



## Recreational Marijuana

### Select Recent Marijuana-Related Legislation in Connecticut

**PA 11-71** decriminalized the possession of less than ½ ounce of marijuana

**PA 11-73** required regulations designating five synthetic versions of marijuana as controlled substances

**PA 12-55** established the state's medical marijuana program

**PA 15-2, June Spec. Session** reduced the criminal penalties for possession of ½ ounce or more of marijuana (or any amount of other illegal drugs)

**PA 16-23** made various changes to the medical marijuana program, including allowing patients under 18 to use medical marijuana under certain conditions

**PA 19-3**, as revised by **PA 20-2, September Spec. Session**, required the state Department of Agriculture to operate a hemp production plan and specified that hemp and certain derivatives (such as CBD) are not classified as marijuana

### Overview

Fifteen states and the District of Columbia have legalized the possession of specified quantities of marijuana (cannabis) for recreational use by adults age 21 and older, generally regulating it in a manner similar to alcohol.

In 2019, for the first time, legislative committees in Connecticut favorably reported bills that would have legalized and regulated cannabis for adult recreational use. The General Assembly may consider similar legislation during the 2021 session.

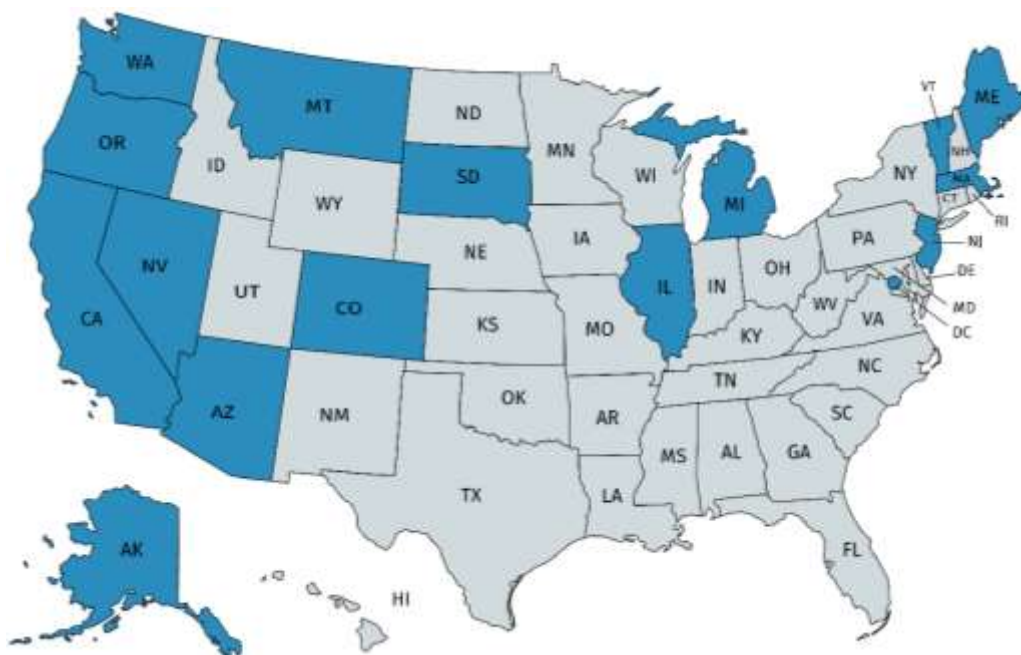
### Current Law

Under Connecticut law, the unauthorized possession of less than ½ ounce of marijuana is not a crime, but is punishable by fines (and other penalties in certain circumstances). Three-time offenders must participate in a drug education program ([CGS § 21a-279a](#)).

In Connecticut, the unauthorized possession of ½ ounce or more is generally a Class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both. Individuals with three or more convictions may be classified as persistent offenders and imprisoned for up to three years ([CGS § 21a-279](#)). Courts may refer offenders charged with drug possession to a drug education or treatment program, with the court dismissing the charges if the person successfully completes the program.

Marijuana is a Schedule II controlled substance in Connecticut. Marijuana remains a Schedule I controlled substance under federal law.

**Figure 1: States That Have Legalized Recreational Marijuana**



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Most of the states legalizing recreational marijuana have done so through ballot initiatives, followed in some cases by implementing legislation. Four states passed such initiatives in November 2020: Arizona, Montana, New Jersey, and South Dakota. (Connecticut does not have a statewide ballot initiative process.)

## Select 2019 Marijuana-Related Bills Voted out of Committee

### **Legalization and Record Erasure**

[sSB 1085](#) would have allowed (1) individuals age 21 or older to possess up to 1.5 ounces of cannabis under specified conditions, (2) licensed cannabis retailers to sell cannabis to these consumers, and (3) anyone convicted for possessing up to 1.5 ounces of cannabis to file a court petition to erase the related police, court, and prosecutorial records.

### **Licensing and Regulation**

[sHB 7371](#) would have (1) created a Cannabis Commission within the Department of Consumer Protection to license retailers, manufacturers, cultivators, and laboratories and (2) required the commission to promote and encourage full participation in the cannabis industry by applicants from communities disproportionately harmed by cannabis prohibition and its enforcement.

### **Taxation and Community Development**

[sSB 1138](#) would have imposed an excise and local sales tax on cannabis, in addition to the standard state sales tax. It would have directed the (1) excise and state sales tax revenue to a new Community Development Corporation Trust Fund, for specified community restoration and revitalization programs and activities, and (2) local sales tax revenue to a new municipal cannabis revenue account.

### **Other Bills**

Other bills would have (1) created misdemeanor criminal penalties for driving while using cannabis or being a passenger while smoking cannabis ([sHB 7372](#)) and (2) specified the ability of employers to restrict cannabis use by employees (with an exception related to medical marijuana patients' use outside of work) ([sSB 1089](#)).

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More**

National Conference of State Legislatures, [Marijuana Overview](#)

"Marijuana Penalties," OLR Report [2016-R-0273](#)

Congressional Research Service, "The Schedule I Status of Marijuana," [updated](#) Sept. 11, 2020

