2064 law enforcement authorities or any other enforcement agency upon any
2065 matter arising out of conduct at a cannabis establishment or laboratory
2066 or in connection with a research program; or

2067 (14) Failure to comply with any provision of sections 18 to 29,
2068 inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of
2069 this act, section 21a-243 of the general statutes, as amended by this act,
2070 or section 21a-408t of the general statutes, as amended by this act.

2071 (c) No person whose application for a license has been denied due to
2072 the applicant's character and fitness may make another application for
2073 a license under the provisions of sections 18 to 25, inclusive, of this act
2074 for at least one year after the date of such denial.

2075 (d) No person whose license has been revoked may apply for a license
2076 under the provisions of sections 18 to 25, inclusive, of this act for a
2077 period of at least one year after the date of such revocation.

2078 (e) If a license is voluntarily surrendered or is not renewed, the
2079 commissioner shall not be prohibited from suspending or revoking such
2080 license or imposing other penalties permitted by sections 18 to 29,
2081 inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of
2082 this act, section 21a-243 of the general statutes, as amended by this act,
2083 or section 21a-408t of the general statutes, as amended by this act.

2084 Sec. 35. (NEW) (*Effective from passage*) The commissioner may adopt
2085 regulations in accordance with chapter 54 of the general statutes,
2086 including emergency regulations pursuant to section 4-168 of the
2087 general statutes, to implement the provisions of sections 18 to 29,
2088 inclusive, of this act, sections 31 to 35, inclusive, of this act, section 41 of
2089 this act, section 21a-243 of the general statutes, as amended by this act,
2090 and section 21a-408t of the general statutes, as amended by this act.

2091 Sec. 36. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2023,
2092 the department shall make written recommendations, in accordance
2093 with the provisions of section 11-4a of the general statutes, to the
2094 Governor and the joint standing committees of the General Assembly
2095 having cognizance of matters relating to consumer protection, the
2096 judiciary and finance, revenue and bonding, as to:

2097 (1) Whether to allow consumers or qualifying patients under chapter
2098 420f of the general statutes, who are twenty-one years of age and older,
2099 to cultivate cannabis for personal use. In making such recommendation
2100 the commission shall consider: (A) Reasonable precautions to ensure
2101 that the plants are secure from unauthorized access or access by any
2102 individual under twenty-one years of age; (B) the location where such
2103 cannabis may be grown; (C) how other states allow home growing and
2104 how such states are regulating personal cultivation; (D) if personal
2105 cultivation in other states has improved access for patients and
2106 consumers; and (E) any other related public safety or regulatory issues
2107 the department deems necessary;

2108 (2) Whether to allow on-site consumption, including whether to
2109 establish a cannabis on-site consumption license; and

2110 (3) Whether to permit the establishment of state-run retailers.

2111 Sec. 37. (NEW) (*Effective from passage*) Not later than January 1, 2021,
2112 the Banking Commissioner shall report to the Governor and the joint
2113 standing committees of the General Assembly having cognizance of
2114 matters relating to banking, the judiciary and finance, revenue and
2115 bonding, regarding recommended legislation to implement the
2116 provisions of sections 18 to 29, inclusive, of this act, sections 31 to 35,
2117 inclusive, of this act, section 41 of this act, section 21a-243 of the general
2118 statutes, as amended by this act, and section 21a-408t of the general
2119 statutes, as amended by this act, to facilitate the use of electronic
2120 payments by cannabis establishments and consumers and regarding
2121 access to depository banking by cannabis establishments.

2122 Sec. 38. (NEW) (*Effective from passage*) Not later than January 1, 2021,
2123 the Insurance Commissioner shall report to the Governor and the joint
2124 standing committee of the General Assembly having cognizance of
2125 matters relating to insurance regarding access to insurance by cannabis
2126 establishments.

2127 Sec. 39. (NEW) (*Effective from passage*) Not later than January 1, 2022,
2128 the Commissioners of the Department of Mental Health and Addiction
2129 Services, Public Health, the State Department of Education, the
2130 Department of Children and Families and the executive director of the
2131 Office of Higher Education shall, in consultation with the presidents of
2132 the Connecticut State Colleges and Universities and The University of
2133 Connecticut, make recommendations to the Governor and the joint
2134 standing committees of the General Assembly having cognizance of
2135 matters relating to public health, the judiciary and finance, revenue and
2136 bonding regarding efforts to promote public health, mitigate the misuse
2137 of cannabis and the effective treatment of addiction to cannabis with a
2138 particular focus on individuals under twenty-one years of age.

2139 Sec. 40. Subsection (e) of section 21a-243 of the 2020 supplement to
2140 the general statutes is repealed and the following is substituted in lieu
2141 thereof (*Effective July 1, 2022*):

2142 (e) Notwithstanding the provisions of subsections (a) to (d), inclusive,
2143 of this section, not later than [January 1, 2013] July 1, 2022, the
2144 Commissioner of Consumer Protection shall submit amendments to
2145 sections 21a-243-7 and 21a-243-8 of the regulations of Connecticut state
2146 agencies to the standing legislative regulation review committee to
2147 [reclassify] remove marijuana as a controlled substance [in schedule II]
2148 under the Connecticut controlled substance scheduling regulations,
2149 except that for any marijuana product that has been approved by the
2150 federal Food and Drug Administration or successor agency to have a
2151 medical use and that is reclassified in any schedule of controlled
2152 substances or unscheduled by the federal Drug Enforcement
2153 Administration or successor agency, the commissioner shall adopt the

2154 schedule designated by the Drug Enforcement Administration or
2155 successor agency.

2156 Sec. 41. (NEW) (*Effective July 1, 2020*) The commissioner shall make a
2157 determination regarding what the equivalent amount of any cannabis
2158 product is to one ounce of cannabis and shall post such determination
2159 on the department's Internet web site.

2160 Sec. 42. Section 19a-342 of the 2020 supplement to the general statutes
2161 is repealed and the following is substituted in lieu thereof (*Effective*
2162 *October 1, 2020*):

2163 (a) As used in this section: ["smoke"]

2164 (1) "Smoke" or "smoking" means the [lighting or carrying] burning of
2165 a lighted cigarette, cigar, pipe or any other similar device, [.] whether
2166 containing, wholly or in part, tobacco or cannabis;

2167 (2) "Any area" means the interior of the facility, building or
2168 establishment and the outside area within twenty-five feet of any
2169 doorway, operable window or air intake vent of the facility, building or
2170 establishment; and

2171 (3) "Cannabis" means a cannabis-type substance, as defined in section
2172 21a-240.

2173 (b) (1) Notwithstanding the provisions of section 31-40q, as amended
2174 by this act, no person shall smoke: (A) In any area of a building or
2175 portion of a building, partially enclosed shelter on a rail platform or bus
2176 shelter owned and operated or leased and operated by the state or any
2177 political subdivision thereof; (B) in any area of a health care institution,
2178 including, but not limited to, a psychiatric facility; (C) in any area of a
2179 retail [food store] establishment accessed by the general public; (D) in
2180 any restaurant; (E) in any area of an establishment with a permit issued
2181 for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b,
2182 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-

2183 37f, in any area of an establishment with a permit for the sale of alcoholic
2184 liquor pursuant to section 30-23 issued after May 1, 2003, and, on and
2185 after April 1, 2004, in any area of an establishment with a permit issued
2186 for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the
2187 bar area of a bowling establishment holding a permit pursuant to
2188 subsection (a) of section 30-37c; (F) [within] in any area of a school
2189 building or on the grounds of such school; (G) within a child care facility
2190 or on the grounds of such child care facility, except, if the child care
2191 facility is a family child care home, as defined in section 19a-77, such
2192 smoking is prohibited only when a child enrolled in such home is
2193 present; (H) in any passenger elevator; [, provided no person shall be
2194 arrested for violating this subsection unless there is posted in such
2195 elevator a sign which indicates that smoking is prohibited by state law;]
2196 (I) in any area of a dormitory in any public or private institution of
2197 higher education; [or] (J) [on and after April 1, 2004,] in any area of a
2198 dog race track or a facility equipped with screens for the simulcasting of
2199 off-track betting race programs or jai alai games; or (K) in any room
2200 offered as an accommodation to guests by the operator of a hotel, motel
2201 or similar lodging. For purposes of this subsection, "restaurant" means
2202 space, in a suitable and permanent building, kept, used, maintained,
2203 advertised and held out to the public to be a place where meals are
2204 regularly served to the public, "school" has the same meaning as
2205 provided in section 10-154a and "child care facility" has the same
2206 meaning as provided in section 19a-342a, as amended by this act.

2207 (2) [This section] Subdivision (1) of this subsection shall not apply to
2208 [(A) correctional facilities; (B) designated smoking areas in psychiatric
2209 facilities; (C) public] the following: (A) Public housing projects, as
2210 defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
2211 where demonstration smoking is taking place as part of a medical or
2212 scientific experiment or lesson; [(E) smoking rooms provided by
2213 employers for employees, pursuant to section 31-40q; (F)] (C)
2214 notwithstanding the provisions of subparagraph (E) of subdivision (1)
2215 of this subsection, the outdoor portion of the premises of any permittee

2216 listed in subparagraph (E) of subdivision (1) of this subsection,
2217 provided, in the case of any seating area maintained for the service of
2218 food, at least seventy-five per cent of the outdoor seating capacity is an
2219 area in which smoking is prohibited and which is clearly designated
2220 with written signage as a nonsmoking area, except that any temporary
2221 seating area established for special events and not used on a regular
2222 basis shall not be subject to the smoking prohibition or signage
2223 requirements of this subparagraph; ~~[(G)]~~ (D) any medical research site
2224 where smoking is integral to the research being conducted; ~~[or (H)]~~ (E)
2225 any tobacco bar or tobacco specialist, provided no tobacco bar shall
2226 expand in size or change its location from its size or location as of
2227 December 31, 2002; or (F) any location licensed for on-site smoking of
2228 cannabis. For purposes of this subdivision, "outdoor" means an area
2229 which has no roof or other ceiling enclosure, "tobacco bar" means an
2230 establishment with a permit for the sale of alcoholic liquor to consumers
2231 issued pursuant to chapter 545 that, in the calendar year ending
2232 December 31, 2002, generated ten per cent or more of its total annual
2233 gross income from the on-site sale of tobacco products and the rental of
2234 on-site humidors, ~~[and]~~ "tobacco product" means any substance that
2235 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
2236 tobacco or chewing tobacco, "tobacco product" does not include
2237 cannabis, and "tobacco specialist" means an establishment engaged in
2238 the sale of tobacco products that generates at least seventy-five per cent
2239 of its annual gross income from the on-site sale of tobacco products and
2240 the rental of on-site humidors.

2241 [(c) The operator of a hotel, motel or similar lodging may allow guests
2242 to smoke in not more than twenty-five per cent of the rooms offered as
2243 accommodations to guests.]

2244 ~~[(d)]~~ (c) In each room, elevator, area or building in which smoking is
2245 prohibited by this section, the person in control of the premises shall
2246 post or cause to be posted in a conspicuous place signs stating that
2247 smoking is prohibited by state law. Such signs, except in elevators,
2248 restaurants, establishments with permits to sell alcoholic liquor to

2249 consumers issued pursuant to chapter 545, hotels, motels or similar
2250 lodgings, and health care institutions, shall have letters at least four
2251 inches high with the principal strokes of letters not less than one-half
2252 inch wide.

2253 [(e)] (d) Any person found guilty of smoking in violation of this
2254 section, failure to post signs as required by this section or the
2255 unauthorized removal of such signs shall have committed an infraction.
2256 Nothing in this section shall be construed to require the person in
2257 control of a building to post such signs in every room of [a] the building,
2258 provided such signs are posted in a conspicuous place in [such] the
2259 building.

2260 [(f)] (e) Nothing in this section shall be construed to require any
2261 smoking area [in] inside or outside any building or the entryway to any
2262 building or on any property.

2263 [(g)] The provisions of this section shall supersede and preempt the
2264 provisions of any municipal law or ordinance relative to smoking
2265 effective prior to, on or after October 1, 1993.]

2266 Sec. 43. Section 19a-342a of the 2020 supplement to the general
2267 statutes is repealed and the following is substituted in lieu thereof
2268 (*Effective October 1, 2020*):

2269 (a) As used in this section: [and section 2 of public act 15-206:]

2270 (1) "Any area" means the interior of the facility, building or
2271 establishment and the outside area within twenty-five feet of any
2272 doorway, operable window or air intake vent of the facility, building or
2273 establishment;

2274 [(1)] (2) "Child care facility" means a provider of child care services as
2275 defined in section 19a-77, or a person or entity required to be licensed
2276 under section 17a-145;

2277 [(2)] (3) "Electronic nicotine delivery system" [has the same meaning

2278 as provided in section 21a-415;] means an electronic device used in the
2279 delivery of nicotine or other substances to a person inhaling from the
2280 device, and includes, but is not limited to, an electronic cigarette,
2281 electronic cigar, electronic cigarillo, electronic pipe or electronic hookah
2282 and any related device and any cartridge or other component of such
2283 device, including, but not limited to, electronic cigarette liquid;

2284 (4) "Electronic cannabis delivery system" means an electronic device
2285 that may be used to simulate smoking in the delivery of cannabis to a
2286 person inhaling the device and includes, but is not limited to, an
2287 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
2288 electronic hookah and any related device and any cartridge or other
2289 component of such device;

2290 (5) "Cannabis" means a cannabis-type substance, as defined in section
2291 21a-240;

2292 [(3)] (6) "Liquid nicotine container" means a container that holds a
2293 liquid substance containing nicotine that is sold, marketed or intended
2294 for use in an electronic nicotine delivery system or vapor product,
2295 except "liquid nicotine container" does not include such a container that
2296 is prefilled and sealed by the manufacturer and not intended to be
2297 opened by the consumer; and

2298 [(4)] (7) "Vapor product" [has the same meaning as provided in
2299 section 21a-415] means any product that employs a heating element,
2300 power source, electronic circuit or other electronic, chemical or
2301 mechanical means, regardless of shape or size, to produce a vapor that
2302 may include nicotine or cannabis and is inhaled by the user of such
2303 product. "Vapor product" does not include a medicinal or therapeutic
2304 product that is (A) used by a licensed health care provider to treat a
2305 patient in a health care setting, (B) used by a patient, as prescribed or
2306 directed by a licensed health care provider in any setting, or (C) any
2307 drug or device, as defined in the federal Food, Drug and Cosmetic Act,
2308 21 USC 321, as amended from time to time, any combination product,

2309 as described in said act, 21 USC 353(g), as amended from time to time,
2310 or any biological product, as defined in 42 USC 262, as amended from
2311 time to time, and 21 CFR 600.3, as amended from time to time,
2312 authorized for sale by the United States Food and Drug Administration.

2313 (b) (1) No person shall use an electronic nicotine or cannabis delivery
2314 system or vapor product: (A) In any area of a building or portion of a
2315 building owned and operated or leased and operated by the state or any
2316 political subdivision thereof; (B) in any area of a health care institution,
2317 including, but not limited to, a psychiatric facility; (C) in any area of a
2318 retail [food store] establishment accessed by the public; (D) in any
2319 restaurant; (E) in any area of an establishment with a permit issued for
2320 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
2321 22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-
2322 37e or 30-37f, in any area of establishment with a permit issued for the
2323 sale of alcoholic liquor pursuant to section 30-23 issued after May 1,
2324 2003, or the bar area of a bowling establishment holding a permit
2325 pursuant to subsection (a) of section 30-37c; (F) [within] in any area of a
2326 school building or on the grounds of such school; (G) within a child care
2327 facility or on the grounds of such child care facility, except, if the child
2328 care facility is a family child care home as defined in section 19a-77, such
2329 use is prohibited only when a child enrolled in such home is present;
2330 (H) in any passenger elevator; [provided no person shall be arrested
2331 for violating this subsection unless there is posted in such elevator a sign
2332 which indicates that such use is prohibited by state law;] (I) in any area
2333 of a dormitory in any public or private institution of higher education;
2334 [or] (J) in any area of a dog race track or a facility equipped with screens
2335 for the simulcasting of off-track betting race programs or jai alai games;
2336 or (K) in any room offered as an accommodation to guests by the
2337 operator of a hotel, motel or similar lodging. For purposes of this
2338 subsection, "restaurant" means space, in a suitable and permanent
2339 building, kept, used, maintained, advertised and held out to the public
2340 to be a place where meals are regularly served to the public, and "school"
2341 has the same meaning as provided in section 10-154a.

2342 (2) [This section] Subdivision (1) of this subsection shall not apply to
2343 [(A) correctional facilities; (B) designated smoking areas in psychiatric
2344 facilities; (C) public] the following: (A) Public housing projects, as
2345 defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
2346 where a demonstration of the use of an electronic nicotine or cannabis
2347 delivery system or vapor product is taking place as part of a medical or
2348 scientific experiment or lesson; [(E)] (C) any medical research site where
2349 the use of an electronic nicotine or cannabis delivery system or vapor
2350 product is integral to the research being conducted; [(F)] (D)
2351 establishments without a permit for the sale of alcoholic liquor that sell
2352 electronic nicotine delivery systems, vapor products or liquid nicotine
2353 containers on-site and allow their customers to use such systems,
2354 products or containers on-site; [(G) smoking rooms provided by
2355 employers for employees, pursuant to section 31-40q; (H)] (E) any
2356 location licensed for on-site use of an electronic cannabis delivery
2357 system; (F) notwithstanding the provisions of subparagraph (E) of
2358 subdivision (1) of this subsection, the outdoor portion of the premises of
2359 any permittee listed in subparagraph (E) of subdivision (1) of this
2360 subsection, provided, in the case of any seating area maintained for the
2361 service of food, at least seventy-five per cent of the outdoor seating
2362 capacity is an area in which smoking is prohibited and which is clearly
2363 designated with written signage as a nonsmoking area, except that any
2364 temporary seating area established for special events and not used on a
2365 regular basis shall not be subject to the prohibition on the use of an
2366 electronic nicotine or cannabis delivery system or vapor product or the
2367 signage requirements of this subparagraph; or [(I)] (G) any tobacco bar,
2368 provided no tobacco bar shall expand in size or change its location from
2369 its size or location as of October 1, 2015. For purposes of this subdivision,
2370 "outdoor" means an area which has no roof or other ceiling enclosure,
2371 "tobacco bar" means an establishment with a permit for the sale of
2372 alcoholic liquor to consumers issued pursuant to chapter 545 that, in the
2373 calendar year ending December 31, 2015, generated ten per cent or more
2374 of its total annual gross income from the on-site sale of tobacco products
2375 and the rental of on-site humidors, [and] "tobacco product" means any

2376 substance that contains tobacco, including, but not limited to, cigarettes,
2377 cigars, pipe tobacco or chewing tobacco, and "tobacco product" does not
2378 include cannabis.

2379 [(c) The operator of a hotel, motel or similar lodging may allow guests
2380 to use an electronic nicotine delivery system or vapor product in not
2381 more than twenty-five per cent of the rooms offered as accommodations
2382 to guests.]

2383 [(d)] (c) In each room, elevator, area or building in which the use of
2384 an electronic nicotine or cannabis delivery system or vapor product is
2385 prohibited by this section, the person in control of the premises shall
2386 post or cause to be posted in a conspicuous place signs stating that such
2387 use is prohibited by state law. Such signs, except in elevators,
2388 restaurants, establishments with permits to sell alcoholic liquor to
2389 consumers issued pursuant to chapter 545, hotels, motels or similar
2390 lodgings, and health care institutions, shall have letters at least four
2391 inches high with the principal strokes of letters not less than one-half
2392 inch wide.

2393 [(e)] (d) Any person found guilty of using an electronic nicotine or
2394 cannabis delivery system or vapor product in violation of this section,
2395 failure to post signs as required by this section or the unauthorized
2396 removal of such signs shall have committed an infraction. Nothing in
2397 this subsection shall be construed to require the person in control of a
2398 building to post such signs in every room of the building, provided such
2399 signs are posted in a conspicuous place in the building.

2400 [(f)] (e) Nothing in this section shall be construed to require the
2401 designation of any area for the use of electronic nicotine or cannabis
2402 delivery system or vapor product [in] inside or outside any building or
2403 the entryway to any building or on any property.

2404 [(g) The provisions of this section shall supersede and preempt the
2405 provisions of any municipal law or ordinance relative to the use of an
2406 electronic nicotine delivery system or vapor product effective prior to,

2407 on or after October 1, 2015.]

2408 Sec. 44. Section 31-40q of the general statutes is repealed and the
2409 following is substituted in lieu thereof (*Effective October 1, 2020*):

2410 (a) As used in this section and sections 45 and 46 of this act:

2411 (1) "Person" means one or more individuals, partnerships,
2412 associations, corporations, limited liability companies, business trusts,
2413 legal representatives or any organized group of persons; [.]

2414 (2) "Employer" means a person engaged in business who has
2415 employees, including the state and any political subdivision thereof; [.]

2416 (3) "Employee" means any person engaged in service to an employer
2417 in the business of his employer; [.]

2418 (4) "Business facility" means a structurally enclosed location or
2419 portion thereof at which employees perform services for their employer.
2420 The term "business facility" does not include: (A) Facilities listed in
2421 [subparagraph (A), (C) or (H) of] subdivision (2) of subsection (b) of
2422 section 19a-342, as amended by this act, or subdivision (2) of subsection
2423 (b) of 19a-342a, as amended by this act; (B) any establishment with a
2424 permit for the sale of alcoholic liquor pursuant to section 30-23 issued
2425 on or before May 1, 2003; (C) for any business that is engaged in the
2426 testing or development of tobacco, [or] tobacco products or cannabis,
2427 the areas of such business designated for such testing or development;
2428 or (D) during the period from October 1, 2003, to April 1, 2004,
2429 establishments with a permit issued for the sale of alcoholic liquor
2430 pursuant to section 30-22a or 30-26 or the bar area of a bowling
2431 establishment holding a permit pursuant to subsection (a) of section 30-
2432 37c; [.]

2433 (5) ["Smoking"] "Smoke" or "smoking" means the burning of a lighted
2434 cigar, cigarette, pipe or any other [matter or substance which contains
2435 tobacco.] similar device, whether containing, wholly or in part, tobacco

2436 or cannabis;

2437 (6) "Cannabis" means a cannabis-type substance, as defined in section
2438 21a-240;

2439 (7) "Electronic nicotine delivery system" means an electronic device
2440 used in the delivery of nicotine or other substances to a person inhaling
2441 from the device, and includes, but is not limited to, an electronic
2442 cigarette, electronic cigar, electronic cigarillo, electronic pipe or
2443 electronic hookah and any related device and any cartridge or other
2444 component of such device, including, but not limited to, electronic
2445 cigarette liquid;

2446 (8) "Electronic cannabis delivery system" means an electronic device
2447 that may be used to simulate smoking in the delivery of cannabis to a
2448 person inhaling the device and includes, but is not limited to, an
2449 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
2450 electronic hookah and any related device and any cartridge or other
2451 component of such device;

2452 (9) "Vapor product" means any product that employs a heating
2453 element, power source, electronic circuit or other electronic, chemical or
2454 mechanical means, regardless of shape or size, to produce a vapor that
2455 may include nicotine or cannabis and is inhaled by the user of such
2456 product. "Vapor product" does not include a medicinal or therapeutic
2457 product that is (A) used by a licensed health care provider to treat a
2458 patient in a health care setting, (B) used by a patient, as prescribed or
2459 directed by a licensed health care provider in any setting, or (C) any
2460 drug or device, as defined in the federal Food, Drug and Cosmetic Act,
2461 21 USC 321, as amended from time to time, any combination product,
2462 as described in said act, 21 USC 353(g), as amended from time to time,
2463 or any biological product, as defined in 42 USC 262, as amended from
2464 time to time, and 21 CFR 600.3, as amended from time to time,
2465 authorized for sale by the United States Food and Drug Administration;
2466 and

2467 (10) "Any area" means the interior of the facility, building or
2468 establishment and the outside area within twenty-five feet of any
2469 doorway, operable window or air intake vent of the facility, building or
2470 establishment.

2471 [(b) Each employer with fewer than five employees in a business
2472 facility shall establish one or more work areas, sufficient to
2473 accommodate nonsmokers who request to utilize such an area, within
2474 each business facility under his control, where smoking is prohibited.
2475 The employer shall clearly designate the existence and boundaries of
2476 each nonsmoking area by posting signs which can be readily seen by
2477 employees and visitors. In the areas within the business facility where
2478 smoking is permitted, existing physical barriers and ventilation systems
2479 shall be used to the extent practicable to minimize the effect of smoking
2480 in adjacent nonsmoking areas.]

2481 [(c) (1)] (b) Each employer [with five or more employees] shall
2482 prohibit smoking [in] and the use of electronic nicotine and cannabis
2483 delivery systems and vapor products in any area of any business facility
2484 under said employer's control. [, except that an employer may designate
2485 one or more smoking rooms.]

2486 [(2) Each employer that provides a smoking room pursuant to this
2487 subsection shall provide sufficient nonsmoking break rooms for
2488 nonsmoking employees.

2489 (3) Each smoking room designated by an employer pursuant to this
2490 subsection shall meet the following requirements: (A) Air from the
2491 smoking room shall be exhausted directly to the outside by an exhaust
2492 fan, and no air from such room shall be recirculated to other parts of the
2493 building; (B) the employer shall comply with any ventilation standard
2494 adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii)
2495 the United States Secretary of Labor under the authority of the
2496 Occupational Safety and Health Act of 1970, as from time to time
2497 amended, or (iii) the federal Environmental Protection Agency; (C) such

2498 room shall be located in a nonwork area, where no employee, as part of
2499 his or her work responsibilities, is required to enter, except such work
2500 responsibilities shall not include any custodial or maintenance work
2501 carried out in the smoking room when it is unoccupied; and (D) such
2502 room shall be for the use of employees only.]

2503 [(d)] (c) Nothing in this section may be construed to prohibit an
2504 employer from designating an entire business facility and the real
2505 property on which the business facility is located as a nonsmoking area.

2506 Sec. 45. (NEW) (*Effective July 1, 2020*) (a) No employer shall be
2507 required to make accommodations for an employee or be required to
2508 allow an employee to: (1) Perform his or her duties while under the
2509 influence of cannabis, or (2) possess, use or otherwise consume cannabis
2510 while performing such duties.

2511 (b) An employer may implement a policy prohibiting the possession,
2512 use or other consumption of cannabis by an employee, except as
2513 provided in section 21a-408p of the general statutes, provided such
2514 policy is: (1) In writing, (2) equally applicable to each employee, and (3)
2515 made available to each employee prior to the enactment of such policy.
2516 The employer shall provide any such written policy in writing to each
2517 prospective employee at the time the employer makes an offer of
2518 employment to the prospective employee.

2519 Sec. 46. (NEW) (*Effective July 1, 2022*) (a) As used in this section,
2520 "screening test" means a test of a person's blood, urine, hair or oral fluid
2521 to detect the general presence of cannabis or THC, and "THC" means
2522 delta-9-tetrahydrocannabinol.

2523 (b) No employer or agent of any employer shall require, as a
2524 condition of employment, that any employee or prospective employee
2525 refrain from using cannabis outside the course of his or her
2526 employment, or otherwise discriminate against any employee with
2527 respect to compensation, terms, conditions or privileges of employment
2528 for using cannabis outside the course of his or her employment.

2529 (c) No employer shall fail to or refuse to hire a prospective employee
2530 because the prospective employee submitted to a screening test and the
2531 results of the screening test indicate the presence of cannabis or THC.

2532 (d) If an employer requires an employee to submit to a screening test
2533 within the first thirty days of employment, the employee shall have the
2534 right to submit to an additional screening test, at his or her own expense,
2535 to rebut the results of the initial screening test. The employer shall accept
2536 and give appropriate consideration to the results of such additional
2537 screening test.

2538 (e) Except as otherwise provided in this section or pursuant to federal
2539 law, it shall be an unlawful discriminatory practice for an employer,
2540 labor organization, employment agency or agent thereof to require a
2541 prospective employee to submit to a screening test as a condition of
2542 employment.

2543 (f) The provisions of subsections (b) to (e), inclusive, of this section
2544 shall not apply to drug testing, conditions of continued employment or
2545 conditions for hiring employees required pursuant to:

2546 (1) Any regulation of the federal Department of Transportation, if
2547 such regulation requires testing of a prospective employee in
2548 accordance with 49 CFR 40 or any regulation of Connecticut state
2549 agencies that adopts a federal regulation for purposes of enforcing the
2550 requirements of such regulation with respect to intrastate commerce;

2551 (2) Any contract entered into between the federal government and an
2552 employer or any grant of financial assistance from the federal
2553 government to an employer that requires drug testing of prospective
2554 employees as a condition of receiving the contract or grant;

2555 (3) Any federal or state statute, regulation or order that requires drug
2556 testing of prospective employees for safety or security purposes; or

2557 (4) Any applicant whose prospective employer is a party to a valid

2558 collective bargaining agreement that specifically addresses
2559 preemployment drug testing of such applicant.

2560 (g) If an employer has violated any provision of subsections (b) to (e),
2561 inclusive, of this section, an individual aggrieved by such violation may
2562 bring a civil action for judicial enforcement of such provision in the
2563 superior court for the judicial district where the violation is alleged to
2564 have occurred or where the employer has its principal office. Any
2565 individual who prevails in such civil action shall be awarded reasonable
2566 attorney's fees and costs, to be taxed by the court.

2567 (h) The provisions of subsections (b) to (e), inclusive, of this section
2568 shall not apply if the prospective employee is applying for a position as,
2569 or if a current employee holds a position as:

2570 (1) A firefighter;

2571 (2) An emergency medical technician;

2572 (3) A police officer or peace officer, or in a position with a law
2573 enforcement or investigative function at a state or local agency;

2574 (4) An employee required to operate a motor vehicle, for which
2575 federal or state law requires such employee to submit to screening tests,
2576 including, but not limited to, any position requiring a commercial
2577 driver's license;

2578 (5) The extent that such provisions are inconsistent or otherwise in
2579 conflict with the provisions of an employment contract or collective
2580 bargaining agreement;

2581 (6) To the extent that such provisions are inconsistent or otherwise in
2582 conflict with any provision of federal law;

2583 (7) A position of employment funded by a federal grant;

2584 (8) Any position requiring certification of completion of a course in

2585 construction safety and health approved by the United States
2586 Department of Labor's occupational safety and health administration;

2587 (9) Any position requiring the supervision or care of children,
2588 medical patients or vulnerable persons;

2589 (10) Any position with the potential to adversely impact the health or
2590 safety of employees or members of the public, in the determination of
2591 the employer; or

2592 (11) Any position at a nonprofit organization or corporation the
2593 primary purpose of which is to discourage use of cannabis products by
2594 the general public.

2595 Sec. 47. Subparagraph (H) of subdivision (7) of subsection (c) of
2596 section 7-148 of the general statutes is repealed and the following is
2597 substituted in lieu thereof (*Effective October 1, 2020*):

2598 (H) (i) Secure the safety of persons in or passing through the
2599 municipality by regulation of shows, processions, parades and music;

2600 (ii) Regulate and prohibit the carrying on within the municipality of
2601 any trade, manufacture, business or profession which is, or may be, so
2602 carried on as to become prejudicial to public health, conducive to fraud
2603 and cheating, or dangerous to, or constituting an unreasonable
2604 annoyance to, those living or owning property in the vicinity;

2605 (iii) Regulate auctions and garage and tag sales;

2606 (iv) Prohibit, restrain, license and regulate the business of peddlers,
2607 auctioneers and junk dealers in a manner not inconsistent with the
2608 general statutes;

2609 (v) Regulate and prohibit swimming or bathing in the public or
2610 exposed places within the municipality;

2611 (vi) Regulate and license the operation of amusement parks and

2612 amusement arcades including, but not limited to, the regulation of
2613 mechanical rides and the establishment of the hours of operation;

2614 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
2615 public amusements and performances and all places where games may
2616 be played;

2617 (viii) Preserve the public peace and good order, prevent and quell
2618 riots and disorderly assemblages and prevent disturbing noises;

2619 (ix) Establish a system to obtain a more accurate registration of births,
2620 marriages and deaths than the system provided by the general statutes
2621 in a manner not inconsistent with the general statutes;

2622 (x) Control insect pests or plant diseases in any manner deemed
2623 appropriate;

2624 (xi) Provide for the health of the inhabitants of the municipality and
2625 do all things necessary or desirable to secure and promote the public
2626 health;

2627 (xii) Regulate the use of streets, sidewalks, highways, public places
2628 and grounds for public and private purposes;

2629 (xiii) Make and enforce police, sanitary or other similar regulations
2630 and protect or promote the peace, safety, good government and welfare
2631 of the municipality and its inhabitants;

2632 (xiv) Regulate, in addition to the requirements under section 7-282b,
2633 the installation, maintenance and operation of any device or equipment
2634 in a residence or place of business which is capable of automatically
2635 calling and relaying recorded emergency messages to any state police
2636 or municipal police or fire department telephone number or which is
2637 capable of automatically calling and relaying recorded emergency
2638 messages or other forms of emergency signals to an intermediate third
2639 party which shall thereafter call and relay such emergency messages to
2640 a state police or municipal police or fire department telephone number.

2641 Such regulations may provide for penalties for the transmittal of false
2642 alarms by such devices or equipment;

2643 (xv) Make and enforce regulations for the prevention and
2644 remediation of housing blight, including regulations reducing
2645 assessments and authorizing designated agents of the municipality to
2646 enter property during reasonable hours for the purpose of remediating
2647 blighted conditions, provided such regulations define housing blight
2648 and require such municipality to give written notice of any violation to
2649 the owner and occupant of the property and provide a reasonable
2650 opportunity for the owner and occupant to remediate the blighted
2651 conditions prior to any enforcement action being taken, and further
2652 provided such regulations shall not authorize such municipality or its
2653 designated agents to enter any dwelling house or structure on such
2654 property, and including regulations establishing a duty to maintain
2655 property and specifying standards to determine if there is neglect;
2656 prescribe civil penalties for the violation of such regulations of not less
2657 than ten or more than one hundred dollars for each day that a violation
2658 continues and, if such civil penalties are prescribed, such municipality
2659 shall adopt a citation hearing procedure in accordance with section 7-
2660 152c;

2661 (xvi) Regulate, on any property owned by or under the control of the
2662 municipality, any activity deemed to be deleterious to public health,
2663 including the [lighting or carrying] burning of a lighted cigarette, cigar,
2664 pipe or similar device, whether containing, wholly or in part, tobacco or
2665 a cannabis-type substance, as defined in section 21a-240, and the use or
2666 consumption of a cannabis-type substance, including, but not limited to,
2667 electronic cannabis delivery systems, as defined in section 19a-342a, as
2668 amended by this act, or vapor products, as defined in said section,
2669 containing a cannabis-type substance. Municipalities may prohibit the
2670 smoking of cannabis-type substances and the use of electronic cannabis
2671 delivery systems and vapor products containing a cannabis-type
2672 substance in the outdoor sections of a restaurant;

2673 Sec. 48. (NEW) (*Effective July 1, 2020*) (a) No institution of higher
2674 education or hotel, motel or similar lodging shall prohibit the legal
2675 consumption of a cannabis-type substance, as defined in section 21a-240
2676 of the general statutes, in any nonpublic area of such institution, hotel,
2677 motel or similar lodging.

2678 (b) Notwithstanding the provisions of subsection (a) of this section,
2679 an institution of higher education and hotel, motel and similar lodging
2680 may prohibit the smoking of a cannabis-type substance and the use of
2681 an electronic cannabis delivery system, as defined in section 19a-342a of
2682 the general statutes, as amended by this act, and vapor product, as
2683 defined in said section, containing a cannabis-type substance in any
2684 location of such institution or hotel, motel or similar lodging.

2685 Sec. 49. (NEW) (*Effective July 1, 2020*) (a) No employer shall be
2686 required to make accommodations for an employee or be required to
2687 allow an employee to: (1) Perform his or her duties while under the
2688 influence of a cannabis-type substance, or (2) possess, use or otherwise
2689 consume a cannabis-type substance while performing such duties.

2690 (b) An employer may implement a policy prohibiting the possession,
2691 use or other consumption of a cannabis-type substance by an employee,
2692 except as provided in section 21a-408p of the general statutes, provided
2693 such policy is: (1) In writing, (2) equally applicable to each employee,
2694 and (3) provided to each employee prior to the enactment of such policy.
2695 The employer shall provide any such enacted policy in writing to each
2696 prospective employee at the time an offer of employment is made by the
2697 employer to the prospective employee. An employer shall make
2698 reasonable accommodations for an employee who uses cannabis for
2699 medical purposes pursuant to chapter 420f of the general statutes.

2700 (c) For purposes of this section, "employer" and "employee" have the
2701 same meanings as provided in section 31-40q of the general statutes.

2702 Sec. 50. (NEW) (*Effective July 1, 2022*) (a) As used in this section, (1)
2703 "screening test" means a test of a person's blood, urine, hair or oral fluid

2704 to detect the general presence of a controlled substance or any other
2705 drug, and (2) "cannabis" and "THC" have the same meanings as
2706 provided in section 1 of this act.

2707 (b) No employer shall fail to or refuse to hire a prospective employee
2708 because the prospective employee submitted to a screening test and the
2709 results of the screening test indicate the presence of cannabis or THC.

2710 (c) If an employer requires an employee to submit to a screening test
2711 within the first thirty days of employment, the employee shall have the
2712 right to submit to an additional screening test, at his or her own expense,
2713 to rebut the results of the initial screening test. The employer shall accept
2714 and give appropriate consideration to the results of such additional
2715 screening test.

2716 (d) Except as otherwise provided by law, it shall be an unlawful
2717 discriminatory practice for an employer, labor organization,
2718 employment agency or agent thereof to require a prospective employee
2719 to submit to testing for the presence of cannabis or THC in such
2720 prospective employee's system as a condition of employment.

2721 (e) The provisions of subsections (b) to (d), inclusive, of this section
2722 shall not apply if the prospective employee is applying for a position as,
2723 or if a current employee holds a position as:

2724 (1) A firefighter;

2725 (2) An emergency medical technician;

2726 (3) A police officer or peace officer, or in a position with a law
2727 enforcement or investigative function at a state or local agency; or

2728 (4) An employee required to operate a motor vehicle, for which
2729 federal or state law requires such employee to submit to screening tests,
2730 including, but not limited to, any position requiring a commercial
2731 driver's license.

2732 (f) The provisions of subsections (b) to (d), inclusive, of this section
2733 shall not apply to:

2734 (1) The extent that said provisions are inconsistent or otherwise in
2735 conflict with the provisions of an employment contract or collective
2736 bargaining agreement;

2737 (2) To the extent that said provisions are inconsistent or otherwise in
2738 conflict with any provision of federal law;

2739 (3) A position of employment funded by a federal grant;

2740 (4) Any position requiring certification of completion of a course in
2741 construction safety and health approved by the United States
2742 Department of Labor's occupational safety and health administration;

2743 (5) Any position requiring the supervision or care of children,
2744 medical patients or vulnerable persons; or

2745 (6) Any position with the potential to adversely impact the health or
2746 safety of employees or members of the public, in the determination of
2747 the employer.

2748 (g) The provisions of subsections (b) to (d), inclusive, of this section
2749 shall not apply to drug testing required pursuant to:

2750 (1) Any regulation promulgated by the federal Department of
2751 Transportation, if such regulation requires testing of a prospective
2752 employee in accordance with 49 CFR 40 or any regulation promulgated
2753 by the Department of Transportation of this state adopting such federal
2754 regulation for purposes of enforcing the requirements of such regulation
2755 with respect to intrastate commerce;

2756 (2) Any contract entered into between the federal government and an
2757 employer or any grant of financial assistance from the federal
2758 government to an employer that requires drug testing of prospective
2759 employees as a condition of receiving the contract or grant;

2760 (3) Any federal or state statute, regulation or order that requires drug
2761 testing of prospective employees for safety or security purposes; or

2762 (4) Any applicant whose prospective employer is a party to a valid
2763 collective bargaining agreement that specifically addresses
2764 preemployment drug testing of such applicant.

2765 (h) If an employer has violated any of the provisions of subsection
2766 (b), (c) or (d) of this section, an individual aggrieved by such violation
2767 may bring a civil action for judicial enforcement of such provisions in
2768 the superior court for the judicial district where the violation is alleged
2769 to have occurred or where the employer has its principal office. Any
2770 individual who prevails in such civil action shall be awarded reasonable
2771 attorney's fees and costs, to be taxed by the court.

2772 Sec. 51. (NEW) (*Effective July 1, 2022*) (a) As used in this section and
2773 sections 52 and 53 of this act:

2774 (1) "Cannabis" has the same meaning as provided in section 1 of this
2775 act;

2776 (2) "Cannabis flower" means the flower of a plant of the genus
2777 cannabis that has been harvested, dried and cured, and prior to any
2778 processing whereby the flower material is transformed into a cannabis
2779 product. "Cannabis flower" does not include (A) the leaves or stem of
2780 such plant, or (B) industrial hemp, as defined in 7 USC 5940, as amended
2781 from time to time;

2782 (3) "Cannabis product" has the same meaning as provided in section
2783 1 of this act;

2784 (4) "Cannabis product manufacturing facility" has the same meaning
2785 as provided in section 1 of this act;

2786 (5) "Cannabis retailer" has the same meaning as provided in section 1
2787 of this act;

2788 (6) "Cannabis trim" means all parts of a plant of the genus cannabis,
2789 other than cannabis flowers, that have been harvested, dried and cured,
2790 and prior to any processing whereby the plant material is transformed
2791 into a cannabis product. "Cannabis trim" does not include industrial
2792 hemp, as defined in 7 USC 5940, as amended from time to time;

2793 (7) "Consumer" has the same meaning as provided in section 1 of this
2794 act;

2795 (8) "Municipality" has the same meaning as provided in section 1 of
2796 this act;

2797 (9) "Producer" has the same meaning as provided in section 1 of this
2798 act; and

2799 (10) "Wet cannabis" means the whole plant of the genus cannabis that
2800 has been harvested and weighed within two hours of harvesting and
2801 has not undergone any processing such as drying, curing, trimming or
2802 increasing the ambient temperature in the room in which such plant is
2803 held.

2804 (b) (1) Beginning on the first day of the month in which a cannabis
2805 product manufacturing facility may legally operate within the state or a
2806 producer may legally sell cannabis, there is imposed a tax on the
2807 following:

2808 (A) On the first sale to a cannabis retailer in the state of cannabis
2809 flowers, cannabis trim or wet cannabis, at the rate of (i) one dollar and
2810 twenty-five cents per dry-weight gram of cannabis flowers, (ii) fifty
2811 cents per dry-weight gram of cannabis trim, and (iii) twenty-eight cents
2812 per gram of wet cannabis; or

2813 (B) On the first use, by a cannabis product manufacturing facility or
2814 a producer in the manufacture or production of a cannabis product, of
2815 cannabis flowers, cannabis trim or wet cannabis, at the rate of (i) one
2816 dollar and twenty-five cents per dry-weight gram of cannabis flowers,

2817 (ii) fifty cents per dry-weight gram of cannabis trim, and (iii) twenty-
2818 eight cents per gram of wet cannabis.

2819 (c) On or before the last day of each month, each cannabis product
2820 manufacturing facility and producer shall file with the Commissioner of
2821 Revenue Services a return for the calendar month immediately
2822 preceding. Such returns shall be in such form and contain such
2823 information as the commissioner prescribes, and shall be accompanied
2824 by a payment of the amount of the tax shown to be due thereon.

2825 (d) If any person fails to pay the amount of tax reported due on its
2826 report within the time specified under this section, there shall be
2827 imposed a penalty equal to ten per cent of such amount due and unpaid,
2828 or fifty dollars, whichever is greater. Such amount shall bear interest at
2829 the rate of one per cent per month or fraction thereof, from the due date
2830 of such tax until the date of payment. Subject to the provisions of section
2831 12-3a of the general statutes, the commissioner may waive all or part of
2832 the penalties provided under this section when it is proven to the
2833 commissioner's satisfaction that the failure to pay any tax was due to
2834 reasonable cause and was not intentional or due to neglect.

2835 (e) Each person, other than a cannabis product manufacturing facility
2836 or producer, who is required, on behalf of such facility or producer, to
2837 collect, truthfully account for and pay over a tax imposed on such
2838 facility or producer under this section and who wilfully fails to collect,
2839 truthfully account for and pay over such tax or who wilfully attempts in
2840 any manner to evade or defeat the tax or the payment thereof, shall, in
2841 addition to other penalties provided by law, be liable for a penalty equal
2842 to the total amount of the tax evaded, or not collected, or not accounted
2843 for and paid over, including any penalty or interest attributable to such
2844 wilful failure to collect or truthfully account for and pay over such tax
2845 or such wilful attempt to evade or defeat such tax, provided such
2846 penalty shall only be imposed against such person in the event that such
2847 tax, penalty or interest cannot otherwise be collected from such facility
2848 or producer. The amount of such penalty with respect to which a person

2849 may be personally liable under this section shall be collected in
2850 accordance with the provisions of section 12-555a of the general statutes
2851 and any amount so collected shall be allowed as a credit against the
2852 amount of such tax, penalty or interest due and owing from the facility
2853 or producer. The dissolution of the facility or producer shall not
2854 discharge any person in relation to any personal liability under this
2855 section for wilful failure to collect or truthfully account for and pay over
2856 such tax or for a wilful attempt to evade or defeat such tax prior to
2857 dissolution, except as otherwise provided in this section. For purposes
2858 of this section, "person" includes any individual, corporation, limited
2859 liability company or partnership and any officer or employee of any
2860 corporation, including a dissolved corporation, and a member or
2861 employee of any partnership or limited liability company who, as such
2862 officer, employee or member, is under a duty to file a tax return under
2863 this section on behalf of a cannabis product manufacturing facility or
2864 producer or to collect or truthfully account for and pay over a tax
2865 imposed under this section on behalf of such facility or producer.

2866 (f) The provisions of sections 12-551 to 12-554, inclusive, and section
2867 12-555a of the general statutes shall apply to the provisions of this
2868 section in the same manner and with the same force and effect as if the
2869 language of said sections had been incorporated in full into this section
2870 and had expressly referred to the tax under this section, except to the
2871 extent that any provision is inconsistent with a provision in this section.

2872 (g) The commissioner may adopt regulations, in accordance with the
2873 provisions of chapter 54 of the general statutes, to implement the
2874 provisions of this section.

2875 (h) At the close of each fiscal year in which the tax imposed under the
2876 provisions of this section are received by the commissioner, the
2877 Comptroller is authorized to record as revenue for such fiscal year the
2878 amounts of such tax that are received by the commissioner not later than
2879 five business days from the July thirty-first immediately following the
2880 end of such fiscal year.

2881 Sec. 52. (NEW) (*Effective July 1, 2022*) (a) There is imposed a tax at the
2882 rate of three per cent on the gross receipts from the sale of cannabis and
2883 cannabis products by a cannabis retailer. Such tax shall be in addition to
2884 the tax imposed under section 51 of this act and chapter 219 of the
2885 general statutes.

2886 (b) (1) On or before the last day of each month, each cannabis retailer
2887 shall file with the tax collector of the municipality in which such retailer
2888 is located and the Commissioner of Revenue Services a return reporting
2889 such retailer's gross receipts from the sale of cannabis and cannabis
2890 products during the calendar month immediately preceding and the
2891 amount of the tax imposed under this section shown to be due thereon.
2892 Such returns shall be in such form and contain such information as the
2893 commissioner prescribes. The return filed with the tax collector shall be
2894 accompanied by a payment of the amount of the tax shown to be due
2895 thereon.

2896 (2) The tax reported on such return shall be paid to the tax collector
2897 of the municipality in which the cannabis retailer is located and shall
2898 become part of the general revenue of the municipality. If a cannabis
2899 retailer location is located in contiguous municipalities, such retailer
2900 shall additionally file the return required under subdivision (1) of this
2901 subsection with the tax collector of each such municipality and the tax
2902 due under this section shall be evenly divided between or among the
2903 relevant municipalities.

2904 (c) (1) Whenever the commissioner makes a deficiency assessment for
2905 any taxes payable to the state under chapter 219 of the general statutes,
2906 the commissioner is authorized to make a deficiency assessment for any
2907 taxes payable under this section to a municipality and to hold a hearing,
2908 when requested by any cannabis retailer aggrieved by the action of the
2909 commissioner in fixing the amount of any tax, penalty or interest
2910 provided for by this section on or before the sixtieth day after notice of
2911 such action is delivered or mailed to such person.

2912 (2) Any cannabis retailer aggrieved by a final determination of an
2913 assessment under this section may, not later than thirty days after
2914 service of notice upon the cannabis retailer of such determination, take
2915 an appeal therefrom to the superior court for the judicial district of New
2916 Britain in accordance with the provisions of section 12-422 of the general
2917 statutes.

2918 (d) (1) The deficiency assessment for any taxes payable under this
2919 section to a municipality shall bear interest at the rate of one per cent
2920 per month or fraction thereof from the date when the original tax was
2921 due and payable.

2922 (2) When it appears to the commissioner that any part of the
2923 deficiency for which a deficiency assessment is made is due to
2924 negligence or intentional disregard of the provisions of this section,
2925 there shall be imposed a penalty equal to ten per cent of the amount of
2926 such deficiency assessment, or fifty dollars, whichever is greater.

2927 (3) When it appears to the commissioner that any part of the
2928 deficiency for which a deficiency assessment is made is due to fraud or
2929 intent to evade the provisions of this section, there shall be imposed a
2930 penalty equal to twenty-five per cent of the amount of such deficiency
2931 assessment.

2932 (4) No taxpayer shall be subject to more than one penalty under this
2933 section in relation to the same tax period.

2934 (e) (1) Once a deficiency assessment for any taxes payable under this
2935 section to a municipality is no longer the subject of a timely filed
2936 administrative appeal to the commissioner or of a timely filed appeal
2937 pending before any court of competent jurisdiction, the commissioner
2938 may collect, on behalf of such municipality, such taxes, and all penalties
2939 and interest added thereto by law, under the provisions of section 12-35
2940 of the general statutes as if such taxes, penalties or interest due such
2941 municipality were tax due the state, as such term is defined in section
2942 12-35 of the general statutes, and as if such term expressly included

2943 taxes, penalties or interest due to such municipality. Such taxes, and all
2944 penalties and interest added thereto by law, shall be treated, for
2945 purposes of subsection (a) of section 12-39g of the general statutes and
2946 subsection (a) of section 12-739 of the general statutes, as if they were
2947 taxes due to the state.

2948 (2) Any tax, penalty and interest collected under the provisions of
2949 subdivision (1) of this subsection shall be paid to such municipality.

2950 (f) Any consumer who purchases cannabis or cannabis products
2951 and who overpays the tax under this section to a cannabis retailer may
2952 submit a claim for refund with the Commissioner of Revenue Services
2953 in accordance with the provisions of section 12-425 of the general
2954 statutes, in such form and manner as the commissioner prescribes. The
2955 commissioner shall notify the relevant tax collector of any amount to be
2956 refunded and such refund shall be issued not later than thirty days after
2957 such notification. No such consumer shall have a cause of action against
2958 a cannabis retailer for the recovery of any such overpayment under any
2959 provision of the general statutes.

2960 Sec. 53. (NEW) (*Effective July 1, 2022*) (a) No exemption set forth in
2961 chapter 219 of the general statutes shall apply to the sale, acceptance or
2962 receipt of cannabis or cannabis products.

2963 (b) No tax credit or credits shall be allowable against the tax imposed
2964 under (1) section 51 or 52 of this act, or (2) chapter 219 of the general
2965 statutes with respect to the sale, acceptance or receipt of cannabis or
2966 cannabis products.

2967 (c) Notwithstanding the provisions of section 12-425 of the general
2968 statutes, no refunds shall be issued to a cannabis product manufacturing
2969 facility, producer or cannabis retailer by the Commissioner of Revenue
2970 Services or a municipal tax collector with respect to the tax under (1)
2971 section 51 or 52 of this act, or (2) chapter 219 of the general statutes from
2972 the sale, acceptance or receipt of cannabis or cannabis products. If the
2973 commissioner determines that any tax, penalty or interest under section

2974 51 or 52 of this act or chapter 219 of the general statutes with respect to
2975 the sale, acceptance or receipt of cannabis or cannabis products has been
2976 unintentionally paid more than once or has been erroneously or illegally
2977 collected or computed, the commissioner may allow such amount to be
2978 used to offset the tax liability of the facility, producer or retailer in future
2979 taxable periods. If the commissioner makes such a determination with
2980 respect to any tax, penalty or interest under section 52 of this act, the
2981 commissioner shall notify the relevant municipal tax collector.

2982 Sec. 54. Subdivision (120) of section 12-412 of the 2020 supplement to
2983 the general statutes is repealed and the following is substituted in lieu
2984 thereof (*Effective July 1, 2022*):

2985 (120) [On and after April 1, 2015, sales] Sales of the following
2986 nonprescription drugs or medicines available for purchase for use in or
2987 on the body: Vitamin or mineral concentrates; dietary supplements;
2988 natural or herbal drugs or medicines; products intended to be taken for
2989 coughs, cold, asthma or allergies, or antihistamines; laxatives;
2990 antidiarrheal medicines; analgesics; antibiotic, antibacterial, antiviral
2991 and antifungal medicines; antiseptics; astringents; anesthetics; steroidal
2992 medicines; anthelmintics; emetics and antiemetics; antacids; and any
2993 medication prepared to be used in the eyes, ears or nose.
2994 Nonprescription drugs or medicines [shall] do not include cosmetics,
2995 [dentrifrices] dentifrices, mouthwash, shaving and hair care products,
2996 soaps, [or] deodorants or products containing cannabis, as defined in
2997 section 1 of this act, or cannabinoids, other than palliative marijuana
2998 sold under the provisions of chapter 420f.

2999 Sec. 55. (NEW) (*Effective from passage*) Notwithstanding the provisions
3000 of chapter 228d of the general statutes, revision of 1958, revised to
3001 January 1, 2019, any potential liabilities or outstanding assessments
3002 under said chapter that are (1) for any period prior to July 1, 2022, and
3003 (2) related to the sale, purchase, acquisition or possession within the
3004 state or transport or importation into the state of marijuana, as defined
3005 in section 21a-240 of the general statutes, shall be cancelled. The

3006 Commissioner of Revenue Services may take any action necessary to
3007 effectuate the cancellation of such liabilities and assessments. No
3008 cancellation pursuant to this section shall entitle any person affected by
3009 such cancellation to a refund or credit of any amount previously paid or
3010 collected.

3011 Sec. 56. Section 12-650 of the general statutes is repealed and the
3012 following is substituted in lieu thereof (*Effective July 1, 2022*):

3013 As used in this chapter:

3014 (1) ["Marijuana" means any marijuana, whether real or counterfeit, as
3015 defined in subdivision (29) of section 21a-240] "Cannabis" means any
3016 cannabis, as defined in section 1 of this act, that is held, possessed,
3017 transported, sold or offered to be sold in violation of any provision of
3018 the general statutes;

3019 (2) "Cannabis concentrate" has the same meaning as provided in
3020 section 1 of this act;

3021 (3) "Cannabis product" has the same meaning as provided in section
3022 1 of this act;

3023 (4) "THC" has the same meaning as provided in section 1 of this act;

3024 [(2)] (5) "Controlled substance" means any controlled substance, as
3025 defined in [subdivision (9) of] section 21a-240, that is held, possessed,
3026 transported, sold or offered to be sold in violation of any provision of
3027 the general statutes;

3028 [(3)] (6) "Dealer" means any person who, in violation of any provision
3029 of the general statutes, manufactures, produces, ships, transports, or
3030 imports into the state or in any manner acquires or possesses more than
3031 forty-two and one-half grams of [marijuana] cannabis or seven or more
3032 grams of any controlled substance or ten or more dosage units of any
3033 controlled substance [which] that is not sold by weight; and

3034 [(4)] (Z) "Commissioner" means the Commissioner of Revenue
3035 Services.

3036 Sec. 57. Section 12-651 of the general statutes is repealed and the
3037 following is substituted in lieu thereof (*Effective July 1, 2022*):

3038 (a) A tax is imposed on any [marijuana] cannabis or controlled
3039 substances purchased, acquired, transported or imported into the state.
3040 Payment thereof shall be evidenced by [the permanent affixing of
3041 stamps on the marijuana] documentation provided by the commissioner
3042 under subsection (c) of section 12-652, as amended by this act, for any
3043 cannabis or controlled substance [immediately after receipt. Each stamp
3044 or other official indicia] for which tax is due under this chapter. Any
3045 such documentation may be used only once.

3046 (b) (1) The tax imposed pursuant to this section shall be at the
3047 following rates:

3048 [(1)] (A) On each [gram of marijuana or portion of a gram, three
3049 dollars and fifty cents,] ounce of cannabis plant material, four hundred
3050 dollars;

3051 (B) On each milligram of THC contained in a cannabis product, ten
3052 dollars;

3053 (C) On each gram of cannabis concentrate, one hundred dollars;

3054 (D) On each immature plant of the genus cannabis, two hundred
3055 dollars;

3056 (E) On each mature plant of the genus cannabis, one thousand
3057 dollars, but not to exceed four hundred dollars per ounce of cannabis
3058 plant material; and

3059 [(2) on] (F) On each gram of a controlled substance, or portion of a
3060 gram, two hundred dollars or on each fifty dosage units of a controlled
3061 substance that is not sold by weight, or portion thereof, two thousand

3062 dollars.

3063 (2) For the purpose of calculating the tax due under this section, an
3064 ounce [of marijuana] or gram of cannabis or other controlled substance
3065 is measured by the weight of the cannabis or substance in the dealer's
3066 possession.

3067 [(c) Any tax imposed pursuant to this section is due and payable
3068 immediately upon acquisition or possession in this state by a dealer.]

3069 Sec. 58. Section 12-652 of the general statutes is repealed and the
3070 following is substituted in lieu thereof (*Effective July 1, 2022*):

3071 (a) No dealer may possess any [marijuana] cannabis or controlled
3072 substance upon which a tax is imposed pursuant to section 12-651, as
3073 amended by this act, unless the tax has been paid on the [marijuana]
3074 cannabis or controlled substance as evidenced by [a stamp or other
3075 official indicia] documentation provided by the commissioner under
3076 subsection (c) of this section.

3077 (b) Each dealer shall pay one hundred per cent of the tax due under
3078 section 12-651, as amended by this act, within thirty days prior to the
3079 purchase, acquisition, transportation, importation or possession of
3080 cannabis or a controlled substance within this state.

3081 (c) The commissioner shall provide documentation, in such form and
3082 manner as prescribed by the commissioner, to each dealer who pays
3083 such tax. Such documentation shall be valid for thirty days from the date
3084 of issuance and the dealer may use such documentation as evidence of
3085 payment of such tax.

3086 Sec. 59. Section 12-655 of the general statutes is repealed and the
3087 following is substituted in lieu thereof (*Effective July 1, 2022*):

3088 (a) Each dealer shall keep complete and accurate records of all
3089 [marijuana] cannabis or controlled substances on which a tax [is
3090 imposed] has been paid. Such records shall be a kind and in such form

3091 as the commissioner may prescribe and shall be preserved for three
3092 years in such manner as to [insure] ensure permanency and accessibility
3093 for inspection by the commissioner or [his] the commissioner's
3094 authorized agents. The commissioner and [his] the commissioner's
3095 authorized agents may examine the books, papers and records of any
3096 dealer for the purpose of determining whether the tax imposed by this
3097 chapter has been paid and may examine any [marijuana] cannabis or
3098 controlled substances upon any premises where such [marijuana]
3099 cannabis or controlled substances are possessed to determine if the
3100 provisions of this chapter are being obeyed.

3101 (b) (1) If, after an examination of the invoices, books and records of a
3102 dealer, or if, from any other information obtained by [him or his] the
3103 commissioner or the commissioner's authorized agents, the
3104 commissioner determines that the dealer has not [purchased sufficient
3105 stamps] paid sufficient tax to cover [his] the dealer's receipts and sales
3106 or other disposition of any [marijuana] cannabis or controlled
3107 substances, [he] the commissioner shall thereupon assess the deficiency
3108 in tax.

3109 (2) There shall be imposed a penalty of ten per cent of the deficiency
3110 or fifty dollars, whichever amount is greater, and interest shall accrue
3111 on the tax at the rate of one per cent per month from the due date of such
3112 tax to the date of payment. In any case where a dealer cannot produce
3113 [evidence of sufficient stamp purchases to cover] documentation
3114 provided by the commissioner under subsection (c) of section 12-652, as
3115 amended by this act, that covers the receipt of any [marijuana] cannabis
3116 or controlled substances, [it shall be presumed] the commissioner shall
3117 presume that such [marijuana] cannabis or controlled substances were
3118 sold without having the proper [stamps affixed] tax paid. If the
3119 commissioner determines that the deficiency or any part thereof is due
3120 to a fraudulent intent to evade the tax, there shall be imposed a penalty
3121 of twenty-five per cent of the deficiency and interest shall accrue on the
3122 tax at the rate of one per cent per month or fraction thereof from the due
3123 date of such tax to the date of payment. Subject to the provisions of

3124 section 12-3a, the commissioner may waive all or part of the penalties
3125 provided under this chapter when it is proven to [his] the
3126 commissioner's satisfaction that the failure to pay any tax on time was
3127 due to reasonable cause and was not intentional or due to neglect.

3128 (3) The amount of any tax, penalty or interest due and unpaid under
3129 the provisions of this chapter may be collected under the provisions of
3130 section 12-35. The warrant therein provided for shall be signed by the
3131 commissioner or [his] the commissioner's authorized agent. The amount
3132 of any such tax, penalty and interest shall be a lien, from the last day of
3133 the month next preceding the due date of such tax until discharged by
3134 payment, against all real estate of the taxpayer within the state, and a
3135 certificate of such lien signed by the commissioner may be filed for
3136 record in the office of the clerk of any town in which such real estate is
3137 situated, provided no such lien shall be effective as against any bona
3138 fide purchaser or qualified encumbrancer of any interest in any such
3139 property. When any tax with respect to which a lien has been recorded
3140 under the provisions of this section has been satisfied, the
3141 commissioner, upon request of any interested party, shall issue a
3142 certificate discharging such lien, which certificate shall be recorded in
3143 the same office in which the lien is recorded. Any action for the
3144 foreclosure of such lien shall be brought by the Attorney General in the
3145 name of the state in the superior court for the judicial district in which
3146 the property subject to such lien is situated, or, if such property is
3147 located in two or more judicial districts, in the superior court for any one
3148 such judicial district, and the court may limit the time for redemption or
3149 order the sale of such property or make such other or further decree as
3150 it judges equitable.

3151 (c) Except in the case of a wilfully false or fraudulent intent to evade
3152 the tax, no assessment of additional tax with respect to any return shall
3153 be made after the expiration of more than three years from the date of
3154 the filing of such return or from the original due date of such return,
3155 whichever is later, provided, if no return has been filed as provided in
3156 this chapter, the Commissioner of Revenue Services may determine the

3157 amount of tax due from the best information available and assess such
3158 tax together with statutory penalties and interest at any time. If prior to
3159 the expiration of the period prescribed in this section for the assessment
3160 of additional tax, a taxpayer has consented in writing that such period
3161 may be extended, the amount of such additional tax due may be
3162 determined at any time within such extended period. Any such
3163 extended period may be further extended by consent in writing before
3164 the expiration of such extended period.

3165 (d) The provisions of sections 12-553 and 12-554 shall apply to the
3166 provisions of this chapter in the same manner and with the same force
3167 and effect as if the language of said sections had been incorporated in
3168 full into [said] this chapter and had expressly referred to the tax
3169 imposed under [said] this chapter, except to the extent that any such
3170 provision is inconsistent with a provision of [said] this chapter.

3171 Sec. 60. Section 12-656 of the general statutes is repealed and the
3172 following is substituted in lieu thereof (*Effective July 1, 2022*):

3173 (a) The commissioner and any agent of the commissioner authorized
3174 to conduct any inquiry, investigation or hearing hereunder shall have
3175 power to administer oaths and take testimony under oath relative to the
3176 matter of inquiry or investigation.

3177 (b) At any hearing ordered by the commissioner, the commissioner
3178 or [his] the commissioner's agent authorized to conduct such hearing
3179 and having authority by law to issue such process may subpoena
3180 witnesses and require the production of books, papers and documents
3181 pertinent to such inquiry. If any person disobeys such process or, having
3182 appeared in obedience thereto, refuses to answer any pertinent question
3183 [put to him by the commissioner or his authorized agent] or to produce
3184 any books and papers pursuant thereto, the commissioner or such agent
3185 may apply to the superior court of the judicial district wherein the
3186 taxpayer resides or wherein the business has been conducted, or to any
3187 judge of said court if the same is not in session, setting forth such

3188 disobedience to process or refusal to answer, and said court or such
3189 judge shall cite such person to appear before said court or such judge to
3190 answer such question or to produce such books and papers, and, upon
3191 [his] such person's refusal so to do, shall commit [him] such person to a
3192 community correctional center until he or she testifies, but not for a
3193 longer period than sixty days. Notwithstanding the serving of the term
3194 of such commitment by any person, the commissioner may proceed in
3195 all respects with such inquiry and examination as if the witness had not
3196 previously been called upon to testify.

3197 (c) Officers who serve subpoenas issued by the commissioner or
3198 under [his] the commissioner's authority and witnesses attending
3199 hearings conducted by [him] commissioner hereunder shall receive fees
3200 and compensation at the same rates as officers and witnesses in the
3201 courts of this state, to be paid on vouchers of the commissioner on order
3202 of the Comptroller from the proper appropriation for the administration
3203 of this chapter.

3204 Sec. 61. Section 12-658 of the general statutes is repealed and the
3205 following is substituted in lieu thereof (*Effective July 1, 2022*):

3206 The provisions of this chapter shall not be construed to require
3207 persons lawfully in possession of [marijuana] cannabis or a controlled
3208 substance pursuant to any provision of the general statutes to pay the
3209 tax imposed pursuant to section 12-651, as amended by this act.

3210 Sec. 62. Section 12-659 of the general statutes is repealed and the
3211 following is substituted in lieu thereof (*Effective July 1, 2022*):

3212 Notwithstanding the provisions of the Freedom of Information Act,
3213 as defined in section 1-200, or any other provision of law, the
3214 commissioner shall withhold from disclosure to any person any
3215 information contained in a report or return required under this chapter.
3216 No information contained in such report or return may be used against
3217 the dealer in any criminal proceeding, unless otherwise obtained, except
3218 in connection with a proceeding involving taxes due under this chapter

3219 from the taxpayer making the return.

3220 Sec. 63. Section 12-660 of the 2020 supplement to the general statutes
 3221 is repealed and the following is substituted in lieu thereof (*Effective July*
 3222 *1, 2022*):

3223 (a) Any dealer who violates any provision of [this chapter] section 12-
 3224 651, as amended by this act, 12-652, as amended by this act, or 12-655,
 3225 as amended by this act, shall pay a penalty of one hundred per cent of
 3226 the tax in addition to the tax imposed pursuant to section 12-651, as
 3227 amended by this act.

3228 (b) In addition to the penalty imposed pursuant to subsection (a) of
 3229 this section, any person who violates any provision of [this chapter]
 3230 section 12-651, as amended by this act, 12-652, as amended by this act,
 3231 or 12-655, as amended by this act, shall be fined not more than ten
 3232 thousand dollars or imprisoned not more than six years, or both.

3233 [(c) Notwithstanding the provisions of subsection (c) of section 54-
 3234 193, a person may be prosecuted for a violation of any provision of this
 3235 chapter more than five years after such violation.]

3236 Sec. 64. Sections 12-653 and 12-654 of the general statutes are
 3237 repealed. (*Effective July 1, 2022*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2020</i>	21a-279(a)
Sec. 3	<i>July 1, 2020</i>	21a-279a
Sec. 4	<i>July 1, 2020</i>	54-142d
Sec. 5	<i>July 1, 2021</i>	New section
Sec. 6	<i>July 1, 2022</i>	New section
Sec. 7	<i>July 1, 2020</i>	New section
Sec. 8	<i>July 1, 2022</i>	New section
Sec. 9	<i>July 1, 2020</i>	New section
Sec. 10	<i>April 1, 2022</i>	14-227a(b) to (e)

Sec. 11	<i>April 1, 2022</i>	14-227b
Sec. 12	<i>April 1, 2022</i>	14-227c
Sec. 13	<i>April 1, 2022</i>	14-44k(c)
Sec. 14	<i>April 1, 2022</i>	14-227n(a)(3)
Sec. 15	<i>April 1, 2022</i>	New section
Sec. 16	<i>April 1, 2022</i>	15-140q
Sec. 17	<i>April 1, 2022</i>	15-140r
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>July 1, 2022</i>	New section
Sec. 21	<i>July 1, 2022</i>	New section
Sec. 22	<i>July 1, 2022</i>	New section
Sec. 23	<i>July 1, 2022</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>July 1, 2022</i>	New section
Sec. 26	<i>from passage</i>	New section
Sec. 27	<i>July 1, 2020</i>	New section
Sec. 28	<i>July 1, 2022</i>	New section
Sec. 29	<i>July 1, 2022</i>	New section
Sec. 30	<i>July 1, 2022</i>	21a-408t
Sec. 31	<i>July 1, 2022</i>	New section
Sec. 32	<i>July 1, 2022</i>	New section
Sec. 33	<i>July 1, 2022</i>	New section
Sec. 34	<i>July 1, 2022</i>	New section
Sec. 35	<i>from passage</i>	New section
Sec. 36	<i>July 1, 2022</i>	New section
Sec. 37	<i>from passage</i>	New section
Sec. 38	<i>from passage</i>	New section
Sec. 39	<i>from passage</i>	New section
Sec. 40	<i>July 1, 2022</i>	21a-243(e)
Sec. 41	<i>July 1, 2020</i>	New section
Sec. 42	<i>October 1, 2020</i>	19a-342
Sec. 43	<i>October 1, 2020</i>	19a-342a
Sec. 44	<i>October 1, 2020</i>	31-40q
Sec. 45	<i>July 1, 2020</i>	New section
Sec. 46	<i>July 1, 2022</i>	New section
Sec. 47	<i>October 1, 2020</i>	7-148(c)(7)(H)
Sec. 48	<i>July 1, 2020</i>	New section
Sec. 49	<i>July 1, 2020</i>	New section

Sec. 50	<i>July 1, 2022</i>	New section
Sec. 51	<i>July 1, 2022</i>	New section
Sec. 52	<i>July 1, 2022</i>	New section
Sec. 53	<i>July 1, 2022</i>	New section
Sec. 54	<i>July 1, 2022</i>	12-412(120)
Sec. 55	<i>from passage</i>	New section
Sec. 56	<i>July 1, 2022</i>	12-650
Sec. 57	<i>July 1, 2022</i>	12-651
Sec. 58	<i>July 1, 2022</i>	12-652
Sec. 59	<i>July 1, 2022</i>	12-655
Sec. 60	<i>July 1, 2022</i>	12-656
Sec. 61	<i>July 1, 2022</i>	12-658
Sec. 62	<i>July 1, 2022</i>	12-659
Sec. 63	<i>July 1, 2022</i>	12-660
Sec. 64	<i>July 1, 2022</i>	Repealer section

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.]