



General Assembly

Amendment

June Special Session, 2021

LCO No. 10981



Offered by:

REP. CANDELORA, 86th Dist.
REP. DEVLIN, 134th Dist.
REP. O'DEA, 125th Dist.
REP. PERILLO, 113th Dist.
REP. REBIMBAS, 70th Dist.

REP. ZUPKUS, 89th Dist.
REP. FISHBEIN, 90th Dist.
REP. RUTIGLIANO, 123rd Dist.
REP. CHEESEMAN, 37th Dist.

To: Senate Bill No. **1201**

File No.

Cal. No.

(As Amended)

**"AN ACT CONCERNING RESPONSIBLE AND EQUITABLE
REGULATION OF ADULT-USE CANNABIS."**

1 Strike subdivision (11) of section 1 in its entirety and insert the
2 following in lieu thereof:

3 "(11) "Consumer" means an individual who is twenty-five years of
4 age or older;"

5 Strike subdivision (33) of section 1 in its entirety, and renumber the
6 remaining subdivisions accordingly

7 Strike subsection (a) of section 3 in its entirety, and insert the
8 following in lieu thereof:

9 "(a) Any person [who possesses or has under his control less than
10 one-half ounce of a cannabis-type substance, as defined in section 21a-
11 240, except as authorized in this chapter, shall (1) for a first offense, be
12 fined one hundred fifty dollars, and (2) for a subsequent offense, be
13 fined not less than two hundred dollars or more than five hundred
14 dollars.] twenty-five years of age or older may possess, use and
15 otherwise consume cannabis, provided the amount of all such cannabis
16 does not exceed such person's possession limit of (1) one and one-half
17 ounces of cannabis plant material and five ounces of cannabis plant
18 material in a locked container at such person's residence or a locked
19 glove box or trunk of such person's motor vehicle, (2) an equivalent
20 amount of cannabis products, as provided in subsection (i) of this
21 section, or (3) an equivalent amount of a combination of cannabis and
22 cannabis products, as provided in subsection (i) of this section. On and
23 after July 1, 2023, a person's personal possession limit does not include
24 any live plant or cannabis plant material derived from any live plant
25 cultivated by such person in accordance with the provisions of section
26 162 of this act."

27 Strike subsections (c) to (e), inclusive, of section 3 in their entirety and
28 insert the following in lieu thereof:

29 "(c) (1) Any person eighteen years of age or older but under twenty-
30 five years of age, who possesses or has under such person's control less
31 than (A) five ounces of cannabis plant material, (B) an equivalent
32 amount of cannabis products, as provided in subsection (h) of this
33 section, or (C) an equivalent amount of a combination of cannabis and
34 cannabis products, as provided in subsection (i) of this section, except
35 as authorized in this chapter or chapter 420f, shall be required to view
36 and sign a statement acknowledging the health effects of cannabis on
37 young people and shall (i) for a first offense, be fined fifty dollars, and
38 (ii) for any subsequent offense, be fined one hundred fifty dollars.

39 (2) Any person eighteen years of age or older but under twenty-five
40 years of age, who possesses or has under such person's control (A) five
41 ounces or more of cannabis plant material, (B) an equivalent amount of

42 cannabis products, as provided in subsection (i) of this section, or (C) an
43 equivalent amount of a combination of cannabis and cannabis products,
44 as provided in subsection (i) of this section, except as authorized in this
45 chapter or chapter 420f, shall be required to view and sign a statement
46 acknowledging the health effects of cannabis on young people and shall
47 (i) for a first offense, be fined five hundred dollars, and (ii) for any
48 subsequent offense, be guilty of a class D misdemeanor.

49 (d) Any person twenty-five years of age or older, except as authorized
50 in this chapter, chapter 420f or RERACA, who possesses or has under
51 such person's control more than the possession limit pursuant to
52 subsection (a) of this section, but less than (1) five ounces of cannabis
53 plant material and eight ounces of cannabis plant material in a locked
54 container at such person's residence or a locked glove box or trunk of
55 such person's motor vehicle, (2) an equivalent amount of cannabis
56 products, as provided in subsection (i) of this section, or (3) an
57 equivalent amount of a combination of cannabis and cannabis products,
58 as provided in subsection (i) of this section, shall for a (A) first offense,
59 be fined one hundred dollars, and (B) subsequent offense, be fined two
60 hundred fifty dollars.

61 (e) (1) Any person twenty-five years of age or older, except as
62 authorized in this chapter, chapter 420f or RERACA, who possesses or
63 has under such person's control (A) five ounces or more of cannabis
64 plant material or eight ounces or more of cannabis plant material in a
65 locked container at such person's residence or a locked glove box or
66 trunk of such person's motor vehicle, (B) an equivalent amount of
67 cannabis products, as provided in subsection (i) of this section, or (C) an
68 equivalent amount of a combination of cannabis and cannabis products,
69 as provided in subsection (i) of this section, shall for a (i) first offense, be
70 fined five hundred dollars, and (ii) subsequent offense, be guilty of a
71 class C misdemeanor.

72 (2) For an offense under subdivision (1) of this subsection, the court
73 shall evaluate such person and, if the court determines such person is a
74 drug-dependent person, the court may suspend prosecution of such

75 person and order such person to undergo a substance abuse treatment
76 program."

77 Strike subdivisions (5) and (6) of subsection (b) of section 22 in their
78 entirety and substitute the following in lieu thereof:

79 "(5) One appointed by the minority leader of the House of
80 Representatives, who has not less than ten years of professional
81 experience as a physician or researcher in the field of public health;

82 (6) One appointed by the minority leader of the Senate, who has not
83 less than five years of professional experience in providing treatment or
84 care to patients with substance abuse conditions;"

85 Strike subsection (a) of section 24 in its entirety and insert the
86 following in lieu thereof:

87 "(a) Any person shall be twenty-five years of age or older to: (1) Hold
88 any cannabis establishment license issued pursuant to RERACA; or (2)
89 be a backer or key employee of a cannabis establishment that is licensed
90 pursuant to RERACA."

91 Strike subdivision (14) of section 32 in its entirety and insert the
92 following in lieu thereof:

93 "(14) Prohibiting a cannabis establishment from selling, other than the
94 sale of medical marijuana products between cannabis establishments
95 and the sale of cannabis to qualified patients and caregivers, (A)
96 cannabis flower or other cannabis plant material with a total THC
97 concentration greater than thirty per cent on a dry-weight basis, and (B)
98 any cannabis product other than cannabis flower and cannabis plant
99 material with a total THC concentration greater than thirty per cent on
100 a dry-weight basis, except that the provisions of subparagraph (B) of this
101 subdivision shall not apply to the sale of prefilled cartridges for use in
102 an electronic cannabis delivery system, as defined in section 19a-342a of
103 the general statutes and the department may adjust the percentages set
104 forth in subparagraph (A) or (B) of this subdivision in regulations

105 adopted pursuant to this section for purposes of public health or to
106 address market access or shortage. As used in this subdivision, "total
107 THC" has the same meaning as provided in section 21a-240 of the
108 general statutes and "cannabis plant material" means material from the
109 cannabis plant, as defined in section 21a-279a of the general statutes;
110 and"

111 Strike subdivisions (1) to (3), inclusive, of subsection (a) of section 33
112 in their entirety and insert the following in lieu thereof:

113 "(1) Advertise cannabis, cannabis paraphernalia or goods or services
114 related to cannabis in ways that target or are designed to appeal to
115 individuals under twenty-five years of age, including, but not limited
116 to, spokespersons or celebrities who appeal to individuals under the
117 legal age to purchase cannabis or cannabis products, depictions of a
118 person under twenty-five years of age consuming cannabis, or, the
119 inclusion of objects, such as toys, characters or cartoon characters
120 suggesting the presence of a person under twenty-five years of age, or
121 any other depiction designed in any manner to be appealing to a person
122 under twenty-five years of age;

123 (2) Engage in advertising by means of television, radio, Internet,
124 mobile applications, social media, or other electronic communication,
125 billboard or other outdoor signage or print publication unless the
126 advertiser has reliable evidence that at least ninety per cent of the
127 audience for the advertisement is reasonably expected to be twenty-five
128 years of age or older;

129 (3) Engage in advertising or marketing directed toward location-
130 based devices, including, but not limited to, cellular phones, unless the
131 marketing is a mobile device application installed on the device by the
132 owner of the device who is twenty-five years of age or older and
133 includes a permanent and easy opt-out feature and warnings that the
134 use of cannabis is restricted to persons twenty-five years of age or older;"

135 Strike subdivision (13) of subsection (a) of section 33 in their entirety
136 and insert the following in lieu thereof:

137 "(13) Operate any web site advertising or depicting cannabis,
138 cannabis products or cannabis paraphernalia unless such web site
139 verifies that the entrants or users are twenty-five years of age or older."

140 Strike subsection (b) of section 33 in its entirety and insert the
141 following in lieu thereof:

142 "(b) Any advertisements from a cannabis establishment shall contain
143 the following warning: "Do not use cannabis if you are under twenty-
144 five years of age. Keep cannabis out of the reach of children." In a print
145 or visual medium, such warning shall be conspicuous, easily legible and
146 shall take up not less than ten per cent of the advertisement space. In an
147 audio medium, such warning shall be at the same speed as the rest of
148 the advertisement and be easily intelligible."

149 Strike subdivision (5) of subsection (c) of section 33 in its entirety and
150 insert the following in lieu thereof:

151 "(5) Is customarily associated with persons under the age of twenty-
152 five."

153 Strike subsection (i) of section 35 in its entirety and substitute the
154 following in lieu thereof:

155 "(i) All applicants selected in the lottery and not denied shall be
156 provided a provisional license application, which shall be submitted in
157 a form and manner prescribed by the commissioner. Applicants shall
158 have sixty days from the date they receive their provisional application
159 to complete the application. The right to apply for a provisional license
160 is nontransferable. Upon receiving a provisional application from an
161 applicant, the department shall review the application for completeness
162 and to confirm that all information provided is acceptable and in
163 compliance with this section and any regulations adopted under this
164 section. If a provisional application does not meet the standards set forth
165 in this section, the applicant shall not be provided a provisional license.
166 A provisional license shall expire after fourteen months and shall not be
167 renewed. A provisional licensee may apply for a final license of the

168 license type for which the licensee applied during the initial application
169 period. A provisional license shall be nontransferable. If the provisional
170 application does not meet the standards set forth in this section or is not
171 completed within sixty days, the applicant shall not receive a
172 provisional license. The decision of the department not to award a
173 provisional license shall be final and may be appealed in accordance
174 with section 4-183 of the general statutes. Nothing in this section shall
175 prevent a provisional applicant from submitting an application for a
176 future lottery."

177 Strike subdivisions (4) and (5) of subsection (j) of section 35 in their
178 entirety and renumber the remaining subdivisions in their entirety

179 Strike section 51 in its entirety and substitute the following in lieu
180 thereof:

181 "Sec. 51. (NEW) (*Effective from passage*) (a) As used in this section,
182 "state employee" has the same meaning as provided in section 1-79 of
183 the general statutes, "communicator lobbyist" has the same meaning as
184 provided in section 1-91 of the general statutes and "state contractor"
185 and "principal state contractor" have the same meanings as provided in
186 section 9-612 of the general statutes.

187 (b) No member of the Social Equity Council and no employee of the
188 Social Equity Council or department who carries out the licensing,
189 inspection, investigation, enforcement or policy decisions authorized by
190 RERACA, and any regulations enacted pursuant thereto, may, directly
191 or indirectly, have any management or financial interest in the
192 cultivation, manufacture, sale, transportation, delivery or testing of
193 cannabis in this state, nor receive any commission or profit from nor
194 have any interest in purchases or sales made by persons authorized to
195 make such purchases or sales pursuant to RERACA. No provision of
196 this section shall prevent any such member or employee from
197 purchasing and keeping in his or her possession, for his or her personal
198 use or the use of such member's or employee's family or guests, any
199 cannabis which may be purchased or kept by any person by virtue of

200 RERACA.

201 (c) No former member of the Social Equity Council or such member's
202 spouse and former state employee or such employee's spouse shall,
203 within two years of leaving state service, be eligible to apply either
204 individually or with a group of individuals for a cannabis establishment
205 license.

206 (d) No former member of the General Assembly or state-wide elected
207 public official or such member's or official's spouse shall, within two
208 years of such member or official leaving state service, be eligible to
209 apply either individually or with a group of individuals for a cannabis
210 establishment license.

211 (e) No former communicator lobbyist who was registered under
212 chapter 10 of the general statutes or such lobbyist's spouse shall, within
213 two years of the termination of such lobbyist's registration under said
214 chapter, be eligible to apply either individually or with a group of
215 individuals for a cannabis establishment license.

216 (f) No principal of a state contractor or such principal's spouse shall,
217 within two years of the completion of the principal's last state contract,
218 be eligible to apply either individually or with a group of individuals
219 for a cannabis establishment license."

220 Strike subdivision (1) of subsection (h) of section 61 in its entirety and
221 substitute the following in lieu thereof:

222 "(1) Any person, or any officer, director or partner thereof, who fails
223 to comply with any provision of this section shall be liable to the state
224 for a civil penalty of not more than five hundred dollars for each day
225 during which such person is in violation of this section. Such penalty
226 may be recovered in a civil action brought by the Attorney General."

227 Strike section 65 in its entirety and insert the following in lieu thereof:

228 "Sec. 65. (*Effective from passage*) Not later than January 1, 2023, the
229 Alcohol and Drug Policy Council, jointly with the Departments of

230 Public Health, Mental Health and Addiction Services and Children and
231 Families, shall make recommendations to the Governor and the joint
232 standing committees of the General Assembly having cognizance of
233 matters relating to public health, the judiciary and finance, revenue and
234 bonding regarding (1) efforts to promote public health, science-based
235 harm reduction, mitigate misuse and the risk of addiction to cannabis
236 and the effective treatment of addiction to cannabis with a particular
237 focus on individuals under twenty-five years of age; (2) the collection
238 and reporting of data to allow for epidemiological surveillance and
239 review of cannabis consumption and the impacts thereof in the state; (3)
240 impacts of cannabis legalization on the education, mental health and
241 social and emotional health of individuals under twenty-five years of
242 age; and (4) any further measures the state should take to prevent usage
243 of cannabis by individuals under twenty-five years of age, including,
244 but not limited to, product restrictions and prevention campaigns."

245 Strike subsection (a) of section 100 in its entirety and substitute the
246 following in lieu thereof:

247 "(a) Except as provided in subsection (b) of this section, if an
248 employer has violated any provision of section 98 or 99 of this act, an
249 individual aggrieved by such violation may bring a civil action for
250 judicial enforcement of such provision in the superior court for the
251 judicial district where the violation is alleged to have occurred, or where
252 the employer has its principal office, within ninety days of such alleged
253 violation. Any individual who prevails in such civil action may be
254 awarded reinstatement of the individual's previous employment or job
255 offer, back wages and reasonable attorney's fees and costs, to be taxed
256 by the court."

257 Strike sections 102 and 103 in their entirety, and renumber the
258 remaining sections and internal references accordingly

259 Strike section 105 in its entirety and insert the following in lieu
260 thereof:

261 "Sec. 105. (NEW) (*Effective July 1, 2021*) Any cannabis establishment

262 licensee or any servant or agent of a licensee who sells or delivers
263 cannabis or cannabis paraphernalia to any person under twenty-five
264 years of age shall be guilty of a class A misdemeanor. For purposes of
265 this section, "paraphernalia" has the same meaning as provided in
266 section 1 of this act."

267 Strike subsection (d) of section 106 in its entirety and insert the
268 following in lieu thereof:

269 "(d) In any prosecution of a licensee or an agent or employee of a
270 licensee for selling or delivering cannabis to a person under twenty-five
271 years of age in violation of section 105 of this act, or for providing
272 cannabis to a person under twenty-five years of age in violation of
273 section 163 of this act, it shall be an affirmative defense that such
274 licensee, agent or employee sold or delivered cannabis to such person in
275 good faith and in reasonable reliance upon the identification presented
276 by such person and, pursuant to subsection (a) of this section,
277 photographed the person and made a photocopy of such identification.
278 In support of such defense, such licensee, agent or employee may
279 introduce evidence of such photograph and photocopy."

280 Strike sections 107 to 110, inclusive, in their entirety and insert the
281 following in lieu thereof:

282 "Sec. 107. (NEW) (*Effective July 1, 2021*) Any person who induces any
283 person under twenty-five years of age to procure cannabis from any
284 person licensed to sell such cannabis shall be guilty of a class A
285 misdemeanor. The provisions of this section shall not apply to (1) the
286 procurement of cannabis by a person over eighteen years of age who is
287 an employee registered pursuant to the provisions of section 29 of this
288 act where such procurement is made in the course of such person's
289 employment or business, or (2) any such inducement in furtherance of
290 an official investigation or enforcement activity conducted by a law
291 enforcement agency. Nothing in this section shall be construed to
292 prevent any action from being taken against any person permitted to
293 sell cannabis who has sold cannabis to a person under twenty-five years

294 of age who is participating in an official investigation or enforcement
295 activity conducted by a law enforcement agency.

296 Sec. 108. (NEW) (*Effective July 1, 2021*) (a) Each person who attains the
297 age of twenty-five years and has a motor vehicle operator's license or
298 identity card issued in accordance with the provisions of section 1-1h of
299 the general statutes, containing a full-face photograph of such person,
300 may use, and each licensee may accept, such license as legal proof of the
301 age of the person for the purposes of RERACA.

302 (b) Any person who, for the purpose of procuring cannabis,
303 misrepresents his or her age or uses or exhibits an operator's license
304 belonging to any other person shall for (1) a first offense, be fined not
305 more than two hundred fifty dollars, and (2) any subsequent offense, be
306 guilty of a class D misdemeanor.

307 (c) The provisions of this section shall not apply to any person
308 employed by, or who has contracted directly or indirectly with, a state
309 agency for the purposes of testing the age verification and product
310 controls of cannabis retailers while performing such testing duties.

311 Sec. 109. (NEW) (*Effective July 1, 2021*) (a) No person having
312 possession of, or exercising dominion and control over, any dwelling
313 unit or private property shall: (1) Knowingly or recklessly permit any
314 person under twenty-five years of age to possess cannabis in violation
315 of section 21-279a of the general statutes, in such dwelling unit or on
316 such private property, or (2) knowing that any person under twenty-
317 five years of age possesses cannabis in violation of section 21-279a of the
318 general statutes, in such dwelling unit or on such private property, fail
319 to make reasonable efforts to halt such possession.

320 (b) Any person who violates the provisions of subsection (a) of this
321 section shall be guilty of a class A misdemeanor.

322 Sec. 110. (NEW) (*Effective July 1, 2021*) (a) No retailer or hybrid retailer
323 or employee or agent of a retailer or hybrid retailer shall permit any
324 person under twenty-five years of age to loiter on his or her premises

325 where cannabis is kept for sale or be in any room on such premises
326 where cannabis is consumed, unless such person is (1) an employee of
327 the retailer or hybrid retailer, (2) in the case of hybrid retailer or
328 employee or agent of a hybrid retailer, permitted under chapter 420f of
329 the general statutes to possess or consume cannabis, or (3) accompanied
330 by his or her parent or guardian.

331 (b) Any retailer or hybrid retailer or employee or agent of a retailer
332 or hybrid retailer who violates the provisions of subsection (a) of this
333 section shall be (1) fined not more than one thousand dollars for a first
334 offense, and (2) guilty of a class B misdemeanor for any subsequent
335 offense."

336 Strike subsection (i) of section 125 in its entirety and insert the
337 following in lieu thereof:

338 "(i) The tax received by the state under this section shall be deposited
339 as follows: Fifty per cent of such tax received in the Prevention and
340 Recovery Services Fund established under section 128 of this act,
341 twenty-five per cent of such tax received in the Social Equity and
342 Innovation Fund established under section 128 of this act and twenty-
343 five per cent of such tax received in the Victim Restoration Fund
344 established under section 128 of this act."

345 Strike section 128 in its entirety and insert the following in lieu
346 thereof:

347 "Sec. 128. (NEW) (*Effective July 1, 2021*) (a) (1) There is established an
348 account to be known as the "cannabis regulatory and investment
349 account" which shall be a separate, nonlapsing account within the
350 General Fund. The account shall contain any moneys required by law to
351 be deposited in the account. Moneys in the account shall be allocated by
352 the Secretary of the Office of Policy and Management to state agencies
353 for the purpose of paying costs incurred to implement the activities
354 authorized under RERACA, as defined in section 1 of this act.

355 (2) Notwithstanding the provisions of section 34 of this act, for the

356 fiscal year ending June 30, 2022, the following shall be deposited in the
357 cannabis regulatory and investment account: (A) All fees received by
358 the state pursuant to section 30 of this act and subdivisions (1) to (11),
359 inclusive, of subsection (c) of section 34 of this act; and (B) the tax
360 received by the state under chapter 219 of the general statutes from a
361 cannabis retailer, hybrid retailer or micro-cultivator, as those terms are
362 defined in section 125 of this act.

363 (b) (1) There is established an account to be known as the "social
364 equity and innovation account" which shall be a separate, nonlapsing
365 account within the General Fund. The account shall contain any moneys
366 required by law to be deposited in the account. Moneys in the account
367 shall be allocated by the Secretary of the Office of Policy and
368 Management to state agencies for the purpose of (A) paying costs
369 incurred by the Social Equity Council, as defined in section 1 of this act,
370 and (B) administering programs under RERACA to provide (i) access to
371 capital for businesses, (ii) technical assistance for the start-up and
372 operation of a business, (iii) funding for workforce education, and (iv)
373 funding for community investments.

374 (2) Notwithstanding the provisions of sections 34 and 149 of this act,
375 for the fiscal year ending June 30, 2022, the following shall be deposited
376 in the social equity and innovation account: All fees received by the state
377 pursuant to sections 26, 145 and 149 of this act and subdivisions (12) and
378 (13) of subsection (c) of section 34 of this act.

379 (c) (1) There is established a fund to be known as the "Social Equity
380 and Innovation Fund" which shall be a separate, nonlapsing fund. The
381 fund shall contain any moneys required by law to be deposited in the
382 fund and shall be held by the Treasurer separate and apart from all other
383 moneys, funds and accounts. Moneys in the fund shall be appropriated
384 for the purposes of providing the following: Access to capital for
385 businesses; technical assistance for the start-up and operation of a
386 business; funding for workforce education; and funding for community
387 investments. All such appropriations shall be dedicated to expenditures
388 that further the principles of equity, as defined in section 1 of this act.

389 (2) (A) For the purposes of subdivision (1) of this subsection, for the
390 fiscal year ending June 30, 2023, and for each fiscal year thereafter, the
391 Social Equity Council shall transmit, for even-numbered years,
392 estimates of expenditure requirements and for odd-numbered years,
393 recommended adjustments and revisions, if any, of such estimates, to
394 the Secretary of the Office of Policy and Management, in the manner
395 prescribed for a budgeted agency under subsection (a) of section 4-77 of
396 the general statutes. The council shall recommend for each fiscal year
397 commencing with the fiscal year ending June 30, 2023, appropriate
398 funding for all credits payable to angel investors that invest in cannabis
399 businesses pursuant to section 12-704d of the general statutes.

400 (B) The Office of Policy and Management may not make adjustments
401 to any such estimates or adjustments and revisions of such estimates
402 transmitted by the council. Notwithstanding any provision of the
403 general statutes or any special act, the Governor shall not reduce the
404 allotment requisitions or allotments in force pursuant to section 4-85 of
405 the general statutes or make reductions in allotments in order to achieve
406 budget savings in the General Fund, concerning any appropriations
407 made by the General Assembly for the purposes of subdivision (1) of
408 this subsection.

409 (d) There is established a fund to be known as the "Prevention and
410 Recovery Services Fund" which shall be a separate, nonlapsing fund.
411 The fund shall contain any moneys required by law to be deposited in
412 the fund and shall be held by the Treasurer separate and apart from all
413 other moneys, funds and accounts. Moneys in the fund shall be
414 appropriated for the purposes of (1) substance abuse prevention,
415 treatment and recovery services, and (2) collection and analysis of data
416 regarding substance use.

417 (e) There is established a fund to be known as the "Victim Restoration
418 Fund" which shall be a separate, nonlapsing fund. The fund shall
419 contain any moneys required by law to be deposited in the fund and
420 shall be held by the Treasurer separate and apart from all other moneys,
421 funds and accounts. Moneys in the fund shall be appropriated to the

422 Judicial Department for the purposes of supplementing the victim
423 compensation program administered by the Office of Victim Services
424 established under section 54-203 of the general statutes and for the
425 payment of compensation to victims of offenses involving controlled
426 substances, as deemed appropriate by a majority of the victim
427 compensation commissioners."

428 Strike subsection (a) of section 149 in its entirety and substitute the
429 following in lieu thereof:

430 "(a) Thirty days after the Social Equity Council posts the criteria for
431 social equity applicants on its Internet web site, the department shall
432 open up a three-month application period for cultivators during which
433 a social equity applicant may apply to the department for a provisional
434 cultivator license and final license for a cultivation facility located in a
435 disproportionately impacted area without participating in a lottery or
436 request for proposals. Such application for a provisional license shall be
437 granted upon (1) verification by the Social Equity Council that the
438 applicant meets the criteria for a social equity applicant; (2) the applicant
439 submitting to and passing a criminal background check; and (3)
440 payment of a three-million-dollar fee to be deposited in the Social Equity
441 and Innovation Fund established in section 128 of this act."

442 Strike section 163 in its entirety and inset the following in lieu thereof:

443 "Sec. 163. (NEW) (*Effective October 1, 2021*) Any person twenty-five
444 years of age or older who sells, delivers or gives cannabis, as defined in
445 section 1 of this act, to any person under twenty-five years of age, and
446 who knew or should have known that such person was under twenty-
447 five years of age, shall be guilty of a class A misdemeanor."