

**Proposed Substitute
Bill No. 888**

LCO No. 6457

**AN ACT RESPONSIBLY AND EQUITABLY REGULATING ADULT-USE
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 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections
3 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act,
4 sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this
5 act, sections 74 to 76, inclusive, of this act and sections 78 to 89, inclusive,
6 of this act, unless the context otherwise requires:

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

16 (2) "Bona fide labor organization" means a labor union (A) that
17 represents employees in this state with regard to wages, hours and
18 working conditions, (B) whose officers have been elected by a secret
19 ballot or otherwise in a manner consistent with federal law, (C) that is

20 free of domination or interference by any employer, (D) that has
21 received no improper assistance or support from any employer, and (E)
22 that is actively seeking to represent cannabis workers in this state;

23 (3) "Cannabis" means marijuana, as defined in section 21a-240 of the
24 general statutes;

25 (4) "Cannabis Control Commission" means the commission
26 established to approve licenses and monitor the recreational adult use
27 cannabis industry, under section 21 of this act;

28 (5) "Cannabis establishment" means a producer, dispensary facility,
29 cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage
30 manufacturer, product manufacturer, product packager and delivery
31 service;

32 (6) "Cannabis flower" means the flower, including abnormal and
33 immature flowers, of a plant of the genus cannabis that has been
34 harvested, dried and cured, and prior to any processing whereby the
35 flower material is transformed into a cannabis product. "Cannabis
36 flower" does not include (A) the leaves or stem of such plant, or (B)
37 hemp, as defined in section 22-61l of the general statutes;

38 (7) "Cannabis trim" means all parts, including abnormal or immature
39 parts, of a plant of the genus cannabis, other than cannabis parts, that
40 have been harvested, dried and cured, and prior to any processing
41 whereby the plant material is transformed into a cannabis product.
42 "Cannabis trim" does not include hemp, as defined in section 22-61l of
43 the general statutes;

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

48 (9) "Cannabis concentrate" means any form of concentration,
49 including, but not limited to, extracts, oils, tinctures, shatter and waxes,
50 that is extracted from cannabis or a cannabis product;

51 (10) "Canopy space" means the surface area utilized to produce
52 mature marijuana plants calculated in square feet and measured using
53 the outside boundaries of any area that includes mature marijuana
54 plants, including all the space within the boundaries;

55 (11) "Commissioner" means the Commissioner of Consumer
56 Protection and includes any designee of the commissioner;

57 (12) "Consumer" means an individual who is twenty-one years of age
58 or older;

59 (13) "Cultivation" has the same meaning as provided in section 21a-
60 408 of the general statutes;

61 (14) "Cultivator" means a person engaged in the cultivation, growing
62 and propagation of the cannabis plant at an establishment with not less
63 than fifteen thousand square feet of grow space;

64 (15) "Delivery service" means a person that is licensed to transport
65 cannabis and cannabis product between cannabis establishments and
66 research programs and from micro-cultivators, retailers, dispensary
67 facilities and hybrid retailers to consumers, qualifying patients,
68 caregivers and research program subjects, as defined in section 21a-408
69 of the general statutes;

70 (16) "Department" means the Department of Consumer Protection;

71 (17) "Dispensary facility" means a place of business where marijuana
72 may be dispensed, sold or distributed in accordance with chapter 420f
73 of the general statutes and any regulations adopted thereunder, to
74 qualifying patients and caregivers, and for which the department has
75 issued a dispensary facility license to an applicant under chapter 420f of
76 the general statutes and any regulations adopted thereunder;

77 (18) "Disproportionately affected community" means any of the top
78 twenty communities on the most recent Public Investment Community
79 index prepared by the Office of Policy and Management in accordance
80 with the provisions of section 7-545 of the general statutes or a census

81 tract in any municipality in which the unemployment rate is greater
82 than the state-wide unemployment rate and the percentage of residents
83 of such municipality below the federal poverty level is greater than the
84 state-wide percentage of residents below the federal poverty level.

85 (19) "Disqualifying conviction" means a conviction within the last ten
86 years which has not been the subject of an absolute pardon under the
87 provisions of section 54-130a of the general statutes, or an equivalent
88 pardon process under the laws of another state or the federal
89 government, for an offense under (A) section 53a-276, 53a-277 or 53a-
90 278 of the general statutes; (B) section 53a-291, 53a-292 or 53a-293 of the
91 general statutes; (C) section 53a-215 of the general statutes; (D) section
92 53a-138 or 53a-139 of the general statutes; (E) section 53a-142a of the
93 general statutes; (F) sections 53a-147 to 53a-162, inclusive, of the general
94 statutes; (G) sections 53a-125c to 53a-125f, inclusive, of the general
95 statutes; (H) section 53a-129b, 53a-129c or 53a-129d of the general
96 statutes; (I) subsection (b) of section 12-737 of the general statutes; (J)
97 section 53a-48 or 53a-49 of the general statutes, if the offense which is
98 attempted or is an object of the conspiracy is an offense under the
99 statutes listed in subparagraphs (A) to (I), inclusive, of this subdivision;
100 or (K) the law of any other state or of the federal government, if the
101 offense on which such conviction is based is defined by elements that
102 substantially include the elements of an offense under the statutes listed
103 in subparagraphs (A) to (J), inclusive, of this subdivision;

104 (20) "Dispensary technician" means an individual who has had an
105 active pharmacy technician registration in this state within the past five
106 years, is affiliated with a licensed dispensary and is registered with the
107 department in accordance with chapter 420f of the general statutes and
108 any regulations adopted thereunder;

109 (21) "Employee" means any person who is not a backer, but is a
110 member of the board of a company with an ownership interest in a
111 cannabis establishment, and any person employed by a cannabis
112 establishment or who otherwise has access to such establishment or the
113 vehicles used to transport cannabis or cannabis products, including, but

114 not limited to, an independent contractor who has routine access to the
115 premises of such establishment or to the cannabis or cannabis products
116 handled by such establishment;

117 (22) "Equity" and "equitable" means efforts, regulations, policies,
118 programs, standards, processes and any other functions of government
119 or principles of law and governance intended to: (A) Identify and
120 remedy past and present patterns of discrimination and disparities of
121 race, ethnicity, gender and sexual orientation; (B) ensure that such
122 patterns of discrimination and disparities, whether intentional or
123 unintentional, are neither reinforced nor perpetuated; and (C) prevent
124 the emergence and persistence of foreseeable future patterns of
125 discrimination or disparities of race, ethnicity, gender, and sexual
126 orientation;

127 (23) "Extract" means the preparation, compounding, conversion or
128 processing of cannabis, either directly or indirectly by extraction or
129 independently by means of chemical synthesis, or by a combination of
130 extraction and chemical synthesis to produce a cannabis concentrate;

131 (24) "Financial interest" means any actual, or a future right to,
132 ownership, an investment or a compensation arrangement with another
133 person, directly, through business, investment or family. "Financial
134 interest" does not include ownership of investment securities in a
135 publicly-held corporation that is traded on a national exchange or over-
136 the-counter market, provided the investment securities held by such
137 person and such person's spouse, parent or child, in the aggregate, do
138 not exceed one-half of one per cent of the total number of shares issued
139 by the corporation.

140 (25) "Food and beverage manufacturer" means a person whose
141 license permits such person to own and operate a place of business that
142 acquires cannabis and creates food and beverages;

143 (26) "Grow space" means the portion of a premises owned and
144 controlled by a producer, cultivator or micro-cultivator that is utilized
145 for the cultivation, growing or propagation of the cannabis plant. "Grow

146 space" does not include space used to cure, process, store harvested
147 cannabis or manufacture cannabis once the cannabis has been
148 harvested;

149 (27) "Hybrid retailer" means a person that is licensed to purchase
150 cannabis and sell cannabis, cannabis products and medical marijuana
151 products;

152 (28) "Key employee" means an employee with the following
153 management position or an equivalent title within a cannabis
154 establishment: (A) President or chief officer, who is the top ranking
155 individual at the cannabis establishment and is responsible for all staff
156 and overall direction of business operations; (B) financial manager, who
157 is the individual that reports to the president or chief officer who is
158 generally responsible for oversight of the financial operations of the
159 cannabis licensee, including, but not limited to, revenue generation,
160 distributions, tax compliance and budget implementation; or (C)
161 compliance manager, who is the individual that reports to the president
162 or chief officer and who is generally responsible for ensuring the
163 cannabis establishment complies with all laws, regulations and
164 requirements related to the operation of the cannabis establishment;

165 (29) "Laboratory" has the same meaning as provided in section 21a-
166 408 of the general statutes;

167 (30) "Laboratory employee" means an individual who is registered as
168 a laboratory employee pursuant to section 21a-408r of the general
169 statutes;

170 (31) "Labor peace agreement" means an agreement between a
171 cannabis establishment and a bona fide labor organization that protects
172 the state's interests by, at minimum, prohibiting the labor organization
173 from engaging in picketing, work stoppages or boycotts against the
174 cannabis establishment;

175 (32) "Manufacture" means to add or incorporate cannabis into other
176 products or ingredients or create a cannabis product;

177 (33) "Marijuana product" means a product that contains marijuana,
178 which may be combined with other ingredients, and is intended for use
179 or consumption. "Marijuana product" does not include the raw
180 marijuana plant;

181 (34) "Medical marijuana product" means a marijuana or marijuana
182 product that may be exclusively sold to qualifying patients and
183 caregivers by dispensary facilities and hybrid retailers and which are
184 designated by the commissioner as reserved for sale to qualifying
185 patients and caregivers and published on the department's Internet web
186 site;

187 (35) "Micro-cultivator" means a person engaged in the cultivation,
188 growing and propagation of the cannabis plant at an establishment
189 containing not less than two thousand square feet and not more than
190 five thousand square feet of grow space, prior to any expansion
191 authorized by the commissioner;

192 (36) "Municipality" means any town, city or borough, consolidated
193 town and city or consolidated town and borough;

194 (37) "Paraphernalia" means drug paraphernalia, as defined in section
195 21a-240 of the general statutes;

196 (38) "Person" means an individual, partnership, limited liability
197 company, society, association, joint stock company, corporation, estate,
198 receiver, trustee, assignee, referee or any other legal entity and any other
199 person acting in a fiduciary or representative capacity, whether
200 appointed by a court or otherwise, and any combination thereof;

201 (39) "Producer" means a person who is licensed as a producer
202 pursuant to section 21a-408i of the general statutes and any regulations
203 adopted thereunder;

204 (40) "Product manufacturer" means a person that is licensed to obtain
205 cannabis, extract and manufacture products exclusive to such license
206 type and who is permitted to sell or transfer cannabis and cannabis
207 products to laboratories, research programs and cannabis

208 establishments;

209 (41) "Product packager" means a person that is licensed to package
210 and label cannabis and cannabis products;

211 (42) "Qualifying patient" has the same meaning as provided in section
212 21a-408 of the general statutes;

213 (43) "Research program" has the same meaning as provided in section
214 21a-408 of the general statutes;

215 (44) "Retailer" means a person, excluding a dispensary facility and
216 hybrid retailer, that is licensed to purchase cannabis and cannabis
217 products from producers, cultivators, micro-cultivators, product
218 manufacturers and food and beverage manufacturers and to sell
219 cannabis and cannabis products to consumers and research programs;

220 (45) "Sale" or "sell" has the same meaning as provided in section 21a-
221 240 of the general statutes;

222 (46) "Social equity applicant" means a person that has applied for a
223 license for a cannabis establishment, where such establishment (A) is at
224 least fifty-one per cent owned by an individual or individuals whose
225 primary addresses for the five years immediately preceding the date of
226 such application are in this state and who meet at least one of the
227 following criteria, or (B) is under the day-to-day control of an individual
228 or individuals whose primary addresses for the five years immediately
229 preceding the date of such application are in this state and at least fifty-
230 one per cent of whom meet at least one of the following criteria:

231 (i) The individual was, as an adult or as a juvenile, arrested for or
232 convicted of, the sale, possession, use, manufacture or cultivation of
233 cannabis;

234 (ii) The individual has a parent, spouse or child who was, as an adult
235 or as a juvenile, arrested for or convicted of the sale, possession, use,
236 manufacture or cultivation of cannabis;

237 (iii) The individual has been a resident of a disproportionately
238 affected community for not less than five of the ten years immediately
239 preceding the date of such application; or

240 (iv) The individual is a resident of tribal land;

241 (47) "THC" means tetrahydrocannabinol and any material,
242 compound, mixture or preparation which contain their salts, isomers
243 and salts of isomers, whenever the existence of such salts, isomers and
244 salts of isomers is possible within the specific chemical designation,
245 regardless of the source, except: (A) dronabinol in sesame oil and
246 encapsulated in a soft gelatin capsule in a federal Food and Drug
247 Administration approved product, and (B) any tetrahydrocannabinol
248 product that has been approved by the federal Food and Drug
249 Administration or successor agency to have a medical use and
250 reclassified in any schedule of controlled substances or unscheduled by
251 the federal Drug Enforcement Administration or successor agency;

252 (48) "Third-party lottery operator" means a person, or a constituent
253 unit of the state system of higher education, that conducts the initial
254 selection of cannabis establishment applicants from the lottery pursuant
255 to section 34 of this act and that has no direct or indirect oversight of or
256 investment in a cannabis establishment;

257 (49) "Transfer" means to transfer, change, give or otherwise dispose
258 of control over or interest in; and

259 (50) "Transport" means to physically move from one place to another.

260 Sec. 2. Subsection (a) of section 21a-279 of the general statutes is
261 repealed and the following is substituted in lieu thereof (*Effective January*
262 *1, 2022*):

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

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

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

276 Sec. 3. Section 21a-279a of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective January 1, 2022*):

278 (a) Any person [who possesses or has under his control less than one-
279 half ounce of a cannabis-type substance, as defined in section 21a-240,
280 except as authorized in this chapter, shall (1) for a first offense, be fined
281 one hundred fifty dollars, and (2) for a subsequent offense, be fined not
282 less than two hundred dollars or more than five hundred dollars]
283 twenty-one years of age or older may possess, use and otherwise
284 consume cannabis and cannabis products, provided the amount of all
285 such cannabis, including the amount contained in any cannabis product,
286 does not exceed such consumer's possession limit of (1) one and one-
287 half ounces of cannabis plant material and five ounces of cannabis plant
288 material in a locked container at such person's home, (2) an equivalent
289 amount of cannabis product, as provided in subsection (h) of this
290 section, or (3) an equivalent amount of a combination of cannabis and
291 cannabis product, as provided in subsection (h) of this section.

292 (b) Any person under eighteen years of age who possesses or has
293 under such person's control less than (1) four ounces of cannabis plant
294 material, (2) an equivalent amount of cannabis product, as provided in
295 subsection (h) of this section, or (3) an equivalent amount of a
296 combination of cannabis and cannabis product, as provided in
297 subsection (h) of this section, except as authorized in this chapter or
298 chapter 420f, shall for a (A) first offense, be issued a written warning,
299 and such person may be referred to a youth services bureau established
300 under section 10-19m or to any other appropriate services, (B) second

301 offense, be referred to a youth services bureau established under section
302 10-19m or to any other appropriate services, or (C) third offense, be
303 adjudicated delinquent pursuant to the provisions of section 46b-120, as
304 amended by this act. No person may be arrested for a violation of this
305 subsection.

306 (c) Any person eighteen years of age or older but under twenty-one
307 years of age, who possesses or has under such person's control less than
308 (1) four ounces of cannabis plant material, (2) an equivalent amount of
309 cannabis product, as provided in subsection (h) of this section, or (3) an
310 equivalent amount of a combination of cannabis and cannabis product,
311 as provided in subsection (h) of this section, except as authorized in this
312 chapter or chapter 420f, shall be required to view and sign a statement
313 acknowledging the health effects of cannabis on young people and shall
314 (A) for a first offense, be fined fifty dollars, provided such person may
315 attest to his or her indigency, in which case such fine shall be waived,
316 (B) for a second offense, be fined one hundred fifty dollars, provided
317 such person may in lieu of paying such fine, contribute six community
318 service hours to a private nonprofit charity or other nonprofit
319 organization and attest to and present documentation confirming that
320 such community service was performed.

321 (d) Any person twenty-one years of age or older who possesses or
322 has under such person's control more than the possession limit pursuant
323 to subsection (a) of this section, but less than (1) four ounces of cannabis
324 plant material and five ounces of cannabis plant material in a locked
325 container at such person's home, (2) an equivalent amount of cannabis
326 product, as provided in subsection (h) of this section, or (3) an
327 equivalent amount of a combination of cannabis and cannabis product,
328 as provided in subsection (h) of this section, except as authorized in this
329 chapter or chapter 420f, shall for a (A) first offense, be fined one hundred
330 fifty dollars, and (B) subsequent offense, be fined three hundred dollars.

331 (e) (1) Any person who possesses or has under such person's control
332 (A) four ounces or more of cannabis plant material or five or more
333 ounces of cannabis plant material in a locked container at such person's

334 home, (B) an equivalent amount of cannabis product, as provided in
335 subsection (h) of this section, or (C) an equivalent amount of a
336 combination of cannabis and cannabis product, as provided in
337 subsection (h) of this section, except as authorized in this chapter,
338 chapter 420f or sections 18 to 29, inclusive, of this act, sections 31 to 33,
339 inclusive, of this act or section 21a-408t, as amended by this act, shall for
340 a (i) first offense, be fined five hundred dollars, and (ii) subsequent
341 offense, be guilty of a class C misdemeanor.

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

347 [(b)] (f) The law enforcement officer issuing a complaint for a
348 violation of subsection [(a)] (e) of this section shall seize [the cannabis-
349 type substance] all cannabis or cannabis products and cause such
350 substance to be destroyed as contraband in accordance with law.

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

357 (h) (1) For purposes of any possession limit specified in this section
358 and sections 10 and 13 of this act and section 21a-408b, as amended by
359 this act, one ounce of cannabis plant material shall be considered
360 equivalent to (A) five grams of cannabis concentrate, or (B) any other
361 cannabis product or products with up to five hundred milligrams of
362 THC.

363 (2) For purposes of subsection (a) of this section, one and one-half
364 ounces of cannabis plant material shall be considered equivalent to (A)
365 seven and one-half grams of cannabis concentrate, or (B) any other

366 cannabis product or products with up to seven hundred fifty milligrams
367 of THC.

368 (3) (A) For purposes of subsections (b) to (e), inclusive, of this section,
369 four ounces of cannabis plant material shall be considered equivalent to
370 (i) twenty grams of cannabis concentrate, or (ii) any other cannabis
371 product or products with up to two thousand milligrams of THC.

372 (B) For purposes of subsections (b) to (e), inclusive, of this section,
373 five ounces of cannabis plant material shall be considered equivalent to
374 (i) twenty-five grams of cannabis concentrate, or (ii) any other cannabis
375 product or products with up to two thousand five hundred milligrams
376 of THC.

377 (4) For purposes of any possession limit specified in this section and
378 sections 4, 11, 13, 21 and 74 of this act, section 21a-267, as amended by
379 this act, and section 21a-408b, as amended by this act, the amount
380 possessed shall be calculated by converting any quantity of cannabis
381 product to its equivalent quantity of cannabis plant material, and then
382 taking the sum of any such quantities.

383 (i) (1) As used in this section, "cannabis", "cannabis flower", "cannabis
384 trim", "cannabis concentrate" and "cannabis product" have the same
385 meanings as provided in section 1 of this act.

386 (2) As used in this section, "cannabis plant material" means cannabis
387 flower, cannabis trim and all parts of any plant or species of the genus
388 cannabis, or any infra specific taxon thereof, excluding a growing plant,
389 and the seeds thereof. "Cannabis plant material" does not include
390 industrial hemp, as defined in 7 USC 5940, as amended from time to
391 time.

392 Sec. 4. Section 21a-267 of the general statutes is repealed and the
393 following is substituted in lieu thereof (*Effective January 1, 2022*):

394 (a) No person shall use or possess with intent to use drug
395 paraphernalia, as defined in subdivision (20) of section 21a-240, to plant,

396 propagate, cultivate, grow, harvest, manufacture, compound, convert,
397 produce, process, prepare, test, analyze, pack, repack, store, contain or
398 conceal, or to ingest, inhale or otherwise introduce into the human body,
399 any controlled substance, as defined in subdivision (9) of section 21a-
400 240, other than [a cannabis-type substance in a quantity of less than one-
401 half ounce] (1) cannabis plant material, as defined in section 21a-279a,
402 as amended by this act, in a quantity of less than four ounces or an
403 equivalent amount of cannabis product or a combination of cannabis
404 and cannabis product, as provided in subsection (h) of section 21a-279a,
405 as amended by this act, or (2) six or fewer cannabis plants in such
406 person's own residence for personal use. Any person who violates any
407 provision of this subsection shall be guilty of a class C misdemeanor.

408 (b) No person shall deliver, possess with intent to deliver or
409 manufacture with intent to deliver drug paraphernalia knowing, or
410 under circumstances where one reasonably should know, that it will be
411 used to plant, propagate, cultivate, grow, harvest, manufacture,
412 compound, convert, produce, process, prepare, test, analyze, pack,
413 repack, store, contain or conceal, or to ingest, inhale or otherwise
414 introduce into the human body, any controlled substance, other than [a
415 cannabis-type substance in a quantity of less than one-half ounce] (1)
416 cannabis plant material, as defined in section 21a-279a, as amended by
417 this act, in a quantity of less than four ounces or an equivalent amount
418 of cannabis product or a combination of cannabis and cannabis product,
419 as provided in subsection (h) of section 21a-279a, as amended by this
420 act, or (2) six or fewer cannabis plants in such person's own residence
421 for personal use. Any person who violates any provision of this
422 subsection shall be guilty of a class A misdemeanor.

423 (c) Any person who violates subsection (a) or (b) of this section in or
424 on, or within one thousand five hundred feet of, the real property
425 comprising a public or private elementary or secondary school and who
426 is not enrolled as a student in such school shall be imprisoned for a term
427 of one year which shall not be suspended and shall be in addition and
428 consecutive to any term of imprisonment imposed for violation of
429 subsection (a) or (b) of this section.

430 (d) (1) No person shall [(1)] (A) use or possess with intent to use drug
431 paraphernalia to plant, propagate, cultivate, grow, harvest,
432 manufacture, compound, convert, produce, process, prepare, test,
433 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
434 otherwise introduce into the human body, [less than one-half ounce of
435 a cannabis-type substance] (i) cannabis plant material, as defined in
436 section 21a-279a, as amended by this act, in a quantity of less than four
437 ounces or an equivalent amount of cannabis product or a combination
438 of cannabis and cannabis product, as provided in subsection (h) of
439 section 21a-279a, as amended by this act, or (ii) six or fewer cannabis
440 plants in such person's own residence for personal use, or [(2)] (B)
441 deliver, possess with intent to deliver or manufacture with intent to
442 deliver drug paraphernalia knowing, or under circumstances where one
443 reasonably should know, that it will be used to plant, propagate,
444 cultivate, grow, harvest, manufacture, compound, convert, produce,
445 process, prepare, test, analyze, pack, repack, store, contain or conceal, or
446 to ingest, inhale or otherwise introduce into the human body, [less than
447 one-half ounce of a cannabis-type substance] (i) cannabis plant material,
448 as defined in section 21a-279a, as amended by this act, in a quantity of
449 less than four ounces or an equivalent amount of cannabis product or a
450 combination of cannabis and cannabis product, as provided in
451 subsection (h) of section 21a-279a, as amended by this act, or (ii) six or
452 fewer cannabis plants in such person's own residence for personal use.

453 (2) Any person who violates any provision of this subsection shall (A)
454 if such person is under eighteen years of age, (i) for a first offense, be
455 issued a written warning, and such person may be referred to a youth
456 services bureau established under section 10-19m or to any other
457 appropriate services, (ii) for a second offense, be referred to a youth
458 services bureau established under section 10-19m or to any other
459 appropriate services, (iii) for a third offense, be adjudicated delinquent
460 pursuant to the provisions of section 46b-120, as amended by this act,
461 provided no such person may be arrested for a violation of this
462 subsection, or (B) if such person is eighteen years of age or older, have
463 committed an infraction.

464 (e) The provisions of subsection (a) of this section shall not apply to
465 any person (1) who in good faith, seeks medical assistance for another
466 person who such person reasonably believes is experiencing an
467 overdose from the ingestion, inhalation or injection of intoxicating
468 liquor or any drug or substance, (2) for whom another person, in good
469 faith, seeks medical assistance, reasonably believing such person is
470 experiencing an overdose from the ingestion, inhalation or injection of
471 intoxicating liquor or any drug or substance, or (3) who reasonably
472 believes he or she is experiencing an overdose from the ingestion,
473 inhalation or injection of intoxicating liquor or any drug or substance
474 and, in good faith, seeks medical assistance for himself or herself, if
475 evidence of the use or possession of drug paraphernalia in violation of
476 said subsection was obtained as a result of the seeking of such medical
477 assistance. For the purposes of this subsection, "good faith" does not
478 include seeking medical assistance during the course of the execution of
479 an arrest warrant or search warrant or a lawful search.

480 Sec. 5. Section 46b-120 of the general statutes is repealed and the
481 following is substituted in lieu thereof (*Effective January 1, 2022*):

482 The terms used in this chapter shall, in its interpretation and in the
483 interpretation of other statutes, be defined as follows:

484 (1) "Child" means any person under eighteen years of age who has
485 not been legally emancipated, except that (A) for purposes of
486 delinquency matters and proceedings, "child" means any person who (i)
487 is at least seven years of age at the time of the alleged commission of a
488 delinquent act and who is (I) under eighteen years of age and has not
489 been legally emancipated, or (II) eighteen years of age or older and
490 committed a delinquent act prior to attaining eighteen years of age, or
491 (ii) is subsequent to attaining eighteen years of age, (I) violates any order
492 of the Superior Court or any condition of probation ordered by the
493 Superior Court with respect to a delinquency proceeding, or (II) wilfully
494 fails to appear in response to a summons under section 46b-133 or at any
495 other court hearing in a delinquency proceeding of which the child had
496 notice, and (B) for purposes of family with service needs matters and

497 proceedings, child means a person who is at least seven years of age and
498 is under eighteen years of age;

499 (2) (A) A child may be adjudicated as "delinquent" who has, while
500 under sixteen years of age, (i) violated any federal or state law, except
501 subparagraph (A) (i) or (ii) of subdivision (2) of subsection (d) of section
502 21a-267, as amended by this act, subparagraph (A) or (B) of subdivision
503 (3) of subsection (b) of section 21a-279a, as amended by this act, or
504 section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or
505 violated a municipal or local ordinance, except an ordinance regulating
506 behavior of a child in a family with service needs, (ii) wilfully failed to
507 appear in response to a summons under section 46b-133 or at any other
508 court hearing in a delinquency proceeding of which the child had notice,
509 (iii) violated any order of the Superior Court in a delinquency
510 proceeding, except as provided in section 46b-148, or (iv) violated
511 conditions of probation supervision or probation supervision with
512 residential placement in a delinquency proceeding as ordered by the
513 court;

514 (B) A child may be adjudicated as "delinquent" who has (i) while
515 sixteen or seventeen years of age, violated any federal or state law, other
516 than (I) an infraction, except an infraction under subsection (d) of section
517 21a-267, as amended by this act, (II) a violation, except a violation under
518 subsection [(a)] (e) of section 21a-279a, as amended by this act, (III) a
519 motor vehicle offense or violation under title 14, (IV) a violation of a
520 municipal or local ordinance, [or] (V) a violation of section 51-164r, 53a-
521 172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or (VI) a violation
522 of subparagraph (A) (i) or (ii) of subdivision (2) of subsection (d) of
523 section 21a-267, as amended by this act, subparagraph (A) or (B) of
524 subdivision (3) of subsection (b) of section 21a-279a, as amended by this
525 act, (ii) while sixteen years of age or older, wilfully failed to appear in
526 response to a summons under section 46b-133 or at any other court
527 hearing in a delinquency proceeding of which the child had notice, (iii)
528 while sixteen years of age or older, violated any order of the Superior
529 Court in a delinquency proceeding, except as provided in section 46b-
530 148, or (iv) while sixteen years of age or older, violated conditions of

531 probation supervision or probation supervision with residential
532 placement in a delinquency proceeding as ordered by the court;

533 (3) "Family with service needs" means a family that includes a child
534 who is at least seven years of age and is under eighteen years of age
535 who, according to a petition lawfully filed on or before June 30, 2020,
536 (A) has without just cause run away from the parental home or other
537 properly authorized and lawful place of abode, (B) is beyond the control
538 of the child's parent, parents, guardian or other custodian, (C) has
539 engaged in indecent or immoral conduct, or (D) is thirteen years of age
540 or older and has engaged in sexual intercourse with another person and
541 such other person is thirteen years of age or older and not more than
542 two years older or younger than such child;

543 (4) A child may be found "neglected" who, for reasons other than
544 being impoverished, (A) has been abandoned, (B) is being denied
545 proper care and attention, physically, educationally, emotionally or
546 morally, or (C) is being permitted to live under conditions,
547 circumstances or associations injurious to the well-being of the child;

548 (5) A child may be found "abused" who (A) has been inflicted with
549 physical injury or injuries other than by accidental means, (B) has
550 injuries that are at variance with the history given of them, or (C) is in a
551 condition that is the result of maltreatment, including, but not limited
552 to, malnutrition, sexual molestation or exploitation, deprivation of
553 necessities, emotional maltreatment or cruel punishment;

554 (6) A child may be found "uncared for" (A) who is homeless, (B)
555 whose home cannot provide the specialized care that the physical,
556 emotional or mental condition of the child requires, or (C) who has been
557 identified as a victim of trafficking, as defined in section 46a-170. For the
558 purposes of this section, the treatment of any child by an accredited
559 Christian Science practitioner, in lieu of treatment by a licensed
560 practitioner of the healing arts, shall not of itself constitute neglect or
561 maltreatment;

562 (7) "Delinquent act" means (A) the violation by a child under the age

563 of sixteen of any federal or state law, except the violation of
564 subparagraph (A) (i) or (ii) of subdivision (2) of subsection (d) of section
565 21a-267, as amended by this act, subparagraph (A) or (B) of subdivision
566 (3) of subsection (b) of section 21a-279a, as amended by this act, section
567 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the violation
568 of a municipal or local ordinance, except an ordinance regulating
569 behavior of a child in a family with service needs, (B) the violation by a
570 child sixteen or seventeen years of age of any federal or state law, other
571 than (i) an infraction, except an infraction under subsection (d) of section
572 21a-267, as amended by this act, (ii) a violation, except a violation under
573 subsection [(a)] (e) of section 21a-279a, as amended by this act, (iii) a
574 motor vehicle offense or violation under title 14, (iv) the violation of a
575 municipal or local ordinance, [or] (v) the violation of section 51-164r,
576 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or (vi) the
577 violation of subparagraph (A) (i) or (ii) of subdivision (2) of subsection
578 (d) of section 21a-267, as amended by this act, subparagraph (A) or (B)
579 of subdivision (3) of subsection (b) of section 21a-279a, as amended by
580 this act, (C) the wilful failure of a child, including a child who has
581 attained the age of eighteen, to appear in response to a summons under
582 section 46b-133 or at any other court hearing in a delinquency
583 proceeding of which the child has notice, (D) the violation of any order
584 of the Superior Court in a delinquency proceeding by a child, including
585 a child who has attained the age of eighteen, except as provided in
586 section 46b-148, or (E) the violation of conditions of probation
587 supervision or probation supervision with residential placement in a
588 delinquency proceeding by a child, including a child who has attained
589 the age of eighteen, as ordered by the court;

590 (8) "Serious juvenile offense" means (A) the violation of, including
591 attempt or conspiracy to violate, section 21a-277, as amended by this act,
592 21a-278, 29-33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of
593 section 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-
594 54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb,
595 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive,
596 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113,
597 inclusive, subdivision (1) of subsection (a) of section 53a-122,

598 subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-
599 135, 53a-136a or 53a-167c, subsection (a) of section 53a-174, or section
600 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) absconding,
601 escaping or running away, without just cause, from any secure
602 residential facility in which the child has been placed by the court as a
603 delinquent child;

604 (9) "Serious juvenile offender" means any child adjudicated as
605 delinquent for the commission of a serious juvenile offense;

606 (10) "Serious juvenile repeat offender" means any child charged with
607 the commission of any felony if such child has previously been
608 adjudicated as delinquent or otherwise adjudicated at any age for two
609 violations of any provision of title 21a, 29, 53 or 53a that is designated as
610 a felony;

611 (11) "Alcohol-dependent" means a psychoactive substance
612 dependence on alcohol as that condition is defined in the most recent
613 edition of the American Psychiatric Association's "Diagnostic and
614 Statistical Manual of Mental Disorders";

615 (12) "Drug-dependent" means a psychoactive substance dependence
616 on drugs as that condition is defined in the most recent edition of the
617 American Psychiatric Association's "Diagnostic and Statistical Manual
618 of Mental Disorders". No child shall be classified as drug-dependent
619 who is dependent (A) upon a morphine-type substance as an incident
620 to current medical treatment of a demonstrable physical disorder other
621 than drug dependence, or (B) upon amphetamine-type, ataractic,
622 barbiturate-type, hallucinogenic or other stimulant and depressant
623 substances as an incident to current medical treatment of a
624 demonstrable physical or psychological disorder, or both, other than
625 drug dependence;

626 (13) "Pre-dispositional study" means a comprehensive written report
627 prepared by a juvenile probation officer pursuant to section 46b-134
628 regarding the child's social, medical, mental health, educational, risks
629 and needs, and family history, as well as the events surrounding the

630 offense to present a supported recommendation to the court;

631 (14) "Probation supervision" means a legal status whereby a juvenile
632 who has been adjudicated delinquent is placed by the court under the
633 supervision of juvenile probation for a specified period of time and
634 upon such terms as the court determines;

635 (15) "Probation supervision with residential placement" means a legal
636 status whereby a juvenile who has been adjudicated delinquent is
637 placed by the court under the supervision of juvenile probation for a
638 specified period of time, upon such terms as the court determines, that
639 include a period of placement in a secure or staff-secure residential
640 treatment facility, as ordered by the court, and a period of supervision
641 in the community;

642 (16) "Risk and needs assessment" means a standardized tool that (A)
643 assists juvenile probation officers in collecting and synthesizing
644 information about a child to estimate the child's risk of recidivating and
645 identify other factors that, if treated and changed, can reduce the child's
646 likelihood of reoffending, and (B) provides a guide for intervention
647 planning;

648 (17) "Secure-residential facility" means a hardware-secured
649 residential facility that includes direct staff supervision, surveillance
650 enhancements and physical barriers that allow for close supervision and
651 controlled movement in a treatment setting; and

652 (18) "Staff-secure residential facility" means a residential facility that
653 provides residential treatment for children in a structured setting where
654 the children are monitored by staff.

655 Sec. 6. Subsection (b) of section 51-164n of the general statutes is
656 repealed and the following is substituted in lieu thereof (*Effective January*
657 *1, 2022*):

658 (b) Notwithstanding any provision of the general statutes, any person
659 who is alleged to have committed (1) a violation under the provisions of
660 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-

661 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-
662 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)
663 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-
664 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,
665 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-
666 253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292,
667 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection
668 (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
669 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a,
670 subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,
671 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
672 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
673 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
674 violation as specified in subsection (f) of section 14-164i, section 14-219
675 as specified in subsection (e) of said section, subdivision (1) of section
676 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-
677 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
678 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-
679 296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or
680 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-
681 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,
682 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
683 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-
684 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
685 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-
686 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
687 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-
688 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-
689 341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48,
690 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section
691 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-
692 25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-
693 46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-
694 85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159,
695 subsection [(a)] (c), (d) or (e) of section 21a-279a, as amended by this act,

696 section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-
697 36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54,
698 subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100,
699 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-
700 342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-
701 391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section
702 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d,
703 subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-
704 38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of
705 section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43,
706 section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-
707 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)
708 of section 26-61, section 26-64, subdivision (1) of section 26-76, section
709 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-
710 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section
711 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of
712 section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-
713 276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o,
714 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q,
715 section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-
716 210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316,
717 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-
718 15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-
719 47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
720 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection
721 (i) of section 31-273, section 31-288, subdivision (1) of section 35-20,
722 section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision
723 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
724 34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264,
725 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-
726 344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation
727 under the provisions of chapter 268, or (3) a violation of any regulation
728 adopted in accordance with the provisions of section 12-484, 12-487 or
729 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
730 town, city or borough, except violations of building codes and the health

731 code, for which the penalty exceeds ninety dollars but does not exceed
732 two hundred fifty dollars, unless such town, city or borough has
733 established a payment and hearing procedure for such violation
734 pursuant to section 7-152c, shall follow the procedures set forth in this
735 section.

736 Sec. 7. (NEW) (*Effective January 1, 2022*) The provisions of subsections
737 (b) to (e), inclusive, of section 21a-279a of the general statutes, as
738 amended by this act, subsection (b) of section 21a-277 of the general
739 statutes, as amended by this act, and sections 78 and 82 of this act shall
740 not apply to any person (1) who in good faith, seeks medical assistance
741 for another person who such person reasonably believes is experiencing
742 medical distress from the use of cannabis, (2) for whom another person,
743 in good faith, seeks medical assistance, reasonably believing such
744 person is experiencing medical distress from the use of cannabis, or (3)
745 who reasonably believes he or she is experiencing medical distress from
746 the use of cannabis and, in good faith, seeks medical assistance for
747 himself or herself, if evidence of the possession or control of cannabis in
748 violation of such provisions was obtained as a result of the seeking of
749 such medical assistance. For the purposes of this subsection, "good faith"
750 does not include seeking medical assistance during the course of the
751 execution of an arrest warrant or search warrant or a lawful search.

752 Sec. 8. Section 54-142d of the general statutes is repealed and the
753 following is substituted in lieu thereof (*Effective July 1, 2022*):

754 (a) Whenever any person has been convicted of an offense in any
755 court in this state and such offense has been decriminalized subsequent
756 to the date of such conviction, such person may file a petition with the
757 [superior court] Superior Court at the location in which such conviction
758 was effected, or with the [superior court] Superior Court at the location
759 having custody of the records of such conviction or [with the records
760 center of the Judicial Department] if such conviction was in the Court of
761 Common Pleas, Circuit Court, municipal court or by a trial justice in the
762 Superior Court where venue would exist for criminal prosecution, for
763 an order of erasure, and the Superior Court [or records center of the

764 Judicial Department] shall direct all police and court records and
765 records of the state's or prosecuting attorney pertaining to such [case]
766 offense to be physically destroyed.

767 (b) (1) Any person who has been convicted in any court in this state
768 (A) (i) on October 1, 2015, or thereafter, and prior to January 1, 2022, or
769 (ii) prior to January 1, 2000, of a violation of section 21a-279, as amended
770 by this act, for possession of a cannabis-type substance and the amount
771 possessed was less than or equal to four ounces of such substance, (B)
772 prior to January 1, 2022, of a violation of subsection (a) of section 21a-
773 267, as amended by this act, for use or possession with intent to use of
774 drug paraphernalia to store, contain or conceal, or to ingest, inhale or
775 otherwise introduce into the human body cannabis, or (C) prior to
776 January 1, 2022, of a violation of subsection (b) of section 21a-277, as
777 amended by this act, for manufacturing, distributing, selling,
778 prescribing, compounding, transporting with the intent to sell or
779 dispense, possessing with the intent to sell or dispense, offering, giving
780 or administering to another person a cannabis-type substance and the
781 amount involved was less than or equal to four ounces or six plants
782 grown inside such person's own residence for personal use may file a
783 petition with the Superior Court at the location in which such conviction
784 was effected, or with the Superior Court at the location having custody
785 of the records of such conviction or if such conviction was in the Court
786 of Common Pleas, Circuit Court, municipal court or by a trial justice, in
787 the Superior Court where venue would currently exist for criminal
788 prosecution, for an order of erasure.

789 (2) As part of such petition, such person shall include a copy of the
790 arrest record or an affidavit supporting such person's petition that, in
791 the case of a violation of section 21a-279, as amended by this act, such
792 person possessed four ounces or less of a cannabis-type substance for
793 which such person was convicted, in the case of a violation of subsection
794 (a) of section 21a-267, as amended by this act, such person used or
795 possessed with intent to use such drug paraphernalia only to store,
796 contain or conceal, or to ingest, inhale or otherwise introduce into the
797 human body cannabis or in the case of a violation of subsection (b) of

798 section 21a-277, as amended by this act, such person manufactured,
799 distributed, sold, prescribed, compounded, transported with the intent
800 to sell or dispense, possessed with the intent to sell or dispense, offered,
801 gave or administered to another person less than or equal to four ounces
802 of a cannabis-type substance or six cannabis plants grown inside such
803 person's own residence for personal use.

804 (3) If such petition is in order, the Superior Court shall direct all police
805 and court records and records of the state's or prosecuting attorney
806 pertaining to such offense to be erased pursuant to the provisions of
807 section 54-142a.

808 (4) No fee may be charged in any court with respect to any petition
809 under this subsection.

810 (c) The provisions of this section shall not apply to any police or court
811 records or records of the state's or prosecuting attorney pertaining to
812 such offense (1) while the criminal case is pending, or (2) in instances
813 where the case contains more than one count, until the records
814 pertaining to all counts are entitled to destruction or erasure. If the
815 records pertaining to all counts are not entitled to destruction, the court
816 shall direct the records of any offenses that would otherwise be entitled
817 to destruction pursuant to this section to be erased pursuant to section
818 54-142a, as amended by this act.

819 (d) For the purposes of this section, "court records" shall not include
820 a record or transcript of the proceedings made or prepared by an official
821 court reporter, assistant court reporter or monitor.

822 Sec. 9. (NEW) (*Effective January 1, 2023*) (a) Whenever on or after
823 January 1, 2000, but prior to October 1, 2015, any person has been
824 convicted in any court of this state of possession under subsection (c) of
825 section 21a-279 of the general statutes, all police and court records and
826 records of the state's or prosecuting attorney pertaining to such a
827 conviction in any court of this state shall be, pursuant to the provisions
828 of section 54-142a of the general statutes, (1) erased, if such records are

829 electronic records; or (2) deemed erased by operation of law, if such
830 records are not electronic records.

831 (b) The provisions of this section shall not apply to any police or court
832 records or the records of any state's attorney or prosecuting attorney
833 with respect to any record referencing more than one count unless and
834 until all counts are entitled to erasure in accordance with the provisions
835 of this section, except that electronic records or portions of electronic
836 records released to the public that reference a charge that would
837 otherwise be entitled to erasure under this section shall be erased in
838 accordance with the provisions of this section.

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

844 (d) For the purposes of this section, "electronic record" means any
845 police or court record or record of any state's attorney or prosecuting
846 attorney that is an electronic record, as defined in section 1-267 of the
847 general statutes, other than a scanned copy of a physical document.

848 (e) For the purposes of this section, "court records" shall not include
849 a record or transcript of the proceedings made or prepared by an official
850 court reporter, assistant court reporter or monitor.

851 (f) Nothing in this section shall be construed to require the partial
852 redaction of physical documents or scanned copies of such documents
853 held internally by any criminal justice agency.

854 (g) Nothing in this section shall be construed to require the
855 Department of Motor Vehicles to erase criminal history record
856 information on an operator's driving record. When applicable, the
857 Department of Motor Vehicles shall make such criminal history record
858 information available through the Commercial Driver's License
859 Information System.

860 (h) A person whose records have been erased pursuant to this section
861 may represent to any entity other than a criminal justice agency that
862 they have not been arrested or convicted for the purposes of any such
863 conviction for which such records have been erased.

864 Sec. 10. Section 54-142e of the general statutes is repealed and the
865 following is substituted in lieu thereof (*Effective January 1, 2023*):

866 (a) Notwithstanding the provisions of subsection (e) of section 54-
867 142a and section 54-142c, with respect to any person, including, but not
868 limited to, a consumer reporting agency as defined in subsection (i) of
869 section 31-51i, or a background screening provider or similar data-based
870 service or company, that purchases criminal matters of public record, as
871 defined in said subsection (i), from the Judicial Department or any
872 criminal justice agency pursuant to subsection (b) of section 54-142g, the
873 department shall make available to such person information concerning
874 such criminal matters of public record that have been erased pursuant
875 to section 54-142a, as amended by this act. Such information may
876 include docket numbers or other information that permits the person to
877 identify and permanently delete records that have been erased pursuant
878 to section 54-142a, as amended by this act.

879 (b) Each person, including, but not limited to, a consumer reporting
880 agency or background screening provider or similar data-based service
881 or company, that has purchased records of criminal matters of public
882 record from the Judicial Department or any criminal justice agency
883 shall, prior to disclosing such records, (1) purchase from the Judicial
884 Department or such criminal justice agency, on a monthly basis or on
885 such other schedule as the Judicial Department or such criminal justice
886 agency may establish, any updated criminal matters of public record or
887 information available for the purpose of complying with this section,
888 and (2) update its records of criminal matters of public record to
889 permanently delete such erased records not later than thirty calendar
890 days after receipt of information on the erasure of criminal records
891 pursuant to section 54-142a. Such person shall not further disclose such
892 erased records.

893 Sec. 11. (NEW) (*Effective January 1, 2022*) Notwithstanding any
894 provision of the general statutes, no cannabis establishment, cannabis
895 employee, or backer of a cannabis establishment may be subject to arrest
896 or prosecution, penalized in any manner, including, but not limited to,
897 being subject to any civil penalty, or denied any right or privilege,
898 including, but not limited to, being subject to any disciplinary action by
899 a professional licensing board, for the acquisition, distribution,
900 possession, use or transportation of cannabis or paraphernalia related to
901 cannabis in his or her capacity as a cannabis establishment, cannabis
902 employee, or backer so long as such person's activity is in accordance
903 with the laws and regulations for such person's license or registration
904 type set forth in section 21a-243 of the general statutes, as amended by
905 this act, section 21a-279a of the general statutes, as amended by this act,
906 section 21a-408t of the general statutes, as amended by this act, sections
907 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act or
908 section 41 of this act.

909 Sec. 12. (NEW) (*Effective January 1, 2022*) Except when required by
910 federal law, an agreement between the federal government and the
911 state, or because of a substantial risk to public health or safety, no state
912 entity shall deny a professional license because of an individual's: (1)
913 Employment or affiliation with a cannabis establishment; (2) possession
914 or use of cannabis that is legal under section 21a-279a of the general
915 statutes, as amended by this act, or chapter 420f of the general statutes;
916 or (3) cannabis use or possession conviction for an amount less than four
917 ounces.

918 Sec. 13. (NEW) (*Effective January 1, 2022*) Any drug paraphernalia or
919 other property relating to cannabis or cannabis product held by the
920 Commissioner of Consumer Protection pursuant to section 21a-263 of
921 the general statutes, a law enforcement agency, or court official that was
922 seized from a consumer in connection with suspected possession or
923 control of cannabis or cannabis product in violation of the provisions of
924 subsection (a) of section 21a-279a of the general statutes, as amended by
925 this act, shall be returned to the consumer immediately upon a
926 determination that such consumer did not possess or have under his or

927 her control cannabis or cannabis product in violation of subsection (a)
928 of section 21a-279a of the general statutes, as amended by this act, as
929 evidenced by a decision not to prosecute or a dismissal of charges, an
930 acquittal or any other final determination by a court that such consumer
931 was not in violation of subsection (a) of section 21a-279a of the general
932 statutes, as amended by this act.

933 Sec. 14. (NEW) (*Effective January 1, 2022*) Any consumer may give
934 cannabis or cannabis products to another consumer, without
935 compensation, provided such consumer reasonably believes such other
936 consumer may possess such cannabis or cannabis products without
937 exceeding the possession limit pursuant to subsection (a) of section 21a-
938 279a of the general statutes, as amended by this act.

939 Sec. 15. Subsection (b) of section 21a-277 of the general statutes is
940 repealed and the following is substituted in lieu thereof (*Effective January*
941 *1, 2022*):

942 (b) (1) No person may manufacture, distribute, sell, prescribe,
943 dispense, compound, transport with the intent to sell or dispense,
944 possess with the intent to sell or dispense, offer, give or administer to
945 another person, except as authorized in this chapter or chapter 420f, any
946 controlled substance other than a (A) narcotic substance, or (B)
947 hallucinogenic substance.

948 (2) [Any] Except as provided in subdivision (3), (4) or (5) of this
949 subsection, any person who violates subdivision (1) of this subsection
950 (A) for a first offense, may be fined not more than twenty-five thousand
951 dollars or imprisoned not more than seven years, or be both fined and
952 imprisoned, and (B) for any subsequent offense, may be fined not more
953 than one hundred thousand dollars or imprisoned not more than fifteen
954 years, or be both fined and imprisoned.

955 (3) Any person who violates subdivision (1) of this subsection by
956 growing up to six cannabis plants in such person's own residence for
957 personal use (A) for a first offense, shall be fined not more than five
958 hundred dollars, and (B) for a second offense, shall be guilty of a class B

959 misdemeanor.

960 (4) Any person who violates subdivision (1) of this subsection by
961 growing up to six cannabis plants outside such person's own residence
962 for personal use (A) for a first offense, shall be guilty of a class A
963 misdemeanor, and (B) for a second offense, shall be guilty of a class E
964 felony.

965 (5) Any person who violates subdivision (1) of this subsection by
966 manufacturing, distributing, selling, prescribing, compounding,
967 transporting with the intent to sell or dispense, possessing with the
968 intent to sell or dispense, offering, giving or administering to another
969 person less than eight ounces of cannabis plant material, as defined in
970 section 21a-279a, as amended by this act, an equivalent amount of
971 cannabis product or a combination of cannabis and cannabis product, as
972 provided in subsection (h) of section 21a-279a, as amended by this act,
973 (A) for a first offense, shall be fined not more than five hundred dollars,
974 and (B) for a second offense, shall be guilty of a class C misdemeanor.

975 (6) For purposes of this subsection, "cannabis" and "cannabis
976 product" have the same meanings as provided in section 1 of this act.

977 Sec. 16. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
978 subsection (b) of this section, use or possession of cannabis by a person
979 that does not violate section 21a-279 or section 21a-279a of the general
980 statutes, as amended by this act, or chapter 420f of the general statutes
981 shall not be grounds for revocation of such person's parole, special
982 parole or probation.

983 (b) If a person's conditions of parole, special parole or probation
984 include an individualized finding that use of cannabis would pose a
985 danger to such person or to the public and a condition that such person
986 not use cannabis, use of cannabis may be grounds for revocation of
987 parole, special parole or probation.

988 Sec. 17. Subsection (c) of section 54-63d of the general statutes is
989 repealed and the following is substituted in lieu thereof (*Effective January*

990 1, 2022):

991 (c) In addition to or in conjunction with any of the conditions
992 enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this
993 section, the bail commissioner or intake, assessment and referral
994 specialist may impose nonfinancial conditions of release, which may
995 require that the arrested person do any of the following: (1) Remain
996 under the supervision of a designated person or organization; (2)
997 comply with specified restrictions on the person's travel, association or
998 place of abode; (3) not engage in specified activities, including the use
999 or possession of a dangerous weapon, or the unlawful use or possession
1000 of an intoxicant or controlled substance; (4) not use classes of intoxicants
1001 or controlled substances, if such bail commissioner makes an
1002 individualized finding that use of such classes of intoxicants or
1003 controlled substances would pose a danger to the arrested person or to
1004 the public. Such individualized finding shall not consider any prior
1005 arrests or convictions for use or possession of cannabis; (5) avoid all
1006 contact with an alleged victim of the crime and with a potential witness
1007 who may testify concerning the offense; or [(5)] (6) satisfy any other
1008 condition that is reasonably necessary to ensure the appearance of the
1009 person in court. Any of the conditions imposed under subsection (a) of
1010 this section and this subsection by the bail commissioner or intake,
1011 assessment and referral specialist shall be effective until the appearance
1012 of such person in court.

1013 Sec. 18. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1014 subsection (c) of this section, the existence of any of the following
1015 circumstances shall not constitute in part or in whole probable cause or
1016 reasonable suspicion and shall not be used as a basis to support any stop
1017 or search of a person or motor vehicle:

1018 (1) The odor of cannabis or burnt cannabis;

1019 (2) The possession of or the suspicion of possession of cannabis or
1020 cannabis product without evidence that the quantity of cannabis or
1021 cannabis product is or suspected to be in excess of four ounces of

1022 cannabis plant material, as defined in section 21a-279a of the general
1023 statutes, as amended by this act, an equivalent amount of cannabis
1024 product or a combination of cannabis and cannabis product, as
1025 provided in subsection (h) of section 21a-279a of the general statutes, as
1026 amended by this act; or

1027 (3) The presence of cash or currency in proximity to cannabis or
1028 cannabis product without evidence that such cash or currency exceeds
1029 five hundred dollars.

1030 (b) Any evidence discovered as a result of any stop or search
1031 conducted in violation of this section shall not be admissible in evidence
1032 in any trial, hearing or other proceeding in a court of this state.

1033 (c) A law enforcement official may conduct a test for impairment
1034 based on the odor of cannabis or burnt cannabis if such official
1035 reasonably suspects the operator or a passenger of a motor vehicle of
1036 violating section 14-227, 14-227a, 14-227m or 14-227n of the general
1037 statutes.

1038 Sec. 19. Subsection (d) of section 10-221 of the general statutes is
1039 repealed and the following is substituted in lieu thereof (*Effective January*
1040 *1, 2022*):

1041 (d) Not later than [July 1, 1991] January 1, 2022, each local and
1042 regional board of education shall develop, adopt and implement
1043 policies and procedures in conformity with section 10-154a for (1)
1044 dealing with the use, sale or possession of alcohol or controlled drugs,
1045 as defined in subdivision (8) of section 21a-240, by public school
1046 students on school property, including a process for coordination with,
1047 and referral of such students to, appropriate agencies, and (2)
1048 cooperating with law enforcement officials. No such policies and
1049 procedures shall result in a student facing greater discipline,
1050 punishment or sanction for use, sale or possession of cannabis or
1051 cannabis products than a student would face for the use, sale or
1052 possession of alcohol.

1053 Sec. 20. (NEW) (*Effective October 1, 2021*) Any person who knowingly
1054 or recklessly provides cannabis or cannabis product, as defined in
1055 section 1 of this act, to a domesticated animal, shall be guilty of a class
1056 C misdemeanor.

1057 Sec. 21. (NEW) (*Effective from passage*) There is established a Cannabis
1058 Control Commission composed of three commissioners, two of whom
1059 shall be appointed by the Governor in accordance with section 4-9a of
1060 the general statutes, and one of whom shall be the Commissioner of
1061 Consumer Protection. The Commissioner of Consumer Protection shall
1062 serve as the chairperson of the commission. The Governor shall fill any
1063 vacancy for the unexpired portion of the term. Not more than two
1064 commissioners shall be of the same political party. Each commissioner
1065 shall take the oath prescribed for executive officers. The Governor may
1066 remove any commissioner as provided in section 4-12 of the general
1067 statutes. The commission shall establish guidelines for the issuance by
1068 the department of licenses as a retailer, hybrid retailer, cultivator, micro-
1069 cultivator, product manufacturer, food and beverage manufacturer,
1070 product packager and delivery service license.

1071 Sec. 22. (NEW) (*Effective from passage*) (a) There is established a Social
1072 Equity Council, which shall be administered by the Cannabis Control
1073 Commission established under section 21 of this act.

1074 (b) The council shall consist of twelve members appointed as follows:

1075 (1) One appointed by the speaker of the House of Representatives
1076 who has a professional background of not less than five years working
1077 in the field of either social justice or civil rights;

1078 (2) One appointed by the president pro tempore of the Senate who
1079 has a professional background of not less than five years working in the
1080 field of either social justice or civil rights;

1081 (3) One appointed by the majority leader of the House of
1082 Representatives who has a professional background of not less than five
1083 years working in the field of economic development to help minority-

1084 owned businesses;

1085 (4) One appointed by the majority leader of the Senate who has a
1086 professional background of not less than five years in providing access
1087 to capital to minorities, as defined in section 32-9n of the general
1088 statutes;

1089 (5) One appointed by the minority leader of the House of
1090 Representatives who has a professional background of not less than five
1091 years working in the field of economic development;

1092 (6) One appointed by the minority leader of the Senate who has a
1093 professional background of not less than five years in providing access
1094 to capital to minorities, as defined in section 32-9n of the general
1095 statutes;

1096 (7) One appointed by the Black and Puerto Rican Caucus of the
1097 General Assembly;

1098 (8) Two appointed by the Governor from communities that have been
1099 disproportionately harmed by cannabis prohibition and enforcement;

1100 (9) The Commissioner of Consumer Protection, or the commissioner's
1101 designee;

1102 (10) The Commissioner of Economic and Community Development,
1103 or the commissioner's designee;

1104 (11) The Commissioner of Revenue Services, or the commissioner's
1105 designee; and

1106 (12) The Secretary of the Office of Policy and Management, or the
1107 secretary's designee.

1108 (c) In making the appointments in subsection (b) of this section, the
1109 appointing authority shall use his or her best efforts to make
1110 appointments that reflect the racial, gender and geographic diversity of
1111 the population of the state. All appointments shall be made not later
1112 than thirty days after the effective date of this section and the Governor

1113 shall appoint the chairperson of the council from among the members
1114 of the council. Members appointed by the Governor shall serve a term
1115 of four years from the time of appointment and members appointed by
1116 any other appointing authority shall serve a term of three years from the
1117 time of appointment. The appointing authority shall fill any vacancy for
1118 the unexpired term.

1119 (d) A majority of the members of the council shall constitute a
1120 quorum for the transaction of any business.

1121 (e) The members of the council shall serve without compensation, but
1122 shall, within available appropriations, be reimbursed for expenses
1123 necessarily incurred in the performance of their duties.

1124 (f) The council shall promote and encourage full participation in the
1125 cannabis industry by persons from communities that have been
1126 disproportionately harmed by cannabis prohibition and enforcement.

1127 (g) Not later than forty-five days after the effective date of this
1128 section, the council shall establish criteria for proposals to conduct a
1129 study under this section and the Secretary of the Office of Policy and
1130 Management shall post on the State Contracting Portal a request for
1131 proposals to conduct a study, and shall select an independent third
1132 party to conduct such study and provide detailed findings of fact
1133 regarding the following matters in the state:

1134 (1) Historical and present-day social, economic and familial
1135 consequences of cannabis prohibition, the criminalization and
1136 stigmatization of cannabis use and related public policies;

1137 (2) Historical and present-day structures, patterns, causes and
1138 consequences of intentional and unintentional racial discrimination and
1139 racial disparities in the development, application and enforcement of
1140 cannabis prohibition and related public policies;

1141 (3) Foreseeable long-term social, economic and familial consequences
1142 of unremedied past racial discrimination and disparities arising from
1143 past and continued cannabis prohibition, stigmatization and

1144 criminalization;

1145 (4) Existing patterns of racial discrimination and racial disparities in
1146 access to entrepreneurship, employment and other economic benefits
1147 arising in the lawful palliative use cannabis sector as established
1148 pursuant to chapter 420f of the general statutes; and

1149 (5) Any other matters that the council deems relevant and feasible for
1150 study for the purpose of making reasonable and practical
1151 recommendations for the establishment of an equitable and lawful
1152 adult-use cannabis business sector in this state.

1153 (h) Not later than November 15, 2021, the council shall, taking into
1154 account the results of the study conducted in accordance with
1155 subsection (g) of this section, make written recommendations, in
1156 accordance with the provisions of section 11-4a of the general statutes,
1157 to the Governor and the joint standing committees of the General
1158 Assembly having cognizance of matters relating to finance, revenue and
1159 bonding, consumer protection and the judiciary regarding legislation to
1160 implement the provisions of this section. The council shall make
1161 recommendations regarding:

1162 (1) Creating programs to ensure that individuals from communities
1163 that have been disproportionately harmed by cannabis prohibition and
1164 enforcement are provided equal access to licenses for cannabis
1165 establishments;

1166 (2) Specifying additional qualifications for social equity applicants;

1167 (3) Providing for expedited or priority license processing for each
1168 license as a retailer, hybrid retailer, cultivator, micro-cultivator, product
1169 manufacturer, food and beverage manufacturer, product packager and
1170 delivery service license for social equity applicants;

1171 (4) Establishing minimum criteria for any cannabis establishment
1172 licensed on or after January 1, 2022, that is not owned by a social equity
1173 applicant to comply with an approved plan to reinvest or provide
1174 employment and training opportunities for individuals in

1175 disproportionately affected communities;

1176 (5) Recruiting individuals from communities that have been
1177 disproportionately harmed by cannabis prohibition and enforcement to
1178 the workforce training program established pursuant to section 39 of
1179 this act;

1180 (6) Developing an objective scoring system for evaluating final
1181 license applications to ensure cannabis establishments are furthering
1182 equity;

1183 (7) Potential uses for revenue generated under this act to further
1184 equity;

1185 (8) Encouraging participation of investors, cannabis establishments,
1186 and entrepreneurs in the cannabis business accelerator program
1187 established pursuant to section 38 of this act;

1188 (9) Establishing a process to best ensure that social equity applicants
1189 have access to the capital and training needed to own and operate a
1190 cannabis establishment; and

1191 (10) Developing a vendor list of women-owned and minority-owned
1192 businesses that cannabis establishments may contract with for necessary
1193 services, including, but not limited to, office supplies, information
1194 technology infrastructure and cleaning services.

1195 Sec. 23. (*Effective from passage*) Not later than October 1, 2023, the
1196 Social Equity Council established pursuant to section 22 of this act shall
1197 report to the Governor and the joint standing committee of the General
1198 Assembly having cognizance of matters relating to the judiciary, (1) data
1199 on any arrest or conviction for possession of cannabis pursuant to
1200 sections 21a-277 and 21a-279a, as amended by this act, and (2) a
1201 breakdown of such arrests or convictions by town, race, gender, and
1202 age.

1203 Sec. 24. (NEW) (*Effective July 1, 2021*) (a) Any person shall be twenty-
1204 one years of age or older to: (1) Hold any cannabis establishment license

1205 issued pursuant to this act; or (2) be a backer or key employee of a
1206 cannabis establishment that is licensed pursuant to this act.

1207 (b) Any person shall be eighteen years of age or older to (1) be an
1208 employee of a cannabis establishment that is licensed pursuant to this
1209 act; or (2) be employed by a cannabis establishment or a licensee
1210 pursuant to chapter 420f of the general statutes.

1211 (c) All employees, key employees and backers of a cannabis
1212 establishment shall obtain a registration or license from the department,
1213 as applicable, on a form and in a manner prescribed by the
1214 commissioner, except for (1) delivery service employees that do not (A)
1215 engage in the transport, storage or distribution of, or have access to,
1216 cannabis and cannabis products, and (B) engage in security controls or
1217 contract management with other cannabis establishments; (2) product
1218 packager employees who do not (A) have access to cannabis or cannabis
1219 products, or (B) engage in physical packaging, security controls or
1220 contract management with other cannabis establishments; and (3) other
1221 employee categories, as determined by the commissioner, provided in
1222 no circumstance shall a key employee be exempt from the registration
1223 or licensure requirements of this section.

1224 Sec. 25. (NEW) (*Effective July 1, 2021*) (a) No agency or political
1225 subdivision of the state may rely on a violation of federal law related to
1226 cannabis as the sole basis for taking an adverse action against a person.

1227 (b) It is the public policy of this state that contracts related to the
1228 operation of a cannabis establishment are enforceable.

1229 (c) It is the public policy of this state that no contract entered into by
1230 a licensed cannabis establishment or its agents as authorized in
1231 accordance with a valid license, or by those who allow property to be
1232 used by a cannabis establishment, its employees, or its agents as
1233 authorized in accordance with a valid license, shall be unenforceable on
1234 the basis that cultivating, obtaining, manufacturing, distributing,
1235 dispensing, transporting, selling, possessing or using cannabis is
1236 prohibited by federal law.

1237 (d) No law enforcement officer employed by an agency that receives
1238 state or local government funds shall expend state or local resources,
1239 including the officer's time, to effect any arrest or seizure of cannabis, or
1240 conduct any investigation, on the sole basis of activity the officer
1241 believes to constitute a violation of federal law if the officer has reason
1242 to believe that such activity is in compliance with sections 21 to 62,
1243 inclusive, of this act, or chapter 420f of the general statutes.

1244 (e) An officer may not expend state or local resources, including the
1245 officer's time, to provide any information or logistical support to any
1246 federal law enforcement authority or prosecuting entity related to
1247 activity the officer believes to constitute a violation of federal law if the
1248 officer has reason to believe that such activity is in compliance with the
1249 provisions of sections 21 to 62, inclusive, of this act, or chapter 420f of
1250 the general statutes.

1251 Sec. 26. (NEW) (*Effective July 1, 2021*) (a) In addition to activity
1252 permitted under chapter 420f of the general statutes, a producer may
1253 expand its license and be authorized to sell, deliver, transfer or transport
1254 cannabis or cannabis products utilizing a delivery service or the
1255 producer's own employees, to cannabis establishments, upon
1256 authorization for such expanded activity in writing by the
1257 commissioner, provided a producer may not transport any cannabis or
1258 cannabis products to consumers, patients or caregivers directly or
1259 through a delivery service. Such authorization may be granted only
1260 after (1) receipt by the department of a complete license expansion
1261 application on a form prescribed by the commissioner, (2) submission
1262 to and approval by the department of a medical cannabis preservation
1263 plan to ensure against supply shortages of medical marijuana products,
1264 and (3) payment of a fee pursuant to subdivision (13) of subsection (b)
1265 of section 34 of this act.

1266 (b) Except as provided in this act and chapter 420b or 420f of the
1267 general statutes, (1) no person, other than a retailer, hybrid retailer,
1268 micro-cultivator or delivery service, or an employee thereof in the
1269 course of his or her employment, may deliver, sell or offer cannabis or

1270 cannabis products to a consumer, and (2) no person, other than a hybrid
1271 retailer, dispensary facility, or a delivery service, or an employee thereof
1272 in the course of his or her employment, may deliver, sell or offer
1273 cannabis or cannabis products to qualifying patients and caregivers.

1274 Sec. 27. (NEW) (*Effective July 1, 2021*) No cannabis or cannabis product
1275 shall be sold from, obtained from or transferred to a location outside of
1276 this state by a cannabis establishment if such activity would be in
1277 violation of federal law.

1278 Sec. 28. (NEW) (*Effective July 1, 2021*) (a) No cannabis retailer or
1279 hybrid retailer shall accept payment or other form of compensation from
1280 a cultivator, micro-cultivator, producer, food and beverage
1281 manufacturer or product manufacturer to carry a cannabis product or
1282 for placement or promotion of such product in a retailer or hybrid
1283 retailer's location. No retailer or hybrid retailer shall enter into a contract
1284 with a cultivator, micro-cultivator, producer, food and beverage
1285 manufacturer or product manufacturer that requires exclusivity or near
1286 exclusivity or limits a retailer or hybrid retailer from purchasing from
1287 other cultivators, micro-cultivators, producers, food and beverage
1288 manufacturers or product manufacturers in any way.

1289 (b) No cannabis establishment shall produce, manufacture or sell
1290 cannabis or cannabis products that are intended for use or consumption
1291 by animals.

1292 (c) A retailer or hybrid retailer shall not knowingly sell to a consumer
1293 more than one ounce of cannabis or the equivalent amount of cannabis
1294 product or combination of cannabis and cannabis product, as defined in
1295 subsection (h) of section 21a-279a of the general statutes, as amended by
1296 this act, except that a hybrid retailer or dispensary facility may sell up
1297 to five ounces of cannabis or cannabis product to a qualifying patient or
1298 caregiver per day. Notwithstanding the requirements of sections 4-168
1299 to 4-172, inclusive, of the general statutes, to avoid cannabis supply
1300 shortages or address a public health and safety concern, the
1301 commissioner may set temporary lower per-transaction limits, which
1302 shall be published on the department's Internet web site. Such limits

1303 shall become ineffective upon the earlier of the expiration of six months
1304 from publication or upon the commissioner's determination that a
1305 supply shortage or public health and safety concern no longer exists.

1306 (d) No cannabis establishment, except a producer, cultivator or
1307 micro-cultivator, may acquire or possess a live cannabis plant.

1308 (e) No person issued a license or registration pursuant to this act shall
1309 assign or transfer such license or registration without the
1310 commissioner's prior approval.

1311 Sec. 29. (NEW) (*Effective July 1, 2021*) (a) Each employee of a cannabis
1312 establishment, other than a key employee, shall annually apply for and
1313 obtain a registration on a form and in a manner prescribed by the
1314 commissioner prior to commencing employment at the cannabis
1315 establishment.

1316 (b) No person shall act as a backer or key employee, or represent that
1317 such person is a backer or key employee, unless such person has
1318 obtained a license from the department pursuant to this subsection.
1319 Such person shall apply for a license on a form and in a manner
1320 prescribed by the commissioner. Such form may require the applicant
1321 to: (1) Submit to a state and national criminal history records check
1322 conducted in accordance with section 29-17a of the general statutes,
1323 which may include a financial history check if requested by the
1324 commissioner, to determine the character and fitness of the applicant for
1325 the license, (2) provide information sufficient for the department to
1326 assess whether the applicant has an ownership interest in any other
1327 cannabis establishment, cannabis establishment applicant or cannabis-
1328 related business nationally or internationally, and (3) obtain such other
1329 information as the department determines is consistent with the
1330 requirements of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive,
1331 of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
1332 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
1333 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act and
1334 sections 78 to 89, inclusive, of this act, section 21a-243 of the general
1335 statutes, as amended by this act, or chapter 420f of the general statutes.

1336 A backer or key employee shall be denied a license in the event his or
1337 her background check reveals a disqualifying conviction.

1338 (c) Any person who receives a cannabis establishment, backer or key
1339 employee license or employee registration issued pursuant to
1340 subsection (b) of this section shall notify the department, in writing, of
1341 any changes to the information supplied on the application for such
1342 license not later than five business days after such change.

1343 Sec. 30. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
1344 commissioner shall require each applicant for an initial backer or key
1345 employee license under this act to submit to fingerprint-based state and
1346 national criminal history records checks before such license is issued.
1347 The criminal history records checks required pursuant to this subsection
1348 shall be conducted in accordance with section 29-17a of the general
1349 statutes. Upon renewal, the commissioner may require a backer or key
1350 employee to be fingerprinted and submit to a state and national criminal
1351 history records check conducted in accordance with section 29-17a of
1352 the general statutes before such renewal license is issued.

1353 (b) The department shall charge the applicant a fee equal to the
1354 amount charged to the department to conduct a state and national
1355 criminal history record check.

1356 Sec. 31. (NEW) (*Effective July 1, 2021*) Notwithstanding the provisions
1357 of section 30 of this act, rather than submitting to a fingerprint-based
1358 national criminal history records check, the commissioner may accept
1359 the submission by the applicant for an initial backer or key employee
1360 license of a third-party local and national criminal background check
1361 that includes a multistate and multi-jurisdiction criminal record locator
1362 or other similar commercial nationwide database with validation, and
1363 other such background screening as the commissioner may require.
1364 Any such third-party background check shall be conducted by a third-
1365 party consumer reporting agency or background screening company
1366 that is in compliance with the federal Fair Credit Reporting Act and
1367 accredited by the Professional Background Screening Association.

1368 Sec. 32. (NEW) (*Effective from passage*) The commissioner shall adopt
1369 regulations in accordance with chapter 54 of the general statutes to
1370 implement the provisions of this act. Notwithstanding the requirements
1371 of sections 4-168 to 4-172, inclusive, of the general statutes, in order to
1372 effectuate the purposes of this act and protect public health and safety,
1373 prior to adopting such regulations the commissioner shall issue policies
1374 and procedures to implement the provisions of this act that shall have
1375 the force and effect of law. The commissioner shall post all policies and
1376 procedures on the department's Internet web site and submit such
1377 policies and procedures for posting on the Secretary of the State's
1378 Internet web site, at least fifteen days prior to the effective date of any
1379 policy or procedure. Any such policy or procedure shall no longer be
1380 effective upon the earlier of either codification by the Secretary of the
1381 State as a final regulation or forty-eight months from the effective date
1382 of this section if such regulations have not been submitted to the
1383 legislative regulation review committee for consideration under section
1384 4-170 of the general statutes. The commissioner shall issue policies and
1385 procedures and thereafter final regulations that include, but are not
1386 limited to, the following:

1387 (1) Setting appropriate dosage, potency, concentration and serving
1388 size limits and delineation requirements for cannabis and cannabis
1389 products, provided that a standardized serving of edible cannabis
1390 product or beverage shall contain no more than five milligrams of THC;

1391 (2) Requiring that each single standardized serving of cannabis
1392 product in a multiple-serving edible product or beverage is physically
1393 demarked in a way that enables a reasonable person to determine how
1394 much of the product constitutes a single serving and a maximum
1395 amount of THC per multiple-serving edible cannabis product or
1396 beverage;

1397 (3) Requiring that, if it is impracticable to clearly demark every
1398 standardized serving of cannabis product or to make each standardized
1399 serving easily separable in an edible cannabis product or beverage, the
1400 product shall contain no more than five milligrams of THC per unit of

1401 sale;

1402 (4) Establishing consumer health materials, in consultation with the
1403 Department of Mental Health and Addiction Services, that shall be
1404 posted or distributed, as specified by the commissioner, by cannabis
1405 establishments to maximize dissemination to cannabis consumers.
1406 Consumer health materials may include pamphlets, packaging inserts,
1407 signage, online advertisements and advisories and printed health
1408 materials shall be provided to all consumers under the age of twenty-
1409 five upon purchase;

1410 (5) Imposing labeling and packaging requirements for cannabis and
1411 cannabis products sold by a cannabis establishment that include, but are
1412 not limited to, the following:

1413 (A) A universal symbol to indicate that a cannabis or a cannabis
1414 product contains cannabis, and prescribe how such product and
1415 product packaging shall utilize and exhibit such symbol;

1416 (B) A disclosure concerning the length of time it typically takes for
1417 the cannabis or cannabis product to affect an individual, including that
1418 certain forms of cannabis or cannabis products take longer to have an
1419 affect;

1420 (C) A notation of the amount of cannabis the cannabis product is
1421 considered the equivalent to;

1422 (D) A list of ingredients and all additives for cannabis and cannabis
1423 products;

1424 (E) Child-resistant packaging;

1425 (F) Product tracking information sufficient to determine where and
1426 when the cannabis was grown and manufactured such that a product
1427 recall could be effectuated;

1428 (G) A net weight statement;

1429 (H) A recommended use by or expiration date; and

1430 (I) Standard and uniform packaging and labeling, including, but not
1431 limited to, (i) requirements regarding branding or logos, and (ii)
1432 requirements that all packaging is opaque;

1433 (6) Establishing laboratory testing standards;

1434 (7) Restricting forms of cannabis products and cannabis product
1435 delivery systems to ensure consumer safety and deter public health
1436 concerns;

1437 (8) Prohibiting any added flavoring to certain cannabis products,
1438 including, but not limited to, any cannabis product that is combusted,
1439 aerosolized, or vaporized;

1440 (9) Prohibiting product types that appeal to children;

1441 (10) Establishing physical and cyber security requirements related to
1442 build out, monitoring and protocols for cannabis establishments as a
1443 requirement for licensure;

1444 (11) Placing temporary limits on the sale of cannabis and cannabis
1445 products in the adult-use market, if deemed appropriate and necessary
1446 by the commissioner, in response to a shortage of cannabis and cannabis
1447 products for qualifying patients; and

1448 (12) Requiring retailers and hybrid retailers to make best efforts to
1449 provide access to (A) low-dose THC products, including products that
1450 have one milligram and two and a half milligrams of THC per dose, and
1451 (B) high-dose CBD products; and

1452 (13) Requiring producers, cultivators, micro-cultivators, product
1453 manufacturers and food and beverage manufacturers to register brand
1454 names for cannabis and cannabis products in accordance with the
1455 procedures and subject to the fee set forth in regulations adopted under
1456 chapter 420f of the general statutes.

1457 Sec. 33. (NEW) (*Effective January 1, 2022*) (a) Cannabis establishments
1458 shall not:

1459 (1) Advertise cannabis or cannabis products and cannabis
1460 paraphernalia in ways that target or are designed to appeal to
1461 individuals under the legal age to purchase cannabis products,
1462 including, but not limited to, spokespersons or celebrities who appeal
1463 to individuals under the legal age to purchase cannabis products,
1464 depictions of a person under twenty-one years of age consuming
1465 cannabis or cannabis products, or, includes objects, such as toys,
1466 characters or cartoon characters suggesting the presence of a person
1467 under twenty-one years of age, or any other depiction designed in any
1468 manner to be appealing to a person under twenty-one years of age;

1469 (2) Engage in advertising unless the advertiser has reliable evidence
1470 that not less than ninety per cent of the audience for the advertisement
1471 is reasonably expected to be twenty-one years of age or older;

1472 (3) Engage in advertising or marketing directed toward location-
1473 based devices, including, but not limited to, cellular phones, unless the
1474 marketing is a mobile device application installed on the device by the
1475 owner of the device who is twenty-one years of age or older and
1476 includes a permanent and easy opt-out feature and warnings that the
1477 use of cannabis and cannabis products is restricted to persons twenty-
1478 one years of age or older;

1479 (4) Advertise cannabis in a manner that represents that products have
1480 curative or therapeutic effects, shall not make medical claims or
1481 promote cannabis for a wellness purpose unless such claims are
1482 substantiated as set forth in regulations adopted under chapter 420f of
1483 the general statutes or verbally conveyed by a licensed pharmacist in the
1484 course of business in a hybrid retail or dispensary facility;

1485 (5) Sponsor charitable, sports, musical, artistic, cultural, social or
1486 other similar event or advertising at or in connection with such an event
1487 unless the sponsor or advertiser has reliable evidence that (A) not more
1488 than ten per cent of the in-person audience at the event is reasonably
1489 expected to be under the legal age to purchase cannabis products, and
1490 (B) not more than ten per cent of the audience that will watch, listen or
1491 participate in the event is expected to be under the legal age to purchase

1492 cannabis products;

1493 (6) Advertise cannabis, cannabis products or cannabis paraphernalia
1494 in any physical form visible to the public within five hundred feet of an
1495 elementary or secondary school grounds;

1496 (7) Cultivate cannabis or manufacture cannabis products for
1497 distribution outside of this state in violation of federal law; and

1498 (8) Exhibit within or upon the outside of the cannabis establishment,
1499 or include in any advertisement the words "drug store", "pharmacy",
1500 "apothecary", "drug", "drugs" or "medicine shop" or any combination of
1501 such terms or any other words, displays or symbols indicating that such
1502 store, shop or place of business is a pharmacy.

1503 (b) Any advertisements from a cannabis establishment shall contain
1504 the following warning: "Do not use cannabis if you are under twenty-
1505 one years of age. Keep cannabis out of the reach of children." In a print
1506 or visual medium, such warning shall be easily legible and shall take up
1507 not less than ten per cent of the advertisement space. In an audio
1508 medium, such warning shall be at the same speed as the rest of the
1509 advertisement and be easily intelligible.

1510 (c) The department shall not register any cannabis brand name that:

1511 (1) Is identical to, or confusingly similar to, the name of an existing
1512 non-cannabis product;

1513 (2) Is identical to, or confusingly similar to, the name of an unlawful
1514 product or substance;

1515 (3) Is confusingly similar to the name of a previously approved
1516 cannabis brand name;

1517 (4) Is obscene or indecent; and

1518 (5) Is customarily associated with persons under the age of twenty-
1519 one.

1520 Sec. 34. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
1521 department may accept applications from (1) social equity applicants for
1522 the following cannabis establishment license types: (A) Retailer, (B)
1523 hybrid retailer, (C) cultivator, (D) micro-cultivator, (E) product
1524 manufacturer, (F) food and beverage manufacturer, (G) product
1525 packager, and (H) delivery service, and (2) dispensary facilities to
1526 convert their license to hybrid-retailer licenses and producers for
1527 authorization to expand their licenses to engage in the adult use
1528 cannabis market. On and after January 1, 2024, the department may
1529 accept applications from any person for a cannabis establishment
1530 license.

1531 (b) Except as provided in subsection (c) of this section, the following
1532 fees shall be paid by each applicant:

1533 (1) Retailer fee to enter the lottery shall be five hundred dollars, the
1534 fee to receive a provisional license shall be five thousand dollars and the
1535 fee to receive a final license shall be twenty-five thousand dollars.

1536 (2) Hybrid retailer fee to enter the lottery shall be five hundred
1537 dollars, the fee to receive a provisional license shall be five thousand
1538 dollars and the fee to receive a final license shall be twenty-five
1539 thousand dollars.

1540 (3) Cultivator fee to enter the lottery shall be one thousand dollars,
1541 the fee to receive a provisional license shall be twenty-five thousand
1542 dollars and the fee to receive a final license shall be seventy-five
1543 thousand dollars.

1544 (4) Micro-cultivator fee to enter the lottery shall be two hundred fifty
1545 dollars, the fee to receive a provisional license shall be five hundred
1546 dollars and the fee to receive a final license shall be one thousand
1547 dollars.

1548 (5) Product manufacturer fee to enter the lottery shall be seven
1549 hundred fifty dollars, the fee to receive a provisional license shall be five
1550 thousand dollars and the fee to receive a final license shall be twenty-

1551 five thousand dollars.

1552 (6) Food and beverage manufacturer fee to enter the lottery shall be
1553 two hundred fifty dollars, the fee to receive a provisional license shall
1554 be one thousand dollars and the fee to receive a final license shall be five
1555 thousand dollars.

1556 (7) Product packager fee to enter the lottery shall be five hundred
1557 dollars, the fee to receive a provisional license shall be five thousand
1558 dollars and the fee to receive a final license shall be twenty-five
1559 thousand dollars.

1560 (8) Delivery service fee to enter the lottery shall be two hundred fifty
1561 dollars, the fee to receive a provisional license shall be one thousand
1562 dollars and the fee to receive a final license shall be five thousand
1563 dollars.

1564 (9) The license fee for a backer shall be one hundred dollars.

1565 (10) The license fee for a key employee shall be one hundred dollars.

1566 (11) The registration fee for all employees who are not backers or key
1567 employees shall be fifty dollars.

1568 (12) The license conversion fee for a dispensary facility to become a
1569 hybrid retailer shall be two hundred fifty thousand dollars.

1570 (13) The license expansion fee for a producer to engage in the adult
1571 use cannabis market shall be seven hundred fifty thousand dollars.

1572 (c) Any fees collected by the department under this section shall be
1573 paid to the State Treasurer and credited to the General Fund, except that
1574 the fees collected under subdivisions (12) and (13) of subsection (b) of
1575 this section shall be deposited in the cannabis social equity account
1576 established under subsection (e) of this section.

1577 (d) A social equity applicant shall pay fifty per cent of the amount of
1578 any of the fees specified in subsection (b) of this section for the
1579 applicable license applied for, provided in the case of the fees set forth

1580 in subdivisions (12) and (13) of subsection (b) of this section, a social
1581 equity applicant shall pay the full amount of the fee.

1582 (e) There is established an account to be known as the "cannabis social
1583 equity account" which shall be a separate, nonlapsing account within
1584 the General Fund. The account shall contain any moneys required by
1585 law to be deposited in the account, including any fees collected under
1586 subdivision (12) and (13) of subsection (b) of this section. Moneys in the
1587 account shall be expended by the Cannabis Control Commission for the
1588 purposes of the cannabis business accelerator program established
1589 under section 38 of this act and the workforce training program
1590 established under section 39 of this act.

1591 (f) For each license type:

1592 (1) Applicants shall apply on a form and in a manner prescribed by
1593 the commissioner, in consultation with the commission;

1594 (2) The department shall post on its Internet web site the application
1595 period, which shall specify the first and last date that the department
1596 will accept applications for that license type. Only complete license
1597 applications received by the department during the application period
1598 shall be considered.

1599 Sec. 35. (NEW) (*Effective July 1, 2021*) (a) The Social Equity Council
1600 established under section 22 of this act shall review the ownership and
1601 demographic information contained in the applications for the micro-
1602 cultivator, food and beverage manufacturer, and delivery service license
1603 types submitted to the department and designated by the applicant for
1604 Social Equity Council review, to identify applications submitted by
1605 social equity applicants. The Social Equity Council shall define majority
1606 ownership and the documentation necessary to establish such
1607 ownership and residency. No identifying information beyond what is
1608 necessary to establish social equity status shall be provided to the Social
1609 Equity Council. Any social equity applications shall be entered into the
1610 lottery for the applicable license type, as well as, if applicable pursuant
1611 to subsection (b) of this section, entered into a separate and distinct

1612 social equity application lottery for such license type, provided that the
1613 maximum license award restrictions set forth in section 40 of this act
1614 shall apply, and a single application cannot be eligible for more than one
1615 provisional license.

1616 (b) Prior to the first date that the department will accept applications
1617 for a license type, the department shall, in consultation with the
1618 commission, determine the maximum number of applications that shall
1619 be considered for that license type and post such information on its
1620 Internet web site. The department shall reserve forty per cent of the
1621 maximum number of applications that shall be considered for eligible
1622 license types for social equity applicants.

1623 (c) If, upon the close of the application period for a license type, the
1624 department receives more applications than the maximum number to
1625 be considered as set forth in subsection (b) of this section, a third-party
1626 lottery operator shall conduct a lottery to select applications for review
1627 by the department in accordance with subsection (e) of this section.

1628 (d) If, upon the close of the application period for a license type, the
1629 Social Equity Council has identified more qualifying social equity
1630 applications than the number allocated to be reserved for social equity
1631 applicants to be considered as set forth in subsection (b) of this section,
1632 a third-party lottery operator shall conduct a lottery to select
1633 applications of social equity applicants for review by the department
1634 and the Social Equity Council in accordance with subsection (g) of this
1635 section.

1636 (e) The third-party lottery operator shall:

1637 (1) Not be provided any application received after the close of the
1638 application period;

1639 (2) Give equal weight to every complete application submitted
1640 during the application period;

1641 (3) Conduct an independent lottery for each license type that results
1642 in each application being randomly ranked starting with one and

1643 continuing sequentially; and

1644 (4) Identify for the department all applications to be considered,
1645 which shall consist of the applications ranked numerically one to the
1646 maximum number set forth in accordance with subsection (b) of this
1647 section. If the department determined that it would review ten
1648 applications for a license type, the lottery shall identify for the
1649 department the applications ranked one through ten. Any application
1650 not selected through this lottery process shall not be reviewed and will
1651 not be eligible for licensure.

1652 (f) The third-party lottery operator shall rank all applications
1653 numerically, including those that exceed the number to be considered.
1654 Nothing in this section shall prevent the third-party lottery operator
1655 from providing the numerical rankings of all applications for each
1656 license type for which a lottery is performed or the department from
1657 obtaining the numerical rankings of all applications for each license type
1658 for which a lottery is performed by the third-party lottery operator.

1659 (g) Upon being notified by the third-party lottery operator of the
1660 applications chosen for review, the department shall review each
1661 application to confirm it is complete and to determine whether any
1662 application: (1) Includes a backer with a disqualifying conviction; (2)
1663 includes a backer that would result in common ownership in violation
1664 of the cap set forth in this act; or (3) has a backer who individually or in
1665 connection with a cannabis business in another state or country has an
1666 administrative finding or judicial decision that may substantively
1667 compromise the integrity of the cannabis program, as determined by the
1668 department, or that precludes its participation in this state's cannabis
1669 program. Concurrently, the Social Equity Council shall also review the
1670 applications submitted by social equity applicants for completeness and
1671 to determine whether the majority ownership of any such applicant fails
1672 to meet the criteria of a social equity applicant such that a corresponding
1673 application would be disqualified as a social equity application. If the
1674 number of applications submitted is equal to or less than the number
1675 posted on the department's Internet web site, the department may

1676 immediately begin to review the applications in accordance with this
1677 subsection without use of a lottery process.

1678 (h) If an applicant or a single backer of an applicant is disqualified on
1679 the basis of any of the criteria set forth in subsection (g) of this section,
1680 the entire application shall be denied, and such denial shall be a final
1681 decision of the department, provided (1) backers of the applicant entity
1682 named in the lottery application submission may be removed prior to
1683 submission of a final license application, and (2) no additional backers
1684 may be added to a cannabis establishment application between the time
1685 of lottery entry and when a final license is awarded to the cannabis
1686 establishment. If the applicant removes any backer that would cause the
1687 applicant to be denied based on subsection (g) of this section, then the
1688 applicant entity shall not be denied due to such backer's prior
1689 involvement if such backer is removed within thirty days of notice by
1690 the department of the disqualification of a backer. Not later than thirty
1691 days after service of notice upon the applicant of a denial, the applicant
1692 may take an appeal therefrom to the Superior Court in accordance with
1693 section 4-183 of the general statutes.

1694 (i) For each application denied pursuant to subsection (g) of this
1695 section, the department may, within its discretion, request that the
1696 lottery identify the next-ranked application in the applicable lottery.
1697 This process may continue until the department has identified for
1698 further consideration the number of applications set forth on its Internet
1699 web site pursuant to subsection (b) of this section. If the number of
1700 applications remaining is less than the number posted on the
1701 department's Internet web site, the department may, within its
1702 discretion, reopen the application period or award fewer licenses.

1703 (j) All applicants selected in the lottery and not denied shall be
1704 provided a provisional license application, which shall be submitted in
1705 a form and manner prescribed by the commissioner.

1706 (k) Applicants shall have sixty days from the date they receive their
1707 provisional application to complete the application. The right to apply
1708 for a provisional license is nontransferable.

1709 (l) Upon receiving a provisional application from an applicant, the
1710 department shall review the application for completeness and to
1711 confirm that all information provided is acceptable and in compliance
1712 with this section and any regulations promulgated thereunder.

1713 (m) If a provisional application meets the standards set forth in this
1714 section, the applicant shall be provided a provisional license. A
1715 provisional license shall be nontransferable. If the provisional
1716 application does not meet the standards set forth in this section or is not
1717 completed within sixty days, the applicant shall not receive a
1718 provisional license. The decision of the department not to award a
1719 provisional license shall be final and may be appealed in accordance
1720 with section 4-183 of the general statutes. Nothing in this section shall
1721 prevent a provisional applicant from submitting an application for a
1722 future lottery.

1723 (n) A provisional license shall expire after fourteen months and shall
1724 not be renewed. A provisional licensee may apply for a final license of
1725 the license type for which they applied during the initial application
1726 period.

1727 (o) Final license applications shall be submitted on a form and in a
1728 manner approved by the commissioner and shall include, but not be
1729 limited to, the information set forth in this section, as well as evidence
1730 of the following:

1731 (1) A contract with an approved seed-to-sale vendor in accordance
1732 with the provisions of this act;

1733 (2) A right to occupy the location at which the establishment shall be
1734 located;

1735 (3) Any necessary local zoning approval for the cannabis
1736 establishment;

1737 (4) A labor peace agreement has been entered into between the
1738 cannabis establishment and a bona fide labor organization;

1739 (5) A social equity plan;

1740 (6) Written policies for preventing diversion and misuse of cannabis
1741 and sales to underage persons; and

1742 (7) All other security requirements set forth by the department based
1743 on the specific license type.

1744 (p) At any point prior to the expiration of the provisional license, the
1745 department may award a provisional licensee a final license for the
1746 license type for which the licensee applied. Prior to receiving final
1747 license approval, a provisional licensee shall not possess, distribute,
1748 manufacture, sell or transfer cannabis. In addition, the department may
1749 conduct a site inspection prior to issuing a final license.

1750 (q) At any time after receiving a final license, a cannabis
1751 establishment may begin operations, provided all other requirements
1752 for opening a business in compliance with the laws of this state are
1753 complete and all employees have been registered and all backers have
1754 been licensed, with the department.

1755 Sec. 36. (NEW) (*Effective July 1, 2021*) The Cannabis Control
1756 Commission shall adopt regulations, in accordance with the provisions
1757 of chapter 54 of the general statutes, to prevent the sale or change in
1758 ownership of a producer, dispensary facility, cultivator, micro-
1759 cultivator, retailer, hybrid retailer, food and beverage manufacturer,
1760 product manufacturer, product packager or delivery service license
1761 awarded to a social equity applicant for three years following the
1762 issuance of such license, unless the backer of such license has died or
1763 become seriously ill. If the licensee is unable to successfully operate, the
1764 applicable license shall revert to the state.

1765 Sec. 37. (NEW) (*Effective July 1, 2021*) The Cannabis Control
1766 Commission shall adopt regulations, in accordance with the provisions
1767 of chapter 54 of the general statutes, to establish the maximum canopy
1768 space permitted by a cultivator and micro-cultivator. The square footage
1769 of any such canopy space shall be measured horizontally starting from

1770 the outermost point of the furthest mature flowering cannabis plant in
1771 a designated growing space and continuing around the outside of all
1772 mature flowering cannabis plants located within the designated
1773 growing space. If growing spaces are stacked vertically, each level of
1774 space shall be measured and included as part of the total canopy space
1775 measurement. In adopting such regulations, the commission shall seek
1776 to ensure an adequate supply of cannabis for the market.

1777 Sec. 38. (*Effective from passage*) (a) The Cannabis Control Commission,
1778 with the advice of the Social Equity Council and in coordination with
1779 the Department of Economic and Community Development, shall
1780 develop a cannabis business accelerator program to provide technical
1781 assistance to accelerator licensees by partnering accelerator licensees
1782 with a cannabis establishment. The Cannabis Control Commission may
1783 consult with a constituent unit of the state system of higher education
1784 in developing the program.

1785 (b) Any person who meet meets the following criteria may apply for
1786 an accelerator license under this section:

1787 (1) The individual was, as an adult or as a juvenile, arrested for or
1788 convicted of, the sale, possession, use, manufacture or cultivation of
1789 cannabis;

1790 (2) The individual has a parent, spouse or child who was, as an adult
1791 or as a juvenile, arrested for or convicted of the sale, possession, use,
1792 manufacture or cultivation of cannabis;

1793 (3) The individual has been a resident of a disproportionately affected
1794 community for not less than five of the ten years immediately preceding
1795 the date of such application; or

1796 (4) The individual is a resident of tribal land.

1797 (c) On and after October 1, 2021, the Department of Consumer
1798 Protection may accept applications from a person described in
1799 subsection (b) of this section for the following license types: (1)
1800 Accelerator retailer, (2) accelerator cultivator, (3) accelerator product

1801 manufacturer, (4) accelerator food and beverage manufacturer, and (5)
1802 accelerator product packager.

1803 (d) On and after July 1, 2022, the department may accept applications
1804 from (1) retailers, (2) cultivators, (3) product manufacturers, (4) food and
1805 beverage manufacturers, (5) product packagers, (6) hybrid-retailers, and
1806 (7) micro-cultivators licensed pursuant to section 34 of this act to partner
1807 with accelerator licensee of the same license type.

1808 (e) As part of the cannabis business accelerator program, accelerator
1809 licensees may be required to participate in training on accounting
1810 methods, business services, how to access capital markets and financing
1811 opportunities and regulatory compliance. Social equity applicants who
1812 have been awarded either a provisional license or a final license for a
1813 cannabis establishment may participate in the training programs
1814 available under this section.

1815 (f) The Cannabis Control Commission shall facilitate opportunities
1816 for participants in the cannabis business accelerator program to meet
1817 with potential investors.

1818 (g) An accelerator licensee who has partnered with a cannabis
1819 establishment pursuant to subsection (d) of this section shall be allowed
1820 the same privileges afforded the cannabis establishment's license.

1821 (h) The Cannabis Control Commission may determine the duration
1822 and number of accelerator licenses awarded under this section.

1823 *Sec. 39. (Effective from passage)* (a) The Cannabis Control Commission,
1824 in consultation with the Social Equity Council and in coordination with
1825 the Department of Economic and Community Development and Labor
1826 Department, shall develop a workforce training program to further
1827 equity goals, ensure cannabis establishments have access to a well-
1828 trained employee applicant pool, and support individuals who live in a
1829 disproportionately affected community to find employment in the
1830 cannabis industry.

1831 (b) The Cannabis Control Commission shall consult with cannabis

1832 establishments on an ongoing basis to develop workforce training
1833 programs that meet the needs of their businesses.

1834 (c) The Cannabis Control Commission, as part of the workforce
1835 training program developed pursuant to this section, shall develop a
1836 universal application for prospective enrollees in the workforce training
1837 program.

1838 (d) Upon completion of the workforce training program, enrollees
1839 may opt to have their information provided to cannabis establishments
1840 as prospective employees.

1841 (e) The Cannabis Control Commission may partner with the
1842 Workforce Investment Boards and any institution of higher education
1843 to develop the workforce training program.

1844 Sec. 40. (NEW) (*Effective July 1, 2021*) From July 1, 2021, until June 30,
1845 2025, the department shall not award a cannabis establishment license
1846 to any lottery applicant who, at the time the lottery is conducted, has
1847 two or more licenses or includes a backer that is a backer of two or more
1848 licensees in the same license type or category for which the applicant
1849 has entered the lottery. For purposes of this section, retailer and hybrid
1850 retailer licenses shall be considered to be within the same license
1851 category and producer, cultivator and micro-cultivator licenses shall be
1852 considered to be within the same license category. Applicants entering
1853 the lottery for a cannabis establishment license on or before June 30,
1854 2025, shall be disqualified if a review of cannabis establishment
1855 affiliations held by the business entity or any backer shows that the
1856 cannabis establishment applicant or its backers also have an ownership
1857 interest of five per cent or greater in or managerial control over two
1858 other cannabis establishments of the same license type or category.
1859 Individuals applying for a backer license shall be denied if they exceed
1860 the ownership thresholds set forth in this section.

1861 Sec. 41. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
1862 department may issue or renew a license for a person to be a retailer. No
1863 person may act as a retailer or represent that such person is a retailer

1864 unless such person has obtained a license from the department pursuant
1865 to this section.

1866 (b) A retailer may obtain cannabis or cannabis products from a
1867 cultivator, micro-cultivator, producer, product packager, food and
1868 beverage manufacturer, product manufacturer or delivery service. A
1869 retailer may sell, transport or transfer cannabis or cannabis products to
1870 a delivery service, laboratory or research program. A retailer may sell
1871 cannabis or cannabis products to a consumer, except that a retailer may
1872 not conduct sales of medical marijuana products nor offer discounts or
1873 other inducements to qualifying patients or caregivers. A retailer shall
1874 not gift or transfer cannabis or cannabis products at no cost to a
1875 consumer as part of a commercial transaction.

1876 (c) Retailers shall maintain a secure location, in a manner approved
1877 by the commissioner, at the licensee's premises where cannabis that is
1878 unable to be delivered by an employee or delivery service may be
1879 returned to the retailer. Such secure cannabis return location shall meet
1880 specifications set forth by the commissioner and published on the
1881 department's Internet web site.

1882 (d) A retailer may deliver cannabis and cannabis products through a
1883 delivery service or by utilizing its own employees.

1884 Sec. 42. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
1885 department may issue or renew a license for a hybrid retailer. No person
1886 may act as a hybrid retailer or represent that such person is a hybrid
1887 retailer unless such person has obtained a license from the department
1888 pursuant to this section.

1889 (b) A hybrid retailer may obtain cannabis or cannabis products from
1890 a cultivator, micro-cultivator, producer, product packager, food and
1891 beverage manufacturer, product manufacturer or delivery service. In
1892 addition to the activities authorized under section 43 of this act, a hybrid
1893 retailer may sell, transport or transfer cannabis or cannabis products to
1894 a delivery service, laboratory or research program. A hybrid retailer
1895 may sell cannabis or cannabis products to a consumer. A hybrid retailer

1896 shall not gift or transfer cannabis or cannabis products at no cost to a
1897 consumer, qualifying patient or caregiver as part of a commercial
1898 transaction.

1899 (c) In addition to conducting general retail sales, a hybrid retailer may
1900 sell marijuana, marijuana products or medical marijuana products, to
1901 qualifying patients and caregivers. Any marijuana, marijuana products
1902 or medical marijuana products sold to qualifying patients and
1903 caregivers shall be dispensed by a licensed pharmacist and shall be
1904 recorded in the electronic prescription drug monitoring program,
1905 established pursuant to section 21a-254 of the general statutes, in real-
1906 time or immediately upon completion of the transaction, unless not
1907 reasonably feasible for a specific transaction, but in no case longer than
1908 one hour after completion of the transaction. Only a licensed pharmacist
1909 or registered dispensary technician may upload or access data in the
1910 prescription drug monitoring program.

1911 (d) A hybrid retailer shall maintain a licensed pharmacist on premises
1912 at all times when the hybrid retail location is open to the public or to
1913 qualifying patients and caregivers.

1914 (e) The hybrid retailer location shall include a private consultation
1915 space for pharmacists to meet with qualifying patients and caregivers.
1916 Additionally, the hybrid retailer premises shall accommodate an
1917 expedited method of entry that allows for priority entrance into the
1918 premises for qualifying patients and caregivers.

1919 (f) Subject to the restrictions set forth in section 43 of this act, a hybrid
1920 retailer may deliver cannabis and cannabis products through a delivery
1921 service or by utilizing its own employees. Hybrid retailers shall
1922 maintain a secure location, in a manner approved by the commissioner,
1923 at the licensee's premises where cannabis that is unable to be delivered
1924 by an employee or delivery service may be returned to the hybrid
1925 retailer. Such secure cannabis return location shall meet specifications
1926 set forth by the commissioner and published on the department's
1927 Internet web site.

1928 (g) Cannabis or cannabis products dispensed to a qualifying patient
1929 or caregiver that are unable to be delivered and are returned by the
1930 delivery service to the hybrid retailer shall be returned to the licensee
1931 inventory system and removed from the prescription drug monitoring
1932 program not later than forty-eight hours after receipt of the cannabis or
1933 cannabis products from the delivery service.

1934 (h) A hybrid retailer may not convert its license to a retailer license.
1935 To obtain a retail license, a hybrid retailer shall apply through the lottery
1936 application process. A hybrid retailer may convert to a dispensary
1937 facility if the hybrid retailer complies with all applicable provisions of
1938 chapter 420f of the general statutes and upon written approval by the
1939 department.

1940 Sec. 43. (NEW) (*Effective July 1, 2021*) (a) A dispensary facility may
1941 apply to the department, on a form and in a manner prescribed by the
1942 commissioner, to convert its license to a hybrid retailer license on or
1943 after September 1, 2021, without applying through the lottery
1944 application system. The license conversion application shall require a
1945 dispensary facility to submit a detailed medical preservation plan for
1946 how it will prioritize sales and access to medical marijuana products for
1947 qualifying patients, including, but not limited to, managing customer
1948 traffic flow, preventing supply shortages, providing delivery services
1949 and ensuring appropriate staffing levels.

1950 (b) A dispensary facility may not convert its license to a retailer
1951 license. To obtain a retailer license, a dispensary facility shall apply
1952 through the lottery application process.

1953 (c) After October 1, 2021, qualifying patients shall not be required to
1954 designate a dispensary facility or hybrid retailer as its exclusive location
1955 to purchase cannabis, nor shall the department require any future
1956 change of designated dispensary facility applications. If all dispensary
1957 facilities demonstrate to the department's satisfaction that they are
1958 adhering to the real-time upload requirements set forth in subsection (d)
1959 of this section prior to October 1, 2021, the commissioner may eliminate
1960 the requirement for designated dispensary facilities prior to said date.

1961 (d) On and after October 1, 2021, dispensary facilities and hybrid
1962 retailers shall be required to perform real-time uploads to the
1963 prescription drug monitoring program. Any marijuana, marijuana
1964 products or medical marijuana products sold to qualifying patients or
1965 caregivers shall be dispensed by a licensed pharmacist and shall be
1966 recorded into the prescription drug monitoring program in real-time or
1967 immediately upon completion of the transaction, unless not reasonably
1968 feasible for a specific transaction, but in no case longer than one hour
1969 after completion of the transaction.

1970 (e) On and after September 1, 2021, a dispensary facility or hybrid
1971 retailer may apply to the department, in a form and in a manner
1972 prescribed by the commissioner, to provide delivery services to
1973 qualifying patients and caregivers utilizing its own employees or a
1974 delivery service if available. A dispensary facility or hybrid retailer may
1975 deliver marijuana only from its own inventory to qualifying patients
1976 and caregivers. If such application is approved by the commissioner, the
1977 dispensary facility or hybrid retailer may commence delivery services
1978 on and after January 1, 2022, provided the commissioner may authorize
1979 dispensary facilities or hybrid retailers to commence delivery services
1980 prior to January 1, 2022, upon forty-five days advance written notice,
1981 published on the department's Internet web site.

1982 (f) Hybrid retailers may commence delivery of cannabis direct to
1983 consumers as of the date the first adult use cannabis sales are permitted
1984 by the commissioner as set forth in subsection (g) of this section. Once
1985 delivery services become available, hybrid retailers shall not utilize their
1986 own employees to perform delivery of cannabis to consumers and shall
1987 solely utilize a delivery service for any delivery to consumers who are
1988 not qualifying patients or caregivers until the earlier of May 1, 2023, or
1989 one year from the date the commissioner authorizes the adult use
1990 cannabis market to open to the public as set forth in subsection (g) of
1991 this section. After such date, hybrid retailers may deliver cannabis to
1992 consumers utilizing their own employees or a delivery service, or a
1993 combination of thereof.

1994 (g) Dispensary facilities that convert to hybrid retailers may open
1995 their premises to the general public and commence adult use cannabis
1996 sales on and after May 4, 2022. The commissioner may authorize the
1997 adult use cannabis market to open prior to said date upon forty-five
1998 days advance written notice, which shall be published on the
1999 department's Internet web site.

2000 Sec. 44. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
2001 department may issue or renew a license for a person to be a food and
2002 beverage manufacturer. No person may act as a food and beverage
2003 manufacturer or represent that such person is a licensed food and
2004 beverage manufacturer unless such person has obtained a license from
2005 the department pursuant to this section.

2006 (b) A food and beverage manufacturer may incorporate cannabis or
2007 cannabis concentrates into foods or beverages as an ingredient. A food
2008 and beverage manufacturer shall not perform extraction of cannabis
2009 into a cannabis concentrate nor create any product that is not a food or
2010 beverage intended to be consumed by humans.

2011 (c) A food and beverage manufacturer may package or label any food
2012 or beverage incorporating cannabis or cannabis concentrates prepared
2013 by the food and beverage manufacturer at the licensed establishment.

2014 (d) A food and beverage manufacturer may transfer or transport its
2015 own products to a cannabis establishment, laboratory or research
2016 program, provided such transfer or transportation is performed by
2017 utilizing its employees or a delivery service. A food and beverage
2018 manufacturer may not transport any cannabis, cannabis products or
2019 food or beverage incorporating cannabis or cannabis concentrates to a
2020 consumer directly or through a delivery service.

2021 (e) All products created by a food and beverage manufacturer shall
2022 be labeled in accordance with this act as well as federal Food and Drug
2023 Administration and United States Department of Agriculture
2024 requirements.

2025 (f) A food and beverage manufacturer shall ensure all equipment
2026 utilized for manufacturing, processing and packaging cannabis and
2027 cannabis products is sanitary and inspected regularly to deter the
2028 adulteration of cannabis in accordance with this act as well as federal
2029 Food and Drug Administration and United States Department of
2030 Agriculture requirements.

2031 Sec. 45. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
2032 department may issue or renew a license for a person to be a product
2033 manufacturer. No person may act as a product manufacturer or
2034 represent that such person is a licensed product manufacturer unless
2035 such person has obtained a license from the department pursuant to this
2036 section.

2037 (b) A product manufacturer may perform cannabis extractions,
2038 chemical synthesis and all other manufacturing activities authorized by
2039 the commissioner and published on the department's Internet web site.

2040 (c) A product manufacturer may package and label cannabis and
2041 cannabis products manufactured at its licensed establishment.

2042 (d) A product manufacturer may transport its own products to a
2043 cannabis establishment, laboratory or research program provided such
2044 transportation is performed by utilizing its own employees or a delivery
2045 service. A product manufacturer may not transport any cannabis and
2046 cannabis products to a consumer directly or through a delivery service.

2047 (e) All products created by a product manufacturer shall be labeled
2048 in accordance with this act as well as federal Food and Drug
2049 Administration requirements.

2050 (f) A product manufacturer shall ensure all equipment utilized for
2051 manufacturing, extracting, processing and packaging cannabis and
2052 cannabis products is sanitary and inspected regularly to deter the
2053 adulteration of cannabis in accordance with this act as well as federal
2054 Food and Drug Administration requirements.

2055 Sec. 46. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the

2056 department may issue or renew a license for a person to be a product
2057 packager. No person may act as a product packager or represent that
2058 such person is a product packager unless such person has obtained a
2059 license from the department pursuant to this section.

2060 (b) A product packager may obtain cannabis or cannabis products
2061 from a producer, cultivator, micro-cultivator, food and beverage
2062 manufacturer or a product manufacturer. The product packager may
2063 transfer or transport cannabis or cannabis products to any cannabis
2064 establishment, laboratory or research program, provided the product
2065 packager only transports cannabis or cannabis products packaged at its
2066 licensed establishment and utilizing its own employees or a delivery
2067 service.

2068 (c) A product packager shall be responsible for ensuring that
2069 cannabis products are labeled and packaged in compliance with the
2070 provisions of this act.

2071 (d) A product packager shall ensure all equipment utilized for
2072 processing and packaging cannabis and cannabis products is sanitary
2073 and inspected regularly to deter the adulteration of cannabis.

2074 Sec. 47. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
2075 department may issue or renew a license for a person to be a delivery
2076 service. No person may act as a delivery service or represent that such
2077 person is a licensed delivery service unless such person has obtained a
2078 license from the department pursuant to this section.

2079 (b) Upon application for a delivery service license, the applicant shall
2080 indicate whether they are applying to transport cannabis and cannabis
2081 products between cannabis establishments, from certain cannabis
2082 establishments to consumers or qualifying patients, or a combination
2083 thereof.

2084 (c) A delivery service that delivers directly to consumers or
2085 qualifying patients and caregivers may (1) transport cannabis and
2086 cannabis products from a micro-cultivator, retailer, or hybrid retailer

2087 directly to a consumer, and (2) transport marijuana, marijuana products,
2088 and medical marijuana products from a hybrid retailer or dispensary
2089 facility directly to a qualifying patient or caregiver. A delivery service
2090 may not store or maintain control of cannabis, cannabis products,
2091 marijuana, marijuana products, or medical marijuana products for more
2092 than twenty-four hours between the point when a consumer, qualifying
2093 patient, or a caregiver places an order, until the time that the cannabis,
2094 cannabis product, marijuana, marijuana products, or medical marijuana
2095 products is delivered to such consumer, qualifying patient or caregiver.

2096 (d) A delivery service may deliver cannabis and cannabis products
2097 between cannabis establishments, research programs and laboratories.
2098 If transporting cannabis or cannabis products between cannabis
2099 establishments, research programs or laboratories, the delivery service
2100 shall not store or maintain control of cannabis or cannabis products for
2101 more than twenty-four hours from the point the delivery service picks
2102 up the cannabis from a cannabis establishment, research program or
2103 laboratory until the time such product is delivered to the destination.

2104 (e) The commissioner shall adopt regulations, in accordance with
2105 chapter 54 of the general statutes, to implement the provisions of this
2106 act. Notwithstanding the requirements of sections 4-168 to 4-172,
2107 inclusive, of the general statutes, in order to effectuate the purposes of
2108 this act and protect public health and safety, prior to adopting such
2109 regulations the commissioner shall issue policies and procedures to
2110 implement the provisions of this section that shall have the force and
2111 effect of law. The commissioner shall post all policies and procedures
2112 on the department's Internet web site, and submit such policies and
2113 procedures for posting on the Secretary of the State's Internet web site,
2114 at least fifteen days prior to the effective date of any policy or procedure.
2115 Any such policy or procedure shall no longer be effective upon the
2116 earlier of either codification of such policy or procedure by the Secretary
2117 of the State as a final regulation or forty-eight months from July 1, 2021,
2118 if such regulations have not been submitted to the legislative regulation
2119 review committee for consideration under section 4-170 of the general
2120 statutes. The commissioner shall issue policies and procedures and

2121 thereafter final regulations that shall specify that: (1) The delivery
2122 service shall meet certain security requirements related to the vehicles
2123 employed, the conduct of employees and agents, and the
2124 documentation that shall be maintained by the delivery service and its
2125 drivers; (2) a delivery service that delivers cannabis to consumers shall
2126 maintain an online interface that verifies the age of consumers ordering
2127 cannabis or cannabis products for delivery and meets certain
2128 specifications and data security standards; and (3) a delivery service that
2129 delivers cannabis to consumers, qualifying patients or caregivers, and
2130 all employees and agents of such licensee, shall verify the identity of the
2131 qualifying patient, caregiver or consumer and the age of the consumer
2132 upon delivery of products to the end consumer, qualifying patient, or
2133 caregiver in a manner acceptable to the commissioner. The individual
2134 placing the cannabis order shall be the individual accepting delivery of
2135 the cannabis or, in the case of a qualifying patient, the individual
2136 accepting the delivery may be the caregiver of such qualifying patient.

2137 (f) A delivery service shall not gift or transfer cannabis or cannabis
2138 products at no cost to a consumer or qualifying patient or caregiver as
2139 part of a commercial transaction.

2140 Sec. 48. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
2141 department may issue or renew a license for a person to be a cultivator.
2142 No person may act as a cultivator or represent that such person is a
2143 licensed cultivator unless such person has obtained a license from the
2144 department pursuant to this section.

2145 (b) A cultivator is authorized to cultivate, grow and propagate
2146 cannabis at an indoor establishment containing not less than fifteen
2147 thousand square feet of grow space, provided such cultivator complies
2148 with the provisions of any regulations adopted under section 37 of this
2149 act concerning canopy space. A cultivator establishment shall meet
2150 physical security controls and protocols set forth and required by the
2151 commissioner.

2152 (c) A cultivator may label, manufacture, package and perform
2153 extractions on any cannabis or cannabis product cultivated, grown or

2154 propagated at its licensed establishment, including food and beverage
2155 products incorporating cannabis and cannabis concentrates, provided
2156 the cultivator meets all licensure and application requirements for a
2157 food and beverage manufacturer and a product manufacturer.

2158 (d) A cultivator may sell, transfer or transport its cannabis to a
2159 dispensary facility, hybrid retailer, retailer, food and beverage
2160 manufacturer, product manufacturer, research program, laboratory or
2161 product packager. A cultivator shall not sell, transfer or transport to
2162 consumers directly or through a delivery service.

2163 Sec. 49. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
2164 department may issue or renew a license for a person to be a micro-
2165 cultivator. No person may act as a micro-cultivator or represent that
2166 such person is a licensed micro-cultivator unless such person has
2167 obtained a license from the department pursuant to this section.

2168 (b) A micro-cultivator is authorized to cultivate, grow, propagate,
2169 manufacture and package the cannabis plant at an indoor establishment
2170 containing not less than two thousand square feet and not more than
2171 five thousand square feet of grow space, prior to any expansion
2172 authorized by the commissioner, provided such cultivator complies
2173 with the provisions of any regulations adopted under section 37 of this
2174 act concerning canopy space. Micro-cultivator facilities shall meet
2175 physical security controls set forth and required by the commissioner.

2176 (c) A micro-cultivator may apply for expansion of its grow space, in
2177 increments of five thousand square feet, on an annual basis, from the
2178 date of initial licensure, if such licensee is not subject to any pending or
2179 final administrative actions or judicial findings. If the licensee has
2180 pending or final administrative actions or judicial findings against him
2181 or her, the department shall conduct a suitability review analysis to
2182 determine whether such expansion shall be granted, which
2183 determination shall be final and appealable only to the Superior Court.
2184 The micro-cultivator may apply for an expansion of its facility annually
2185 upon renewal of its credential until said licensee reaches a maximum of
2186 fifteen thousand square feet of grow space. If a micro-cultivator desires

2187 to expand beyond fifteen thousand square feet of grow space, the micro-
2188 cultivator licensee may apply for a cultivator license one year after its
2189 last expansion request. The micro-cultivator licensee shall not be
2190 required to apply through the lottery application process to convert its
2191 license to a cultivator license. If a micro-cultivator maintains its license
2192 and meets all of the application and licensure requirements for a
2193 cultivator credential, including payment of the cultivator license fee,
2194 they shall be granted a cultivator license.

2195 (d) A micro-cultivator may sell, transfer or transport its cannabis to a
2196 dispensary facility, hybrid retailer, retailer, delivery service, food and
2197 beverage manufacturer, product manufacturer, research program,
2198 laboratory or product packager, provided the cannabis and cannabis
2199 products are cultivated, grown and propagated at the micro-cultivator's
2200 licensed establishment and transported utilizing the micro-cultivator's
2201 own employees or a delivery service.. A micro-cultivator shall not gift
2202 or transfer cannabis or cannabis products at no cost to a consumer as
2203 part of a commercial transaction.

2204 (e) A micro-cultivator may label, manufacture, package and perform
2205 extractions on any cannabis and cannabis product cultivated, grown
2206 and propagated at its licensed establishment provided it meets all
2207 licensure and application requirements for a food and beverage
2208 manufacturer, product manufacturer or product packager, as
2209 applicable.

2210 (f) A Micro-cultivator may sell its own cannabis or cannabis products
2211 to consumers, excluding qualifying patients and caregivers, either
2212 through utilizing its own employees or through a delivery service. Any
2213 micro-cultivator that engages in the delivery of cannabis, either through
2214 utilizing the micro-cultivator's own employees or a delivery service,
2215 shall maintain a secure location, in a manner approved by the
2216 commissioner, at the micro-cultivator's premises where cannabis that is
2217 unable to be delivered may be returned to the micro-cultivator. Such
2218 secure cannabis return location shall meet specifications set forth by the
2219 commissioner and published on the department's Internet web site.

2220 Sec. 50. (NEW) (*Effective July 1, 2021*) (a) Until June 30, 2023, the
2221 commissioner may deny a change of location application from a
2222 dispensary facility or hybrid retailer based on the needs of qualifying
2223 patients.

2224 (b) Prior to June 30, 2022, the commissioner shall not approve the
2225 relocation of a dispensary facility or hybrid retailer to a location that is
2226 further than ten miles from its current dispensary facility or hybrid
2227 retailer location.

2228 Sec. 51. (NEW) (*Effective from passage*) No employee of the department
2229 who carries out the licensing, inspection, investigation, enforcement or
2230 policy decisions authorized by sections 1, 3 and 4 of this act, sections 6
2231 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections
2232 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act,
2233 sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this
2234 act and sections 78 to 89, inclusive, of this act, section 21a-243 of the
2235 general statutes, as amended by this act, or section 21a-408t of the
2236 general statutes, as amended by this act, and any regulations enacted
2237 pursuant thereto, and no member of the Cannabis Control Commission
2238 may, directly, individually or as a member of a business entity, have any
2239 management or financial interest whatsoever in the cultivation,
2240 manufacture, sale, transportation, delivery or testing of cannabis in this
2241 state, nor receive any commission or profit from nor have any interest
2242 whatsoever in purchases or sales made by persons authorized to make
2243 such purchases or sales pursuant to said sections. No provision of this
2244 section shall prevent any such employee or member from purchasing
2245 and keeping in his or her possession, for his or her personal use or the
2246 use of such employee's or member's family or guests, any cannabis
2247 which may be purchased or kept by any person by virtue of said
2248 sections.

2249 Sec. 52. (NEW) (*Effective July 1, 2021*) Notwithstanding any provision
2250 of the general statutes, the purchase, possession, display, sale or
2251 transportation of cannabis or cannabis products by a cannabis
2252 establishment or employee thereof shall not be unlawful and shall not

2253 be an offense or a basis for seizure or forfeiture of assets so long as such
2254 purchase, possession, display, sale or transportation is within the scope
2255 of such person's employment or such person's license or registration and
2256 is in compliance with the laws and regulations that apply to such license
2257 or registration type.

2258 Sec. 53. (NEW) (*Effective July 1, 2021*) No cannabis establishment shall
2259 display cannabis, cannabis products or drug paraphernalia in a manner
2260 that is visible to the general public from a public right-of-way or on state
2261 lands or waters managed by the Department of Energy and
2262 Environmental Protection.

2263 Sec. 54. (NEW) (*Effective July 1, 2021*) (a) Each cannabis establishment
2264 shall establish, maintain and comply with written policies and
2265 procedures for the cultivation, processing, manufacture, security,
2266 storage, inventory and distribution of cannabis and cannabis products,
2267 as applicable to the specific license type. Such policies and procedures
2268 shall include methods for identifying, recording and reporting
2269 diversion, theft or loss, and for correcting all errors and inaccuracies in
2270 inventories. Cannabis establishments shall include in their written
2271 policies and procedures a process for each of the following, if the
2272 establishment engages in such activity:

2273 (1) Handling mandatory and voluntary recalls of cannabis and
2274 cannabis products. Such process shall be adequate to deal with recalls
2275 due to any order of the commissioner and any voluntary action by the
2276 cannabis establishment to remove defective or potentially defective
2277 cannabis or cannabis products from the market or any action
2278 undertaken to promote public health and safety by replacing existing
2279 cannabis or cannabis products with improved products or packaging;

2280 (2) Preparing for, protecting against and handling any crisis that
2281 affects the security or operation of any cannabis establishment facility in
2282 the event of a strike, fire, flood or other natural disaster, or other
2283 situations of local, state or national emergency;

2284 (3) Ensuring that any outdated, damaged, deteriorated, misbranded

2285 or adulterated cannabis or cannabis products are segregated from all
2286 other inventory and destroyed. Such procedure shall provide for written
2287 documentation of the cannabis and cannabis product disposition; and

2288 (4) Ensuring the oldest stock of a cannabis or cannabis product is sold,
2289 delivered or dispensed first. Such procedure may permit deviation from
2290 this requirement, if such deviation is temporary and approved by the
2291 commissioner.

2292 (b) A cannabis establishment shall (1) store all cannabis and cannabis
2293 products in such a manner as to prevent diversion, theft or loss, (2) make
2294 cannabis and cannabis products accessible only to the minimum
2295 number of specifically authorized employees essential for efficient
2296 operation, and (3) return any cannabis and cannabis products to a secure
2297 location at the end of the scheduled business day.

2298 Sec. 55. (NEW) (*Effective July 1, 2021*) (a) Qualifying patients and
2299 caregivers registered pursuant to chapter 420f of the general statutes
2300 shall be permitted to purchase cannabis and cannabis products of higher
2301 potency, varied dosage form, and in a larger per transaction or per day
2302 amount than are generally available for retail purchase, as determined
2303 by the commissioner. Such determination, if any, shall be published on
2304 the Department of Consumer Protection's Internet web site.

2305 (b) Notwithstanding any provision of the general statutes, the sale or
2306 delivery of drug paraphernalia to a qualifying patient or person licensed
2307 pursuant to the provisions of this act or chapter 420f of the general
2308 statutes, shall not be considered a violation of the provisions of sections
2309 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to
2310 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections
2311 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act,
2312 sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this
2313 act, section 21a-243 of the general statutes, as amended by this act, or
2314 section 21a-408t of the general statutes, as amended by this act.

2315 Sec. 56. (NEW) (*Effective January 1, 2022*) (a) Each cannabis
2316 establishment, licensed pursuant to chapter 420f of the general statutes

2317 or the provisions of this act, shall maintain a record of all cannabis
2318 grown, manufactured, wasted and distributed between cannabis
2319 establishments and to end-user consumers, qualifying patients and
2320 caregivers in a form and manner prescribed by the commissioner. The
2321 commissioner shall require an electronic tracking system to monitor the
2322 production, harvesting, storage, manufacturing, transport and transfer
2323 of cannabis from the point of planting cannabis seeds through the point
2324 when the final product is sold to an end-user. Cannabis establishments
2325 shall be required to utilize such electronic tracking system and enter the
2326 data points required by the commissioner to ensure cannabis and
2327 cannabis products are safe, secure and properly labeled for consumer or
2328 qualifying patient use. The commissioner may contract with one or
2329 more vendors for the purpose of electronically collecting such cannabis
2330 information.

2331 (b) The electronic tracking system shall not collect information about
2332 any individual consumer, qualifying patient or caregiver purchasing the
2333 cannabis or cannabis product.

2334 (c) The electronic tracking system shall track each cannabis seed,
2335 clone, seedling or other commencement of the growth of a cannabis
2336 plant intended for use by a cannabis establishment.

2337 (d) Information within the electronic tracking system shall be
2338 confidential and shall not be subject to disclosure under the Freedom of
2339 Information Act, as defined in section 1-200 of the general statutes,
2340 except that reasonable access to cannabis tracking data obtained under
2341 this section may be provided to: (1) State agencies and local law
2342 enforcement agencies for the purpose of investigating or prosecuting a
2343 violation of law; (2) public or private entities for research or educational
2344 purposes, provided no individually identifiable information may be
2345 disclosed; (3) as part of disciplinary action taken by the department, to
2346 another state agency or local law enforcement; and (4) the office of the
2347 Attorney General for any review or investigation. The commissioner
2348 shall provide access to the electronic tracking system to the Department
2349 of Revenue Services for the purposes of enforcement of any tax-related

2350 investigations and audits and to the Department of Public Health for
2351 epidemiological surveillance, research and analysis.

2352 Sec. 57. (NEW) (*Effective July 1, 2021*) (a) Each cannabis establishment
2353 shall maintain all records necessary to fully demonstrate business
2354 transactions related to cannabis and cannabis products for a period
2355 covering the current taxable year and the three immediately preceding
2356 taxable years, all of which shall be made available to the department
2357 pursuant to subsection (c) of this section.

2358 (b) The commissioner may require any licensee to furnish such
2359 information as the commissioner considers necessary for the proper
2360 administration of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive,
2361 of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
2362 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
2363 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
2364 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as
2365 amended by this act, and section 21a-408t of the general statutes, as
2366 amended by this act, and may require an audit of any cannabis
2367 establishment, the expense thereof to be paid by such cannabis
2368 establishment.

2369 (c) Each cannabis establishment, and each person in charge, or having
2370 custody, of such documents, shall maintain such documents in an
2371 auditable format for the current taxable year and the three preceding
2372 taxable years. Upon request, such person shall make such documents
2373 immediately available for inspection and copying by the commissioner
2374 or any other enforcement agency or others authorized by sections 1, 3
2375 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45,
2376 inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58
2377 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections
2378 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act,
2379 section 21a-243 of the general statutes, as amended by this act, and
2380 section 21a-408t of the general statutes, as amended by this act, and shall
2381 produce copies of such documents to the commissioner or
2382 commissioner's authorized representative within two business days.

2383 Such documents shall be provided to the commissioner in electronic
2384 format, unless not commercially practical. In complying with the
2385 provisions of this subsection, no person shall use a foreign language,
2386 codes or symbols to designate cannabis or cannabis product types or
2387 persons in the keeping of any required document.

2388 (d) For purposes of the supervision and enforcement of the
2389 provisions of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
2390 this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
2391 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
2392 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
2393 78 to 89, inclusive, of this act, section 21a-408t of the general statutes, as
2394 amended by this act, and section 21a-243 of the general statutes, as
2395 amended by this act, the commissioner is authorized to:

2396 (1) Enter any place, including a vehicle, in which cannabis or cannabis
2397 products are held, sold, produced, delivered, transported,
2398 manufactured or otherwise disposed of;

2399 (2) Inspect a cannabis establishment and all pertinent equipment,
2400 finished and unfinished material, containers and labeling, and all things
2401 in such place, including records, files, financial data, sales data, shipping
2402 data, pricing data, employee data, research, papers, processes, controls
2403 and facilities; and

2404 (3) Inventory any stock of cannabis and cannabis products and obtain
2405 samples of any cannabis or cannabis product, any labels or containers,
2406 paraphernalia and of any finished or unfinished material.

2407 Sec. 58. (NEW) (*Effective July 1, 2021*) (a) For sufficient cause found
2408 pursuant to subsection (b) of this section, the commissioner may
2409 suspend, revoke, issue fines of not more than twenty-five thousand
2410 dollars per violation, accept an offer in compromise or refuse to grant or
2411 renew a license or registration issued pursuant to this act, or place such
2412 licensee on probation, place conditions on such licensee or take other
2413 actions permitted by statute or regulation.

2414 (b) Any of the following shall constitute sufficient cause for such
2415 action by the commissioner, including, but not limited to:

2416 (1) Furnishing of false or fraudulent information in any application
2417 or failure to comply with representations made in any application,
2418 including, but not limited to, medical preservation plans and security
2419 requirements;

2420 (2) A civil judgment against or disqualifying conviction of a cannabis
2421 establishment licensee, backer, key employee or license applicant;

2422 (3) Failure to maintain effective controls against diversion, theft or
2423 loss of cannabis, cannabis products or other controlled substances;

2424 (4) Discipline by, or a pending disciplinary action or an unresolved
2425 complaint against a cannabis establishment licensee, registrant or
2426 applicant regarding any professional license or registration of any
2427 federal, state or local government;

2428 (5) Failure to keep accurate records and to account for the cultivation,
2429 manufacture, packaging or sale of cannabis and cannabis products;

2430 (6) Denial, suspension or revocation of a license or registration, or the
2431 denial of a renewal of a license or registration, by any federal, state or
2432 local government or a foreign jurisdiction;

2433 (7) False, misleading or deceptive representations to the public or the
2434 department;

2435 (8) Return to regular stock of any cannabis or cannabis product
2436 where:

2437 (A) The package or container containing the cannabis or cannabis
2438 product has been opened, breached, tampered with or otherwise
2439 adulterated; or

2440 (B) The cannabis or cannabis product has been previously sold to an
2441 end user or research program subject;

- 2442 (9) Involvement in a fraudulent or deceitful practice or transaction;
- 2443 (10) Performance of incompetent or negligent work;
- 2444 (11) Failure to maintain the entire cannabis establishment or
2445 laboratory and contents in a secure, clean, orderly and sanitary
2446 condition;
- 2447 (12) Permitting another person to use the licensee's license;
- 2448 (13) Failure to properly register employees or license key employees,
2449 or failure to notify the department of a change in key employees or
2450 backers;
- 2451 (14) Adverse administrative decision or delinquency assessment
2452 against the cannabis establishment from the Department of Revenue
2453 Services;
- 2454 (15) Failure to cooperate or give information to the department, local
2455 law enforcement authorities or any other enforcement agency upon any
2456 matter arising out of conduct at a cannabis establishment or laboratory
2457 or in connection with a research program; or
- 2458 (16) Failure to comply with any provision of this act, section 21a-243
2459 of the general statutes, as amended by this act, or section 21a-408t of the
2460 general statutes, as amended by this act.
- 2461 (c) Upon refusal to issue or renew a license or registration, the
2462 commissioner shall notify the applicant of the denial and of the
2463 applicant's right to request a hearing within ten days from the date of
2464 receipt of the notice of denial. If the applicant requests a hearing within
2465 such ten-day period, the commissioner shall give notice of the grounds
2466 for the commissioner's refusal and shall conduct a hearing concerning
2467 such refusal in accordance with the provisions of chapter 54 of the
2468 general statutes concerning contested cases. If the commissioner's denial
2469 of a license or registration is sustained after such hearing, an applicant
2470 may not apply for a new cannabis establishment, backer or key
2471 employee license or employee registration for a period of one year after

2472 the date on which such denial was sustained.

2473 (d) No person whose license or registration has been revoked may
2474 apply for a cannabis establishment, backer or key employee license or
2475 an employee registration for a period of one year after the date of such
2476 revocation.

2477 (e) The voluntary surrender or failure to renew a license or
2478 registration shall not prevent the commissioner from suspending or
2479 revoking such license or registration or imposing other penalties
2480 permitted by sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
2481 this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
2482 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
2483 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
2484 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as
2485 amended by this act, or section 21a-408t of the general statutes, as
2486 amended by this act.

2487 Sec. 59. (NEW) (*Effective from passage*) (a) The commissioner may
2488 adopt regulations in accordance with chapter 54 of the general statutes,
2489 including emergency regulations pursuant to section 4-168 of the
2490 general statutes, to implement the provisions of sections 1, 3 and 4 of
2491 this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive,
2492 of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61,
2493 inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74
2494 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section
2495 21a-243 of the general statutes, as amended by this act, and section 21a-
2496 408t of the general statutes, as amended by this act.

2497 (b) Notwithstanding the requirements of sections 4-168 to 4-172,
2498 inclusive, of the general statutes, in order to effectuate the purposes of
2499 this act and protect public health and safety, prior to adopting such
2500 regulations the commissioner shall issue policies and procedures to
2501 implement the provisions of this act that shall have the force and effect
2502 of law. The commissioner shall post all such policies and procedures on
2503 the department's Internet web site and submit such policies and
2504 procedures for posting on the Secretary of the State's Internet web site,

2505 at least fifteen days prior to the effective date of any policy or procedure.
2506 Any such policies and procedures shall no longer be effective upon the
2507 earlier of either codification of such policies and procedures by the
2508 Secretary of the State as a final regulation or forty-eight months from the
2509 effective date of this act if such regulations have not been submitted to
2510 the legislative regulation review committee for consideration under
2511 section 4-170 of the general statutes.

2512 Sec. 60. (*Effective July 1, 2022*) Not later than January 1, 2023, the
2513 department shall make written recommendations, in accordance with
2514 the provisions of section 11-4a of the general statutes, to the Governor
2515 and the joint standing committees of the General Assembly having
2516 cognizance of matters relating to consumer protection, the judiciary and
2517 finance, revenue and bonding, as to:

2518 (1) Whether to allow consumers, who are twenty-one years of age and
2519 older, to cultivate cannabis for the consumer's use. In making such
2520 recommendation the commissioner shall consider: (A) Reasonable
2521 precautions to ensure that the plants are secure from unauthorized
2522 access or access by any individual under twenty-one years of age; (B)
2523 the location where such cannabis may be grown; (C) how other states
2524 allow home growing and how such states are regulating personal
2525 cultivation; (D) if personal cultivation in other states has improved
2526 access for consumers; and (E) any other related public safety or
2527 regulatory issues the department deems necessary; and

2528 (2) Whether to authorize on-site consumption or events that allow for
2529 cannabis usage, including whether to establish a cannabis on-site
2530 consumption or event license.

2531 Sec. 61. (NEW) (*Effective July 1, 2021*) (a) For purposes of this section:

2532 (1) "Material change" means: (A) The addition of a backer, (B) a
2533 change in the ownership interest of an existing backer, (C) the merger,
2534 consolidation or other affiliation of a cannabis establishment with
2535 another cannabis establishment, (D) the acquisition of all or part of a
2536 cannabis establishment by another cannabis establishment or backer,

2537 and (E) the transfer of assets or security interests from a cannabis
2538 establishment to another cannabis establishment or backer;

2539 (2) "Cannabis establishment" has the same meaning as provided in
2540 section 1 of this act;

2541 (3) "Person" has the same meaning as provided in section 1 of this act;
2542 and

2543 (4) "Transfer" means to sell, transfer, lease, exchange, option, convey,
2544 give or otherwise dispose of or transfer control over, including, but not
2545 limited to, transfer by way of merger or joint venture not in the ordinary
2546 course of business.

2547 (b) No person shall, directly or indirectly, enter into a transaction that
2548 results in a material change to a cannabis establishment, unless all
2549 parties involved in the transaction file a written notification with the
2550 Attorney General pursuant to subsection (c) of this section and the
2551 waiting period described in subsection (d) of this section has expired.

2552 (c) The written notice required under subsection (b) of this section
2553 shall be in such form and contain such documentary material and
2554 information relevant to the proposed transaction as the Attorney
2555 General deems necessary and appropriate to enable the Attorney
2556 General to determine whether such transaction, if consummated, would
2557 violate antitrust laws.

2558 (d) The waiting period required under subsection (b) of this section
2559 shall begin on the date of the receipt by the Attorney General's office of
2560 the completed notification required under subsection (c) of this section
2561 from all parties to the transaction and shall end on the thirtieth day after
2562 the date of such receipt, unless such time is extended pursuant to
2563 subsection (f) of this section.

2564 (e) The Attorney General may, in individual cases, terminate the
2565 waiting period specified in subsection (d) of this section and allow any
2566 person to proceed with any transaction.

2567 (f) The Attorney General may, prior to the expiration of the thirty-day
2568 waiting period, require the submission of additional information or
2569 documentary material relevant to the proposed transaction from a
2570 person required to file notification with respect to such transaction
2571 under subsection (b) of this section. Upon request for additional
2572 information under this subsection, the waiting period shall be extended
2573 until thirty days after the parties have substantially complied, as
2574 determined solely by the Attorney General, with such request for
2575 additional information.

2576 (g) Any information or documentary material filed with the Attorney
2577 General pursuant to this section shall not be subject to disclosure under
2578 the Freedom of Information Act, as defined in section 1-200 of the
2579 general statutes, and no such information or documentary material may
2580 be made public, except as may be relevant to any administrative or
2581 judicial action or proceeding. Such information or documentary
2582 material shall be returned to the person furnishing such information or
2583 documentary material upon the termination of the Attorney General's
2584 review or final determination of any action or proceeding commenced
2585 thereunder.

2586 (h) (1) Any person, or any officer, director or partner thereof, who
2587 fails to comply with any provision of this section shall be liable to the
2588 state for a civil penalty of not more than twenty-five thousand dollars
2589 for each day during which such person is in violation of this section.
2590 Such penalty may be recovered in a civil action brought by the Attorney
2591 General.

2592 (2) If any person, or any officer, director, partner, agent or employee
2593 thereof, fails substantially to comply with the notification requirement
2594 under subsection (b) of this section or any request for the submission of
2595 additional information or documentary material under subsection (f) of
2596 this section within the waiting period specified in subsection (d) of this
2597 section and as may be extended under subsection (f) of this section, the
2598 court:

2599 (A) May order compliance;

2600 (B) Shall extend the waiting period specified in subsection (d) of this
2601 section and as may have been extended under subsection (f) of this
2602 section until there has been substantial compliance, except that, in the
2603 case of a tender offer, the court may not extend such waiting period on
2604 the basis of a failure, by the person whose stock is sought to be acquired,
2605 to comply substantially with such notification requirement or any such
2606 request; and

2607 (C) May grant such other equitable relief as the court in its discretion
2608 determines necessary or appropriate, upon application of the Attorney
2609 General.

2610 Sec. 62. (NEW) (*Effective July 1, 2022*) Each cannabis establishment
2611 shall annually report publicly in a manner prescribed by the
2612 commissioner: (1) Its annual usage of electricity, and (2) what fraction
2613 of its electricity usage is generated from Class I Renewable Portfolio
2614 Standards produced in the state per the Regional Greenhouse Gas
2615 Initiative agreement. Each cannabis establishment shall purchase
2616 electricity generated from Class I Renewable Portfolio Standards
2617 produced in the states that are party to the Regional Greenhouse Gas
2618 Initiative agreement, to the greatest extent possible.

2619 Sec. 63. (*Effective from passage*) Not later than January 1, 2022, the
2620 Banking Commissioner, in consultation with the Commissioner of
2621 Consumer Protection, shall report to the Governor and the joint
2622 standing committees of the General Assembly having cognizance of
2623 matters relating to banking, the judiciary and finance, revenue and
2624 bonding, regarding recommended legislation to implement the
2625 provisions of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
2626 this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
2627 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
2628 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act,
2629 sections 78 to 89, inclusive, of this act, section 21a-243 of the general
2630 statutes, as amended by this act, and section 21a-408t of the general
2631 statutes, as amended by this act, to facilitate the use of electronic
2632 payments by cannabis establishments and consumers and regarding

2633 access for cannabis establishments to (1) depository banking, and (2)
2634 commercial mortgages.

2635 Sec. 64. (*Effective from passage*) Not later than January 1, 2022, the
2636 Insurance Commissioner shall report to the Governor and the joint
2637 standing committee of the General Assembly having cognizance of
2638 matters relating to insurance regarding access to insurance by cannabis
2639 establishments.

2640 Sec. 65. (*Effective from passage*) Not later than January 1, 2023, the
2641 Alcohol and Drug Policy Council shall make recommendations to the
2642 Governor and the joint standing committees of the General Assembly
2643 having cognizance of matters relating to public health, the judiciary and
2644 finance, revenue and bonding regarding (1) efforts to promote public
2645 health, science-based harm reduction, mitigate misuse and the risk of
2646 addiction to cannabis and the effective treatment of addiction to
2647 cannabis with a particular focus on individuals under twenty-one years
2648 of age; and (2) the collection and reporting of data to allow for
2649 epidemiological surveillance and review of cannabis consumption and
2650 the impacts thereof in the state.

2651 Sec. 66. Section 21a-408 of the general statutes is repealed and the
2652 following is substituted in lieu thereof (*Effective October 1, 2021*):

2653 As used in this section, sections 21a-408a to 21a-408o, inclusive, and
2654 sections 21a-408r to 21a-408v, inclusive, unless the context otherwise
2655 requires:

2656 (1) "Advanced practice registered nurse" means an advanced practice
2657 registered nurse licensed pursuant to chapter 378;

2658 (2) "Cultivation" includes planting, propagating, cultivating, growing
2659 and harvesting;

2660 (3) "Debilitating medical condition" means (A) cancer, glaucoma,
2661 positive status for human immunodeficiency virus or acquired immune
2662 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
2663 the nervous tissue of the spinal cord with objective neurological

2664 indication of intractable spasticity, epilepsy or uncontrolled intractable
2665 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
2666 posttraumatic stress disorder, irreversible spinal cord injury with
2667 objective neurological indication of intractable spasticity, cerebral palsy,
2668 cystic fibrosis or terminal illness requiring end-of-life care, except, if the
2669 qualifying patient is under eighteen years of age, "debilitating medical
2670 condition" means terminal illness requiring end-of-life care, irreversible
2671 spinal cord injury with objective neurological indication of intractable
2672 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
2673 intractable seizure disorder, or (B) any medical condition, medical
2674 treatment or disease approved for qualifying patients by the
2675 Department of Consumer Protection pursuant to regulations adopted
2676 under section 21a-408m;

2677 (4) "Dispensary facility" means a place of business where marijuana
2678 may be dispensed, sold or distributed in accordance with this chapter
2679 and any regulations adopted thereunder to qualifying patients and
2680 caregivers and for which the department has issued a dispensary facility
2681 license pursuant to this chapter;

2682 (5) "Employee" has the same meaning as provided in section 1 of this
2683 act;

2684 [(4)] (6) "Institutional animal care and use committee" means a
2685 committee that oversees an organization's animal program, facilities
2686 and procedures to ensure compliance with federal policies, guidelines
2687 and principles related to the care and use of animals in research;

2688 [(5)] (7) "Institutional review board" means a specifically constituted
2689 review body established or designated by an organization to protect the
2690 rights and welfare of persons recruited to participate in biomedical,
2691 behavioral or social science research;

2692 [(6)] (8) "Laboratory" means a laboratory located in the state that is
2693 licensed [to provide analysis of controlled substances pursuant to
2694 section 21a-246 and] pursuant to section 21a-408r;

2695 [(7)] (9) "Laboratory employee" means a person who is [(A) licensed]
2696 registered as a laboratory employee pursuant to section 21a-408r; [, or
2697 (B) holds a temporary certificate of registration issued pursuant to
2698 section 21a-408r;]

2699 [(8)] (10) "Licensed dispensary" or "dispensary" means [a person] an
2700 individual who is a licensed [as] pharmacist employed by a dispensary
2701 [pursuant to section 21a-408h] facility or hybrid retailer;

2702 [(9)] (11) "Licensed producer" or "producer" means a person who is
2703 licensed as a producer pursuant to section 21a-408i;

2704 [(10)] (12) "Marijuana" means marijuana, as defined in section 21a-
2705 240;

2706 [(11)] (13) "Nurse" means a person who is licensed as a nurse under
2707 chapter 378;

2708 [(12)] (14) "Palliative use" means the acquisition, distribution,
2709 transfer, possession, use or transportation of marijuana or paraphernalia
2710 relating to marijuana, including the transfer of marijuana and
2711 paraphernalia relating to marijuana from the patient's [primary]
2712 caregiver to the qualifying patient, to alleviate a qualifying patient's
2713 symptoms of a debilitating medical condition or the effects of such
2714 symptoms, but does not include any such use of marijuana by any
2715 person other than the qualifying patient;

2716 [(13)] (15) "Paraphernalia" means drug paraphernalia, as defined in
2717 section 21a-240;

2718 [(14)] (16) "Physician" means a person who is licensed as a physician
2719 under chapter 370, but does not include a physician assistant, as defined
2720 in section 20-12a;

2721 [(15)] (17) ["Primary caregiver"] "Caregiver" means a person, other
2722 than the qualifying patient and the qualifying patient's physician or
2723 advanced practice registered nurse, who is eighteen years of age or older
2724 and has agreed to undertake responsibility for managing the well-being

2725 of the qualifying patient with respect to the palliative use of marijuana,
2726 provided (A) in the case of a qualifying patient (i) under eighteen years
2727 of age and not an emancipated minor, or (ii) otherwise lacking legal
2728 capacity, such person shall be a parent, guardian or person having legal
2729 custody of such qualifying patient, and (B) in the case of a qualifying
2730 patient eighteen years of age or older or an emancipated minor, the need
2731 for such person shall be evaluated by the qualifying patient's physician
2732 or advanced practice registered nurse and such need shall be
2733 documented in the written certification;

2734 [(16)] (18) "Qualifying patient" means a person who: (A) Is a resident
2735 of Connecticut, (B) has been diagnosed by a physician or an advanced
2736 practice registered nurse as having a debilitating medical condition, and
2737 (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or
2738 (iii) has written consent from a custodial parent, guardian or other
2739 person having legal custody of such person that indicates that such
2740 person has permission from such parent, guardian or other person for
2741 the palliative use of marijuana for a debilitating medical condition and
2742 that such parent, guardian or other person will (I) serve as a [primary]
2743 caregiver for the qualifying patient, and (II) control the acquisition and
2744 possession of marijuana and any related paraphernalia for palliative use
2745 on behalf of such person. "Qualifying patient" does not include an
2746 inmate confined in a correctional institution or facility under the
2747 supervision of the Department of Correction;

2748 [(17)] (19) "Research program" means a study approved by the
2749 Department of Consumer Protection in accordance with this chapter
2750 and undertaken to increase information or knowledge regarding the
2751 growth, processing, medical attributes, dosage forms, administration or
2752 use of marijuana to treat or alleviate symptoms of any medical
2753 conditions or the effects of such symptoms;

2754 [(18)] (20) "Research program employee" means a person who (A) is
2755 [licensed] registered as a research program employee under section 21a-
2756 408t, or (B) holds a temporary certificate of registration issued pursuant
2757 to section 21a-408t;

2758 [(19)] (21) "Research program subject" means a person registered as a
2759 research program subject pursuant to section 21a-408v;

2760 [(20)] (22) "Usable marijuana" means the dried leaves and flowers of
2761 the marijuana plant, and any mixtures or preparations of such leaves
2762 and flowers, that are appropriate for the palliative use of marijuana, but
2763 does not include the seeds, stalks and roots of the marijuana plant; and

2764 [(21)] (23) "Written certification" means a written certification issued
2765 by a physician or an advanced practice registered nurse pursuant to
2766 section 21a-408c.

2767 Sec. 67. Section 21a-408a of the general statutes is repealed and the
2768 following is substituted in lieu thereof (*Effective July 1, 2021*):

2769 (a) A qualifying patient shall register with the Department of
2770 Consumer Protection pursuant to section 21a-408d prior to engaging in
2771 the palliative use of marijuana. A qualifying patient who has a valid
2772 registration certificate from the Department of Consumer Protection
2773 pursuant to subsection (a) of section 21a-408d and complies with the
2774 requirements of sections 21a-408 to 21a-408n, inclusive, shall not be
2775 subject to arrest or prosecution, penalized in any manner, including, but
2776 not limited to, being subject to any civil penalty, or denied any right or
2777 privilege, including, but not limited to, being subject to any disciplinary
2778 action by a professional licensing board, for the palliative use of
2779 marijuana if:

2780 (1) The qualifying patient's physician or advanced practice registered
2781 nurse has issued a written certification to the qualifying patient for the
2782 palliative use of marijuana after the physician or advanced practice
2783 registered nurse has prescribed, or determined it is not in the best
2784 interest of the patient to prescribe, prescription drugs to address the
2785 symptoms or effects for which the certification is being issued;

2786 (2) The combined amount of marijuana possessed by the qualifying
2787 patient and the [primary] caregiver for palliative use does not exceed
2788 [an amount of usable marijuana reasonably necessary to ensure

2789 uninterrupted availability for a period of one month, as determined by
2790 the Department of Consumer Protection pursuant to regulations
2791 adopted under section 21a-408m; and] five ounces;

2792 (3) The qualifying patient has not more than one [primary] caregiver
2793 at any time; and

2794 (4) Any cannabis plants grown by the qualifying patient in his or
2795 home is in compliance with subsection (b) of section 21a-408d, and any
2796 applicable regulations.

2797 (b) The provisions of subsection (a) of this section do not apply to:

2798 (1) Any palliative use of marijuana that endangers the health or well-
2799 being of a person other than the qualifying patient or the [primary]
2800 caregiver; or

2801 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
2802 in any other moving vehicle, (B) in the workplace, (C) on any school
2803 grounds or any public or private school, dormitory, college or university
2804 property, unless such college or university is participating in a research
2805 program and such use is pursuant to the terms of the research program,
2806 (D) in any public place, or (E) in the presence of a person under the age
2807 of eighteen, unless such person is a qualifying patient or research
2808 program subject. For the purposes of this subdivision, (i) "presence"
2809 means within the direct line of sight of the palliative use of marijuana or
2810 exposure to second-hand marijuana smoke, or both; (ii) "public place"
2811 means any area that is used or held out for use by the public whether
2812 owned or operated by public or private interests; (iii) "vehicle" means a
2813 vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus,
2814 as defined in section 14-1; and (v) "school bus" means a school bus, as
2815 defined in section 14-1.

2816 Sec. 68. Section 21a-408b of the general statutes is repealed and the
2817 following is substituted in lieu thereof (*Effective July 1, 2021*):

2818 (a) No person may serve as a [primary] caregiver for a qualifying
2819 patient (1) unless such qualifying patient has a valid registration

2820 certificate from the Department of Consumer Protection pursuant to
2821 subsection (a) of section 21a-408d, and (2) if such person has been
2822 convicted of a violation of any law pertaining to the illegal manufacture,
2823 sale or distribution of a controlled substance. A [primary] caregiver may
2824 not be responsible for the care of more than one qualifying patient at
2825 any time, except that a [primary] caregiver may be responsible for the
2826 care of more than one qualifying patient if the [primary] caregiver and
2827 each qualifying patient have a parental, guardianship, conservatorship
2828 or sibling relationship.

2829 (b) A [primary] caregiver who has a valid registration certificate from
2830 the Department of Consumer Protection pursuant to subsection (a) of
2831 section 21a-408d and complies with the requirements of sections 21a-408
2832 to 21a-408n, inclusive, shall not be subject to arrest or prosecution,
2833 penalized in any manner, including, but not limited to, being subject to
2834 any civil penalty, or denied any right or privilege, including, but not
2835 limited to, being subject to any disciplinary action by a professional
2836 licensing board, for the acquisition, distribution, possession or
2837 transportation of marijuana or paraphernalia related to marijuana on
2838 behalf of such [primary] caregiver's qualifying patient, provided [(1)]
2839 the amount of any marijuana so acquired, distributed, possessed or
2840 transported, together with the combined amount of usable marijuana
2841 possessed by the qualifying patient and the [primary] caregiver, does
2842 not exceed [an amount reasonably necessary to ensure uninterrupted
2843 availability for a period of one month, as determined by the Department
2844 of Consumer Protection pursuant to regulations adopted under section
2845 21a-408m, and (2) such amount is obtained solely within this state from
2846 a licensed dispensary. Any person with a valid registration certificate
2847 who is found to be in possession of marijuana that did not originate from
2848 the selected dispensary may be subject to a hearing before the
2849 commissioner for possible enforcement action concerning the
2850 registration certificate issued by the department] five ounces. For the
2851 purposes of this subsection, ["distribution" or "distributed"]
2852 "distribution" or "distributed" means the transfer of marijuana and
2853 paraphernalia related to marijuana from the [primary] caregiver to the
2854 qualifying patient.

2855 (c) A dispensary facility shall not dispense any marijuana product in
2856 a smokable, inhalable or vaporizable form to a [primary] caregiver for a
2857 qualifying patient who is under eighteen years of age.

2858 Sec. 69. Section 21a-408c of the general statutes is repealed and the
2859 following is substituted in lieu thereof (*Effective July 1, 2021*):

2860 (a) A physician or an advanced practice registered nurse may issue a
2861 written certification to a qualifying patient that authorizes the palliative
2862 use of marijuana by the qualifying patient. Such written certification
2863 shall be in the form prescribed by the Department of Consumer
2864 Protection and shall include a statement signed and dated by the
2865 qualifying patient's physician or advanced practice registered nurse
2866 stating that, in such physician's or advanced practice registered nurse's
2867 professional opinion, the qualifying patient has a debilitating medical
2868 condition and the potential benefits of the palliative use of marijuana
2869 would likely outweigh the health risks of such use to the qualifying
2870 patient.

2871 (b) Any written certification for the palliative use of marijuana issued
2872 by a physician or an advanced practice registered nurse under
2873 subsection (a) of this section shall be valid for a period not to exceed one
2874 year from the date such written certification is signed and dated by the
2875 physician or advanced practice registered nurse. Not later than ten
2876 calendar days after the expiration of such period, or at any time before
2877 the expiration of such period should the qualifying patient no longer
2878 wish to possess marijuana for palliative use, the qualifying patient or
2879 the [primary] caregiver shall destroy all usable marijuana possessed by
2880 the qualifying patient and the [primary] caregiver for palliative use.

2881 (c) A physician or an advanced practice registered nurse shall not be
2882 subject to arrest or prosecution, penalized in any manner, including, but
2883 not limited to, being subject to any civil penalty, or denied any right or
2884 privilege, including, but not limited to, being subject to any disciplinary
2885 action by the Connecticut Medical Examining Board, the Connecticut
2886 State Board of Examiners for Nursing or other professional licensing
2887 board, for providing a written certification for the palliative use of

2888 marijuana under subdivision (1) of subsection (a) of section 21a-408a if:

2889 (1) The physician or advanced practice registered nurse has
2890 diagnosed the qualifying patient as having a debilitating medical
2891 condition;

2892 (2) The physician or advanced practice registered nurse has explained
2893 the potential risks and benefits of the palliative use of marijuana to the
2894 qualifying patient and, if the qualifying patient lacks legal capacity, to a
2895 parent, guardian or person having legal custody of the qualifying
2896 patient;

2897 (3) The written certification issued by the physician or advanced
2898 practice registered nurse is based upon the physician's or advanced
2899 practice registered nurse's professional opinion after having completed
2900 a medically reasonable assessment of the qualifying patient's medical
2901 history and current medical condition made in the course of a bona fide
2902 health care professional-patient relationship; and

2903 (4) The physician or advanced practice registered nurse has no
2904 financial interest in a [dispensary licensed under section 21a-408h or a
2905 producer licensed under section 21a-408i] cannabis establishment, as
2906 defined in section 1 of this act, except for retailers and delivery services,
2907 as such terms are defined in section 1 of this act.

2908 (d) A nurse shall not be subject to arrest or prosecution, penalized in
2909 any manner, including, but not limited to, being subject to any civil
2910 penalty, or denied any right or privilege, including, but not limited to,
2911 being subject to any disciplinary action by the Board of Examiners for
2912 Nursing, or other professional licensing board, for administering
2913 marijuana to a qualifying patient or research program subject in a
2914 hospital or health care facility licensed by the Department of Public
2915 Health.

2916 (e) Notwithstanding the provisions of this section, sections 21a-408 to
2917 21a-408b, inclusive, and sections 21a-408d to 21a-408o, inclusive, an
2918 advanced practice registered nurse shall not issue a written certification

2919 to a qualifying patient when the qualifying patient's debilitating medical
2920 condition is glaucoma.

2921 Sec. 70. Section 21a-408d of the general statutes is repealed and the
2922 following is substituted in lieu thereof (*Effective October 1, 2021*):

2923 (a) Each qualifying patient who is issued a written certification for the
2924 palliative use of marijuana under subdivision (1) of subsection (a) of
2925 section 21a-408a, and the [primary] caregiver of such qualifying patient,
2926 shall register with the Department of Consumer Protection. Such
2927 registration shall be effective from the date the Department of
2928 Consumer Protection issues a certificate of registration until the
2929 expiration of the written certification issued by the physician or
2930 advanced practice registered nurse. The qualifying patient and the
2931 [primary] caregiver shall provide sufficient identifying information, as
2932 determined by the department, to establish the personal identity of the
2933 qualifying patient and the [primary] caregiver. If the qualifying patient
2934 is under eighteen years of age and not an emancipated minor, the
2935 custodial parent, guardian or other person having legal custody of the
2936 qualifying patient shall also provide a letter from both the qualifying
2937 patient's [primary] care provider and a physician who is board certified
2938 in an area of medicine involved in the treatment of the debilitating
2939 condition for which the qualifying patient was certified that confirms
2940 that the palliative use of marijuana is in the best interest of the qualifying
2941 patient. A physician may issue a written certification for the palliative
2942 use of marijuana by a qualifying patient who is under eighteen years of
2943 age, provided such written certification shall not be for marijuana in a
2944 dosage form that requires that the marijuana be smoked, inhaled or
2945 vaporized. The qualifying patient or the [primary] caregiver shall report
2946 any change in the identifying information to the department not later
2947 than five business days after such change. The department shall issue a
2948 registration certificate to the qualifying patient and to the [primary]
2949 caregiver and may charge a reasonable fee, not to exceed twenty-five
2950 dollars, for each registration certificate issued under this subsection.
2951 Any registration fees collected by the department under this subsection
2952 shall be paid to the State Treasurer and credited to the General Fund.

2953 [(b) The qualifying patient, or, if the qualifying patient is under
2954 eighteen years of age and not an emancipated minor, the custodial
2955 parent, guardian or other person having legal custody of the qualifying
2956 patient, shall select a licensed, in-state dispensary to obtain the palliative
2957 marijuana products at the time of registration. Upon the issuance of the
2958 certificate of registration by the department, the qualifying patient, or
2959 the qualifying patient's custodial parent, guardian or other person
2960 having legal custody of the qualifying patient, shall purchase such
2961 palliative marijuana products from such dispensary, except that the
2962 qualifying patient, or the qualifying patient's custodial parent, guardian
2963 or other person having legal custody of the qualifying patient, may
2964 change such dispensary in accordance with regulations adopted by the
2965 department. Any person with a valid registration certificate who is
2966 found to be in possession of marijuana that did not originate from the
2967 selected dispensary may be subject to hearing before the commissioner
2968 for possible enforcement action concerning the registration certificate
2969 issued by the department.]

2970 (b) On and after May 4, 2022, a qualifying patient may cultivate up to
2971 six cannabis plants in the patient's home, provided such plants are
2972 secure from unauthorized access or access by any individual under
2973 twenty-one years of age;

2974 [(c)] (c) A dispensary shall not dispense any marijuana products in a
2975 smokable, inhalable or vaporizable form to a qualifying patient who is
2976 under eighteen years of age or such qualifying patient's caregiver.

2977 [(d)] (d) Information obtained under this section shall be confidential
2978 and shall not be subject to disclosure under the Freedom of Information
2979 Act, as defined in section 1-200, except that reasonable access to registry
2980 information obtained under this section and temporary registration
2981 information obtained under section 21a-408n shall be provided to: (1)
2982 State agencies, federal agencies and local law enforcement agencies for
2983 the purpose of investigating or prosecuting a violation of law; (2)
2984 physicians, advanced practice registered nurses and pharmacists for the
2985 purpose of providing patient care and drug therapy management and

2986 monitoring controlled substances obtained by the qualifying patient; (3)
2987 public or private entities for research or educational purposes, provided
2988 no individually identifiable health information may be disclosed; (4) a
2989 licensed dispensary for the purpose of complying with sections 21a-408
2990 to 21a-408n, inclusive; (5) a qualifying patient, but only with respect to
2991 information related to such qualifying patient or such qualifying
2992 patient's [primary] caregiver; or (6) a [primary] caregiver, but only with
2993 respect to information related to such [primary] caregiver's qualifying
2994 patient.

2995 Sec. 71. Section 21a-408f of the general statutes is repealed and the
2996 following is substituted in lieu thereof (*Effective July 1, 2021*):

2997 Any marijuana, paraphernalia relating to marijuana, or other
2998 property seized by law enforcement officials from a qualifying patient
2999 or a [primary] caregiver in connection with the claimed palliative use of
3000 marijuana under sections 21a-408 to 21a-408n, inclusive, as amended by
3001 this act, shall be returned to the qualifying patient or the [primary]
3002 caregiver immediately upon the determination by a court that the
3003 qualifying patient or the [primary] caregiver is entitled to the palliative
3004 use of marijuana under sections 21a-408 to 21a-408n, inclusive, as
3005 amended by this act, as evidenced by a decision not to prosecute, a
3006 dismissal of charges or an acquittal. The provisions of this section do not
3007 apply to any qualifying patient or [primary] caregiver who fails to
3008 comply with the requirements for the palliative use of marijuana under
3009 sections 21a-408 to 21a-408n, inclusive, as amended by this act.

3010 Sec. 72. Section 21a-408h of the general statutes is repealed and the
3011 following is substituted in lieu thereof (*Effective July 1, 2021*):

3012 (a) No person may act as a dispensary or represent that such person
3013 is a licensed dispensary unless such person has obtained a license from
3014 the Commissioner of Consumer Protection pursuant to this section.

3015 (b) No person may act as a dispensary facility or represent that such
3016 person is a licensed dispensary facility unless such person has obtained
3017 a license from the Commissioner of Consumer Protection pursuant to

3018 this section.

3019 [(b)] (c) The Commissioner of Consumer Protection shall determine
3020 the number of [dispensaries] dispensary facilities appropriate to meet
3021 the needs of qualifying patients in this state and shall adopt regulations,
3022 in accordance with chapter 54, to provide for the licensure and
3023 standards for [dispensaries] dispensary facilities in this state and specify
3024 the maximum number of [dispensaries] dispensary facilities that may
3025 be licensed in this state. On and after the effective date of such
3026 regulations, the commissioner may license any person who applies for
3027 a license in accordance with such regulations, provided [(1)] the
3028 commissioner deems such applicant qualified to acquire, possess,
3029 distribute and dispense marijuana pursuant to sections 21a-408 to 21a-
3030 408n, inclusive; [, (2) the applicant is a pharmacist licensed under
3031 chapter 400j, and (3) the number of dispensary licenses issued does not
3032 exceed the number appropriate to meet the needs of qualifying patients
3033 in this state, as determined by the commissioner pursuant to this
3034 subsection.] At a minimum, such regulations shall:

3035 [(A)] (1) Indicate the maximum number of [dispensaries] dispensary
3036 facilities that may be licensed in this state;

3037 [(B) Provide that only a pharmacist licensed under chapter 400j may
3038 apply for and receive a dispensary license;]

3039 [(C)] (2) Provide that no marijuana may be dispensed from, obtained
3040 from or transferred to a location outside of this state;

3041 [(D)] (3) Establish a licensing fee and renewal fee for each [licensed]
3042 dispensary facility, provided such fees shall not be less than the amount
3043 necessary to cover the direct and indirect cost of licensing and
3044 regulating [dispensaries] dispensary facilities pursuant to sections 21a-
3045 408 to 21a-408n, inclusive;

3046 [(E)] (4) Provide for renewal of such dispensary facility licenses at
3047 least every two years;

3048 [(F)] (5) Describe areas in this state where [licensed dispensaries]

3049 dispensary facilities may not be located, after considering the criteria for
3050 the location of retail liquor permit premises set forth in subsection (a) of
3051 section 30-46;

3052 [(G)] (6) Establish health, safety and security requirements for
3053 [licensed dispensaries] dispensary facilities, which may include, but
3054 need not be limited to: [(i)] (A) The ability to maintain adequate control
3055 against the diversion, theft and loss of marijuana acquired or possessed
3056 by the [licensed] dispensary facility, and [(ii)] (B) the ability to maintain
3057 the knowledge, understanding, judgment, procedures, security controls
3058 and ethics to ensure optimal safety and accuracy in the distributing,
3059 dispensing and use of palliative marijuana;

3060 [(H)] (7) Establish standards and procedures for revocation,
3061 suspension, summary suspension and nonrenewal of dispensary facility
3062 licenses, provided such standards and procedures are consistent with
3063 the provisions of subsection (c) of section 4-182; and

3064 [(I)] (8) Establish other licensing, renewal and operational standards
3065 deemed necessary by the commissioner.

3066 [(c)] (d) Any fees collected by the Department of Consumer
3067 Protection under this section shall be paid to the State Treasurer and
3068 credited to the General Fund.

3069 [(d)] (e) On or before January 1, 2017, and annually thereafter, each
3070 [licensed] dispensary facility shall report data to the Department of
3071 Consumer Protection relating to the types, mixtures and dosages of
3072 palliative marijuana dispensed by such dispensary facility. A report
3073 prepared pursuant to this subsection shall be in such form as may be
3074 prescribed by the Commissioner of Consumer Protection.

3075 Sec. 73. Section 21a-408j of the general statutes is repealed and the
3076 following is substituted in lieu thereof (*Effective October 1, 2021*):

3077 (a) No [licensed] dispensary facility or employee of the dispensary
3078 facility may: (1) Acquire marijuana from a person other than a licensed
3079 producer [; (2) distribute or dispense] or a cultivator, micro-cultivator,

3080 producer product manufacturer, food and beverage manufacturer,
3081 product packager, or delivery service, as such terms are defined in
3082 section 1 of this act; (2) transfer or transport marijuana; (3) transfer or
3083 transport marijuana to a person who is not (A) a qualifying patient
3084 registered under section 21a-408d or 21a-408n; (B) a [primary] caregiver
3085 of such qualifying patient; (C) a hospice or other inpatient care facility
3086 licensed by the Department of Public Health pursuant to chapter 368v
3087 that has protocol for the handling and distribution of marijuana that has
3088 been approved by the Department of Consumer Protection; (D) a
3089 laboratory; [or] (E) an organization engaged in a research program; or
3090 (F) a delivery service, as defined in section 1 of this act; or [(3)] (4) obtain
3091 or transport marijuana outside of this state in violation of state or federal
3092 law.

3093 (b) No [licensed] dispensary or employee of the dispensary facility
3094 acting within the scope of his or her employment shall be subject to
3095 arrest or prosecution, penalized in any manner, including, but not
3096 limited to, being subject to any civil penalty, or denied any right or
3097 privilege, including, but not limited to, being subject to any disciplinary
3098 action by a professional licensing board, for acquiring, possessing,
3099 distributing or dispensing marijuana pursuant to sections 21a-408 to
3100 21a-408n, inclusive.

3101 Sec. 74. Section 21a-408k of the general statutes is repealed and the
3102 following is substituted in lieu thereof (*Effective July 1, 2021*):

3103 (a) No licensed producer or employee of the producer may: (1) Sell,
3104 deliver, transport or distribute marijuana to a person who is not (A) a
3105 [licensed dispensary] cannabis establishment, as defined in section 1 of
3106 this act, (B) a laboratory, or (C) an organization engaged in a research
3107 program, or (2) obtain or transport marijuana outside of this state in
3108 violation of state or federal law.

3109 (b) No licensed producer or employee of the producer acting within
3110 the scope of his or her employment shall be subject to arrest or
3111 prosecution, penalized in any manner, including, but not limited to,
3112 being subject to any civil penalty, or denied any right or privilege,

3113 including, but not limited to, being subject to any disciplinary action by
3114 a professional licensing board, for cultivating marijuana or selling,
3115 delivering, transferring, transporting or distributing marijuana to
3116 [licensed dispensaries under sections 21a-408 to 21a-408n, inclusive] a
3117 cannabis establishment, laboratory or research program, as such terms
3118 are defined in section 1 of this act.

3119 Sec. 75. Section 21a-408m of the general statutes is repealed and the
3120 following is substituted in lieu thereof (*Effective October 1, 2021*):

3121 (a) The Commissioner of Consumer Protection may adopt
3122 regulations, in accordance with chapter 54, to establish (1) a standard
3123 form for written certifications for the palliative use of marijuana issued
3124 by physicians and advanced practice registered nurses under
3125 subdivision (1) of subsection (a) of section 21a-408a, and (2) procedures
3126 for registrations under section 21a-408d, as amended by this act. Such
3127 regulations, if any, shall be adopted after consultation with the Board of
3128 Physicians established in section 21a-408l.

3129 (b) The Commissioner of Consumer Protection shall adopt
3130 regulations, in accordance with chapter 54, to establish a reasonable fee
3131 to be collected from each qualifying patient to whom a written
3132 certification for the palliative use of marijuana is issued under
3133 subdivision (1) of subsection (a) of section 21a-408a, for the purpose of
3134 offsetting the direct and indirect costs of administering the provisions
3135 of sections 21a-408 to 21a-408n, inclusive. The commissioner shall collect
3136 such fee at the time the qualifying patient registers with the Department
3137 of Consumer Protection under subsection (a) of section 21a-408d. Such
3138 fee shall be in addition to any registration fee that may be charged under
3139 said subsection. The fees required to be collected by the commissioner
3140 from qualifying patients under this subsection shall be paid to the State
3141 Treasurer and credited to the General Fund.

3142 (c) The Commissioner of Consumer Protection shall adopt
3143 [regulations, in accordance with chapter 54, to implement the provisions
3144 of sections 21a-408 to 21a-408g, inclusive, and section 21a-408l. At a
3145 minimum, such regulations shall] or amend regulations, as applicable,

3146 in accordance with chapter 54, to implement the provisions of sections
3147 21a-408 to 21a-408g, inclusive, and section 21a-408l, as amended by this
3148 act. Notwithstanding the requirements of sections 4-168 to 4-172,
3149 inclusive, in order to effectuate the purposes of sections 21a-408 to 21a-
3150 408g, inclusive, and section 21a-408l, as amended by this act, and protect
3151 public health and safety, prior to adopting or amending such
3152 regulations the commissioner shall adopt policies and procedures to
3153 implement the provisions of sections 21a-408 to 21a-408g, inclusive, and
3154 section 21a-408l, as amended by this act, that shall have the force and
3155 effect of law. The commissioner shall post all policies and procedures
3156 on the department's Internet web site, and submit such policies and
3157 procedures for posting on the Secretary of the State's Internet web site,
3158 at least fifteen days prior to the effective date of any policy or procedure.
3159 Any such policy or procedure shall no longer be effective upon the
3160 earlier of either codification of such policies or procedures by the
3161 Secretary of the State as a final regulation or forty-eight months from
3162 October 1, 2021, if such policies or procedures have not been submitted
3163 to the legislative regulation review committee for consideration under
3164 section 4-170. Such policies and procedures and regulations shall
3165 include, but not be limited to, how the department shall:

3166 (1) [Govern the manner in which the department considers] Accept
3167 applications for the issuance and renewal of registration certificates for
3168 qualifying patients and [primary] caregivers; [, and establish any
3169 additional information to be contained in such registration certificates;]

3170 [(2) Define the protocols for determining the amount of usable
3171 marijuana that is necessary to constitute an adequate supply to ensure
3172 uninterrupted availability for a period of one month, including amounts
3173 for topical treatments;]

3174 [(3)] (2) Establish criteria for adding medical conditions, medical
3175 treatments or diseases to the list of debilitating medical conditions that
3176 qualify for the palliative use of marijuana;

3177 [(4)] (3) Establish a petition process under which members of the
3178 public may submit petitions, [in such manner and in such form as

3179 prescribed in the regulations,] regarding the addition of medical
3180 conditions, medical treatments or diseases to the list of debilitating
3181 medical conditions;

3182 [(5) Establish a process for public comment and public hearings
3183 before the board regarding the addition of medical conditions, medical
3184 treatments or diseases to the list of debilitating medical conditions,
3185 medical treatments or diseases;

3186 (6) Add additional medical conditions, medical treatments or
3187 diseases to the list of debilitating medical conditions that qualify for the
3188 palliative use of marijuana as recommended by the board; and]

3189 (4) Establish requirements for the growing of cannabis plants by a
3190 qualifying patient in his or her home as authorized under section 21a-
3191 408d, as amended by this act, including requirements for securing such
3192 plants to limit unauthorized access, the location of such plants and any
3193 other requirements related to public safety or public health;

3194 [(7)] (5) Develop a distribution system for marijuana for palliative use
3195 that provides for:

3196 (A) Marijuana production facilities within this state that are housed
3197 on secured grounds and operated by licensed producers; [and]

3198 (B) The transfer of marijuana between dispensary facilities; and

3199 [(B)] (C) Distribution of marijuana for palliative use to qualifying
3200 patients or their [primary] caregivers by [licensed dispensaries.]
3201 dispensary facilities, hybrid retailers and delivery services, as defined in
3202 section 1 of this act; and

3203 (6) Ensure an adequate supply and variety of marijuana to dispensary
3204 facilities and hybrid retailers to ensure uninterrupted availability for
3205 qualifying patients, based on historical marijuana purchase patterns by
3206 qualifying patients.

3207 [(d) The commissioner shall submit regulations pursuant to

3208 subsections (b) and (c) of this section to the standing legislative
3209 regulation review committee not later than July 1, 2013.]

3210 Sec. 76. Section 21a-408*l* of the general statutes is repealed and the
3211 following is substituted in lieu thereof (*Effective October 1, 2021*):

3212 (a) The Commissioner of Consumer Protection shall establish a Board
3213 of Physicians consisting of eight physicians or surgeons who are
3214 knowledgeable about the palliative use of marijuana and certified by the
3215 appropriate American board in the medical specialty in which they
3216 practice, at least one of whom shall be a board certified pediatrician
3217 appointed in consultation with the Connecticut Chapter of the
3218 American Academy of Pediatrics. Four of the members of the board first
3219 appointed shall serve for a term of three years and four of the members
3220 of the board first appointed shall serve for a term of four years.
3221 Thereafter, members of the board shall serve for a term of four years and
3222 shall be eligible for reappointment. Any member of the board may serve
3223 until a successor is appointed. The Commissioner of Consumer
3224 Protection shall serve as an ex-officio member of the board, and shall
3225 select a chairperson from among the members of the board.

3226 (b) A quorum of the Board of Physicians shall consist of four
3227 members.

3228 (c) The Board of Physicians shall:

3229 (1) Review and recommend to the Department of Consumer
3230 Protection for approval the debilitating medical conditions, medical
3231 treatments or diseases to be added to the list of debilitating medical
3232 conditions that qualify for the palliative use of marijuana for qualifying
3233 patients eighteen years of age or older;

3234 (2) Review and recommend to the Department of Consumer
3235 Protection for approval any illnesses that are severely debilitating, as
3236 defined in 21 CFR 312.81(b), to be added to the list of debilitating
3237 medical conditions that qualify for the palliative use of marijuana for
3238 qualifying patients under eighteen years of age, taking into account,

3239 among other things, the effect of the palliative use of marijuana on the
3240 brain development of such patients, which recommendations shall be
3241 accepted or rejected by the commissioner in his or her discretion;

3242 (3) Accept and review petitions to add medical conditions, medical
3243 treatments or diseases to the list of debilitating medical conditions that
3244 qualify for the palliative use of marijuana;

3245 (4) Convene [at least twice per year] as necessary to conduct public
3246 hearings and to evaluate petitions, which shall be maintained as
3247 confidential pursuant to subsection (e) of this section, for the purpose of
3248 adding medical conditions, medical treatments or diseases to the list of
3249 debilitating medical conditions that qualify for the palliative use of
3250 marijuana;

3251 (5) Review and recommend to the Department of Consumer
3252 Protection protocols for determining the amounts of marijuana that may
3253 be reasonably necessary to ensure uninterrupted availability for a
3254 period of one month for qualifying patients, including amounts for
3255 topical treatments; and

3256 (6) Perform other duties related to the palliative use of marijuana
3257 upon the request of the Commissioner of Consumer Protection.

3258 (d) The Board of Physicians may review the list of debilitating
3259 medical conditions that qualify for the palliative use of marijuana and
3260 make recommendations to the joint standing committees of the General
3261 Assembly having cognizance of matters relating to general law and
3262 public health for the removal of a debilitating medical condition,
3263 medical treatment or disease from such list.

3264 (e) Any individually identifiable health information contained in a
3265 petition received under this section shall be confidential and shall not
3266 be subject to disclosure under the Freedom of Information Act, as
3267 defined in section 1-200.

3268 (f) On and after October 1, 2021, conditions added pursuant to this
3269 section to the list of debilitating medical conditions that qualify for the

3270 palliative use of marijuana shall be posted by the commissioner on the
3271 Department of Consumer Protection's Internet web site.
3272 Notwithstanding the requirements of sections 4-168 to 4-172, inclusive,
3273 the list of debilitating medical conditions that qualify for the palliative
3274 use of marijuana shall be deemed approved and effective without
3275 further action as of the date such conditions are posted on the
3276 Department of Consumer Protection's Internet web site.

3277 Sec. 77. Section 21a-408p of the general statutes is repealed and the
3278 following is substituted in lieu thereof (*Effective July 1, 2021*):

3279 (a) For the purposes of this section:

3280 (1) "Action" has the meaning provided in section 47a-1;

3281 (2) "Dwelling unit" has the meaning provided in section 47a-1;

3282 (3) "Employer" means a person engaged in business who has one or
3283 more employees, including the state and any political subdivision of the
3284 state;

3285 (4) "Landlord" has the meaning provided in section 47a-1;

3286 (5) "Palliative use" has the meaning provided in section 21a-408, as
3287 amended by this act;

3288 (6) ["Primary caregiver"] "Caregiver" has the meaning provided in
3289 section 21a-408, as amended by this act;

3290 (7) "Qualifying patient" has the meaning provided in section 21a-408,
3291 as amended by this act;

3292 (8) "School" means a public or private elementary or secondary school
3293 in this state or a public or private institution of higher education in this
3294 state; and

3295 (9) "Tenant" has the meaning provided in section 47a-1.

3296 (b) Unless required by federal law or required to obtain federal

3297 funding:

3298 (1) No school may refuse to enroll any person or discriminate against
3299 any student solely on the basis of such person's or student's status as a
3300 qualifying patient or [primary] caregiver under sections 21a-408 to 21a-
3301 408n, inclusive, as amended by this act;

3302 (2) No landlord may refuse to rent a dwelling unit to a person or take
3303 action against a tenant solely on the basis of such person's or tenant's
3304 status as a qualifying patient or [primary] caregiver under sections 21a-
3305 408 to 21a-408n, inclusive, as amended by this act; and

3306 (3) No employer may refuse to hire a person or may discharge,
3307 penalize or threaten an employee solely on the basis of such person's or
3308 employee's status as a qualifying patient or [primary] caregiver under
3309 sections 21a-408 to 21a-408n, inclusive, as amended by this act. Nothing
3310 in this subdivision shall restrict an employer's ability to prohibit the use
3311 of intoxicating substances during work hours or restrict an employer's
3312 ability to discipline an employee for being under the influence of
3313 intoxicating substances during work hours.

3314 (c) Nothing in this section shall be construed to permit the palliative
3315 use of marijuana in violation of subsection (b) of section 21a-408a.

3316 Sec. 78. Section 21a-408r of the general statutes is repealed and the
3317 following is substituted in lieu thereof (*Effective October 1, 2021*):

3318 (a) No person may act as a laboratory or represent that such person
3319 is a laboratory unless such person has (1) obtained a license from the
3320 Commissioner of Consumer Protection pursuant to this section, or (2)
3321 (A) been granted approval by the Commissioner of Consumer
3322 Protection as of October 1, 2021, and (B) submitted an application to the
3323 Commissioner of Consumer Protection for licensure pursuant to this
3324 section in a form and manner prescribed by the commissioner. Such
3325 person may continue to act as a laboratory until such application for
3326 licensure under this section is approved or denied by the Commissioner
3327 of Consumer Protection.

3328 [(a)] (b) Except as provided in subsection [(b)] (c) of this section, no
3329 person may act as a laboratory employee or represent that such person
3330 is a [licensed] laboratory employee unless such person has obtained a
3331 [license] registration from the Commissioner of Consumer Protection
3332 pursuant to this section.

3333 [(b)] (c) Prior to the effective date of regulations adopted under this
3334 section, the Commissioner of Consumer Protection may issue a
3335 temporary certificate of registration to a laboratory employee. The
3336 commissioner shall prescribe the standards, procedures and fees for
3337 obtaining a temporary certificate of registration as a laboratory
3338 employee.

3339 [(c)] (d) The Commissioner of Consumer Protection shall adopt
3340 regulations, in accordance with chapter 54, to (1) provide for the
3341 licensure or registration of laboratories and laboratory employees, (2)
3342 establish standards and procedures for the revocation, suspension,
3343 summary suspension and nonrenewal of laboratory license and
3344 laboratory employee [licenses] registrations, provided such standards
3345 and procedures are consistent with the provisions of subsection (c) of
3346 section 4-182, (3) establish a license [and] or registration renewal fee for
3347 each licensed laboratory and [licensed] registered laboratory employee,
3348 provided the aggregate amount of such license, registration and renewal
3349 fees shall not be less than the amount necessary to cover the direct and
3350 indirect cost of licensing, registering and regulating laboratories and
3351 laboratory employees in accordance with the provisions of this chapter,
3352 and (4) establish other licensing, registration, renewal and operational
3353 standards deemed necessary by the commissioner.

3354 [(d)] (e) Any fees collected by the Department of Consumer
3355 Protection under this section shall be paid to the State Treasurer and
3356 credited to the General Fund.

3357 Sec. 79. Section 21a-408t of the general statutes is repealed and the
3358 following is substituted in lieu thereof (*Effective July 1, 2021*):

3359 (a) The Commissioner of Consumer Protection may approve a

3360 research program if such research program will (1) be administered or
3361 overseen by (A) a hospital or health care facility licensed by the
3362 Connecticut Department of Public Health pursuant to chapter 368v, (B)
3363 an institution of higher education, as defined in section 10a-55, (C) a
3364 licensed producer, micro-cultivator, cultivator, food and beverage
3365 manufacturer product packager or product manufacturer, as such terms
3366 are defined in section 1 of this act, or (D) a [licensed] dispensary facility,
3367 hybrid retailer or retailer, as such terms are defined in section 1 of this
3368 act, and (2) have institutional review board oversight and, if the research
3369 program involves the use of animals, have an institutional animal care
3370 and use committee.

3371 (b) Except as provided in subsection (c) of this section, no person may
3372 act as a research program employee or represent that such person is a
3373 [licensed] registered research program employee unless such person has
3374 obtained a [license] registration from the Commissioner of Consumer
3375 Protection pursuant to this section.

3376 [(c) Prior to the effective date of regulations adopted under this
3377 section, the Commissioner of Consumer Protection may issue a
3378 temporary certificate of registration to a research program employee.
3379 The commissioner shall prescribe the standards, procedures and fees for
3380 obtaining a temporary certificate of registration as a research program
3381 employee.]

3382 [(d)] (c) The Commissioner of Consumer Protection shall adopt
3383 regulations, in accordance with chapter 54, to (1) provide for the
3384 approval of research programs and [licensure] registration of research
3385 program employees, (2) establish standards and procedures for the
3386 termination or suspension of a research program, (3) establish standards
3387 and procedures for the revocation, suspension, summary suspension
3388 and nonrenewal of a research program employee [license] registration,
3389 provided such standards and procedures are consistent with the
3390 provisions of subsection (c) of section 4-182, (4) establish a (A) fee for
3391 research program review and approval, and (B) [license] registration
3392 and renewal fee for each research program employee, provided the

3393 aggregate amount of such fees shall not be less than the amount
3394 necessary to cover the direct and indirect cost of approving research
3395 programs and [licensing] registering and regulating research program
3396 employees pursuant to the provisions of this chapter, and (5) establish
3397 other licensing, registration, renewal and operational standards deemed
3398 necessary by the commissioner.

3399 [(e)] (d) Any fees collected by the Department of Consumer
3400 Protection under this section shall be paid to the State Treasurer and
3401 credited to the General Fund.

3402 Sec. 80. Section 21a-408s of the general statutes is repealed and the
3403 following is substituted in lieu thereof (*Effective July 1, 2021*):

3404 (a) As used in this section, "cannabis" and "cannabis establishment
3405 have the same meanings as provided in section 1 of this act. No
3406 laboratory or laboratory employee may (1) acquire [marijuana] cannabis
3407 from a person other than a [licensed producer, licensed dispensary]
3408 cannabis establishment or an organization engaged in a research
3409 program, (2) deliver, transport or distribute marijuana to (A) a person
3410 who is not a [licensed dispensary, (B) a person who is not a licensed
3411 producer, or (C)] cannabis establishment and was not the cannabis
3412 establishment from which the marijuana was originally acquired by the
3413 laboratory or laboratory employee, (B) an organization not engaged in
3414 a research program, or (3) obtain or transport marijuana outside of this
3415 state in violation of state or federal law.

3416 (b) (1) No laboratory employee acting within the scope of his or her
3417 employment shall be subject to arrest or prosecution, penalized in any
3418 manner, including, but not limited to, being subject to any civil penalty,
3419 or denied any right or privilege, including, but not limited to, being
3420 subject to any disciplinary action by a professional licensing board, for
3421 acquiring, possessing, delivering, transporting or distributing
3422 marijuana to a [licensed dispensary, a licensed producer] cannabis
3423 establishment or an organization engaged in an approved research
3424 program under the provisions of this chapter.

3425 (2) No laboratory shall be subject to prosecution, penalized in any
3426 manner, including, but not limited to, being subject to any civil penalty
3427 or denied any right or privilege, for acquiring, possessing, delivering,
3428 transporting or distributing marijuana to a [licensed dispensary, a
3429 licensed producer] cannabis establishment or an organization engaged
3430 in an approved research program under the provisions of this chapter.

3431 (c) A laboratory shall be independent from all other persons involved
3432 in the marijuana industry in Connecticut, which shall mean that no
3433 person with a direct or indirect financial, managerial or controlling
3434 interest in the laboratory shall have a direct or indirect financial,
3435 managerial or controlling interest in a cannabis establishment or any
3436 other entity that may benefit from the laboratory test results for a
3437 cannabis or marijuana sample or product.

3438 (d) A laboratory shall maintain all minimum security and safeguard
3439 requirements for the storage of handling of controlled substances as a
3440 laboratory that is licensed to provide analysis of controlled substances
3441 pursuant to section 21a-246 and any regulations adopted thereunder.

3442 Sec. 81. Section 21a-408u of the general statutes is repealed and the
3443 following is substituted in lieu thereof (*Effective July 1, 2021*):

3444 (a) No research program or research program employee may (1)
3445 acquire marijuana from a person other than a [licensed producer,
3446 licensed dispensary] cannabis establishment, as defined in section 1 of
3447 this act, or laboratory, (2) deliver, transport or distribute marijuana to a
3448 person who is not (A) a [licensed dispensary] cannabis establishment,
3449 as defined in section 1 of this act, (B) a [licensed producer] laboratory,
3450 or (C) a research program subject, (3) distribute or administer marijuana
3451 to an animal unless such animal is an animal research subject, or (4)
3452 obtain or transport marijuana outside of this state in violation of state or
3453 federal law.

3454 (b) No research program employee acting within the scope of his or
3455 her employment shall be subject to arrest or prosecution, penalized in
3456 any manner, including, but not limited to, being subject to any civil

3457 penalty, or denied any right or privilege, including, but not limited to,
3458 being subject to any disciplinary action by a professional licensing
3459 board, for acquiring, possessing, delivering, transporting or distributing
3460 marijuana to a [licensed dispensary, a licensed producer] cannabis
3461 establishment or laboratory, as such terms are defined in section 1 of this
3462 act or a research program subject or distributing or administering
3463 marijuana to an animal research subject under the provisions of this
3464 chapter.

3465 Sec. 82. (NEW) (*Effective October 1, 2021*) A licensed pharmacist
3466 working as an employee at a dispensary facility or hybrid retailer shall
3467 transmit dispensing information, in a manner prescribed by the
3468 commissioner, on any cannabis sold to a qualifying patient or caregiver
3469 in real-time or immediately upon completion of the transaction, unless
3470 not reasonably feasible for a specific transaction, but in no case longer
3471 than one hour after completion of the transaction.

3472 Sec. 83. (NEW) (*Effective July 1, 2021*) (a) Any municipality may, by
3473 amendment to such municipality's zoning regulations or zoning
3474 ordinances, (1) prohibit the establishment of a cannabis establishment,
3475 (2) establish reasonable restrictions regarding the hours and signage
3476 within the limits of such municipality, (3) establish reasonable
3477 restrictions regarding the number or density of cannabis establishments,
3478 with no more than one retailer per every five thousand residents of such
3479 municipality, as determined by the most recently completed decennial
3480 census, or (4) establish restrictions on the proximity of cannabis
3481 establishments to any of the establishments listed in subsection (a) of
3482 subdivision (1) of section 30-46 of the general statutes. Such amendment
3483 shall be approved by a municipality's legislative body before going into
3484 effect. The chief zoning official of a municipality shall report, in writing,
3485 any zoning changes adopted by the municipality regarding cannabis
3486 establishments pursuant to this subsection to the Secretary of the Office
3487 of Policy and Management and to the department not later than
3488 fourteen days after the adoption of such changes.

3489 (b) Unless otherwise provided for by a municipality through its

3490 zoning regulations or ordinances, a cannabis establishment shall be
3491 zoned as if any other similar use, except a cannabis establishment,
3492 would be zoned.

3493 (c) Upon the petition of not less than ten per cent of the electors of
3494 any municipality, lodged with the town clerk at least sixty days before
3495 the date of any regular election, as defined in section 9-1 of the general
3496 statutes, the selectmen of the municipality shall warn the electors of
3497 such municipality that, at such regular election, a vote shall be taken to
3498 determine: (1) Whether or not the recreational sale of marijuana shall be
3499 permitted in such municipality, or (2) whether the sale of marijuana
3500 shall be permitted in such municipality in one or more of the classes of
3501 license of cannabis establishments. The ballot label designations in a
3502 vote upon the question of cannabis establishment license shall be "Shall
3503 the sale of recreational marijuana be allowed in (Name of
3504 municipality)?" or "Shall the sale of cannabis under (Specified license or
3505 Licenses) be allowed in (Name of municipality)?" or "Shall the sale of
3506 recreational marijuana be prohibited (No Licenses) in (Name of
3507 municipality)?" and shall be provided in accordance with the provisions
3508 of section 9-250 of the general statutes. No elector shall vote for more
3509 than one designation. Such vote shall be taken in the manner prescribed
3510 in section 9-369 of the general statutes and shall become effective on the
3511 first Monday of the month next succeeding such election and shall
3512 remain in force until a new vote is taken; provided such vote may be
3513 taken at a special election called for the purpose in conformity with the
3514 provisions of section 9-164 of the general statutes and provided at least
3515 one year shall have elapsed since the previous vote was taken. The
3516 provisions of chapter 145 of the general statutes concerning absentee
3517 voting at referenda shall apply to all votes taken upon the question of
3518 cannabis establishment license. Any class of cannabis establishments
3519 already allowed in a municipality shall not be affected by any vote
3520 unless the petition specifies "No Licenses".

3521 (d) Any restriction regarding hours, zoning and signage of a cannabis
3522 establishment adopted by a municipality shall not apply to an existing
3523 cannabis establishment located in such municipality if such cannabis

3524 establishment does not convert to a difference license type, for a period
3525 of five years after the adoption of such prohibition or restriction.

3526 (e) No municipality shall prohibit delivery of cannabis or cannabis
3527 products to a consumer, qualifying patient, or caregiver when the
3528 delivery is made by a retailer, hybrid retailer, dispensary facility,
3529 delivery service, micro-cultivator or other person authorized to make
3530 such delivery pursuant to sections 1, 3 and 4 of this act, sections 6 to 10,
3531 inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47
3532 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections
3533 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act,
3534 sections 78 to 89, inclusive, of this act, section 21a-243 of the general
3535 statutes, as amended by this act, or section 21a-408t of the general
3536 statutes, as amended by this act. No municipality shall prohibit the
3537 transport of cannabis or cannabis products to, from or through such
3538 municipality by any person licensed or registered pursuant to this act to
3539 transport cannabis and cannabis products.

3540 (f) No municipality or local official shall condition any official action,
3541 or accept any donation in moneys or in kind, from any cannabis
3542 establishment or from an individual or corporation that has applied for
3543 a license to open or operate a cannabis establishment in such
3544 municipality. No municipality shall negotiate or enter into a local host
3545 agreement with a cannabis establishment or a person that has applied
3546 for a license to open or operate a cannabis establishment in such
3547 municipality.

3548 (g) For up to thirty days after the opening of a retailer or hybrid
3549 retailer, a municipality may charge such retailer or hybrid retailer for
3550 any necessary and reasonable costs incurred by the municipality for
3551 provision of public safety services in relation to such opening, including,
3552 but not limited to, public safety costs incurred to direct traffic, not to
3553 exceed fifty thousand dollars.

3554 Sec. 84. Subparagraph (H) of subdivision (7) of subsection (c) of
3555 section 7-148 of the general statutes is repealed and the following is
3556 substituted in lieu thereof (*Effective October 1, 2021*):

3557 (H) (i) Secure the safety of persons in or passing through the
3558 municipality by regulation of shows, processions, parades and music;

3559 (ii) Regulate and prohibit the carrying on within the municipality of
3560 any trade, manufacture, business or profession which is, or may be, so
3561 carried on as to become prejudicial to public health, conducive to fraud
3562 and cheating, or dangerous to, or constituting an unreasonable
3563 annoyance to, those living or owning property in the vicinity;

3564 (iii) Regulate auctions and garage and tag sales;

3565 (iv) Prohibit, restrain, license and regulate the business of peddlers,
3566 auctioneers and junk dealers in a manner not inconsistent with the
3567 general statutes;

3568 (v) Regulate and prohibit swimming or bathing in the public or
3569 exposed places within the municipality;

3570 (vi) Regulate and license the operation of amusement parks and
3571 amusement arcades including, but not limited to, the regulation of
3572 mechanical rides and the establishment of the hours of operation;

3573 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
3574 public amusements and performances and all places where games may
3575 be played;

3576 (viii) Preserve the public peace and good order, prevent and quell
3577 riots and disorderly assemblages and prevent disturbing noises;

3578 (ix) Establish a system to obtain a more accurate registration of births,
3579 marriages and deaths than the system provided by the general statutes
3580 in a manner not inconsistent with the general statutes;

3581 (x) Control insect pests or plant diseases in any manner deemed
3582 appropriate;

3583 (xi) Provide for the health of the inhabitants of the municipality and
3584 do all things necessary or desirable to secure and promote the public
3585 health;

3586 (xii) Regulate the use of streets, sidewalks, highways, public places
3587 and grounds for public and private purposes;

3588 (xiii) Make and enforce police, sanitary or other similar regulations
3589 and protect or promote the peace, safety, good government and welfare
3590 of the municipality and its inhabitants;

3591 (xiv) Regulate, in addition to the requirements under section 7-282b,
3592 the installation, maintenance and operation of any device or equipment
3593 in a residence or place of business which is capable of automatically
3594 calling and relaying recorded emergency messages to any state police
3595 or municipal police or fire department telephone number or which is
3596 capable of automatically calling and relaying recorded emergency
3597 messages or other forms of emergency signals to an intermediate third
3598 party which shall thereafter call and relay such emergency messages to
3599 a state police or municipal police or fire department telephone number.
3600 Such regulations may provide for penalties for the transmittal of false
3601 alarms by such devices or equipment;

3602 (xv) Make and enforce regulations for the prevention and
3603 remediation of housing blight, including regulations reducing
3604 assessments and authorizing designated agents of the municipality to
3605 enter property during reasonable hours for the purpose of remediating
3606 blighted conditions, provided such regulations define housing blight
3607 and require such municipality to give written notice of any violation to
3608 the owner and occupant of the property and provide a reasonable
3609 opportunity for the owner and occupant to remediate the blighted
3610 conditions prior to any enforcement action being taken, and further
3611 provided such regulations shall not authorize such municipality or its
3612 designated agents to enter any dwelling house or structure on such
3613 property, and including regulations establishing a duty to maintain
3614 property and specifying standards to determine if there is neglect;
3615 prescribe civil penalties for the violation of such regulations of not less
3616 than ten or more than one hundred dollars for each day that a violation
3617 continues and, if such civil penalties are prescribed, such municipality
3618 shall adopt a citation hearing procedure in accordance with section 7-

3619 152c;

3620 (xvi) Regulate, on any property owned by or under the control of the
3621 municipality, any activity deemed to be deleterious to public health,
3622 including the [lighting or carrying] burning of a lighted cigarette, cigar,
3623 pipe or similar device, whether containing, wholly or in part, tobacco or
3624 cannabis, as defined in section 1 of this act, and the use or consumption
3625 of cannabis, including, but not limited to, electronic cannabis delivery
3626 systems, as defined in section 19a-342a, as amended by this act, or vapor
3627 products, as defined in said section, containing cannabis. Such
3628 regulations may prohibit the smoking of cannabis and the use of
3629 electronic cannabis delivery systems and vapor products containing
3630 cannabis in the outdoor sections of a restaurant. Such regulations may
3631 prescribe penalties for the violation of such regulations, provided such
3632 fine does not exceed fifty dollars for a violation of such regulations
3633 regarding consumption by an individual or a fine in excess of one
3634 thousand dollars to any business for a violation of such regulations;

3635 Sec. 85. (NEW) (*Effective July 1, 2021*) (a) For the school year
3636 commencing July 1, 2022, and biennially thereafter, the Department of
3637 Public Health shall administer the Connecticut School Health Survey to
3638 students in grades nine to twelve, inclusive, provided the department
3639 receives funding from the National Centers for Disease Control and
3640 Prevention for such purpose, or within existing appropriations. The
3641 survey shall be based on the Youth Risk Behavior Survey developed by
3642 the National Centers for Disease Control and Prevention. The
3643 department shall provide guidelines to the local or regional boards of
3644 education regarding the administration of the survey to those high
3645 schools selected at random by the National Centers for Disease Control
3646 and Prevention. The local or regional boards of education of such
3647 randomly selected high schools shall administer the survey to each high
3648 school selected to participate in the survey in accordance with the
3649 guidelines provided by the department, including, but not be limited to,
3650 (1) the survey protocol as required by the federal Centers for Disease
3651 Control and Prevention, (2) the requirement to utilize passive parental
3652 consent before administering the survey, (3) the requirement for the

3653 survey to be anonymous and administered in a manner designed to
3654 protect student privacy, (4) the time frame for completion of the survey,
3655 and (5) the process by which the results of such survey are to be
3656 submitted to the department.

3657 (b) The Department of Public Health, in consultation with the
3658 Department of Mental Health and Addiction Services, the Office of
3659 Early Childhood, the Department of Children and Families, the
3660 Department of Education and any other agency or public interest group
3661 the department deems necessary, may develop additional survey
3662 questions to be included as part of the Connecticut School Health
3663 Survey that are relevant to the health concerns of high school students
3664 in the state.

3665 Sec. 86. Section 19a-342 of the general statutes is repealed and the
3666 following is substituted in lieu thereof (*Effective October 1, 2021*):

3667 (a) As used in this section: [, "smoke"]

3668 (1) "Smoke" or "smoking" means the [lighting or carrying] burning of
3669 a lighted cigarette, cigar, pipe or any other similar device, [.] whether
3670 containing, wholly or in part, tobacco, cannabis, or hemp;

3671 (2) "Any area" means the interior of the facility, building or
3672 establishment and the outside area within twenty-five feet of any
3673 doorway, operable window or air intake vent of the facility, building or
3674 establishment;

3675 (3) "Cannabis" means marijuana, as defined in section 21a-240; and

3676 (4) "Hemp" has the same meaning as provided in section 22-61l.

3677 (b) (1) Notwithstanding the provisions of section 31-40q, as amended
3678 by this act, no person shall smoke: (A) In any area of a building or
3679 portion of a building, partially enclosed shelter on a rail platform or bus
3680 shelter owned and operated or leased and operated by the state or any
3681 political subdivision thereof; (B) in any area of a health care institution,
3682 including, but not limited to, a psychiatric facility; (C) in any area of a

3683 retail [food store] establishment accessed by the general public; (D) in
3684 any restaurant; (E) in any area of an establishment with a permit issued
3685 for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b,
3686 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-
3687 37f, in any area of an establishment with a permit for the sale of alcoholic
3688 liquor pursuant to section 30-23 issued after May 1, 2003, and, on and
3689 after April 1, 2004, in any area of an establishment with a permit issued
3690 for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the
3691 bar area of a bowling establishment holding a permit pursuant to
3692 subsection (a) of section 30-37c; (F) [~~within~~] in any area of a school
3693 building or on the grounds of such school; (G) within a child care facility
3694 or on the grounds of such child care facility, except, if the child care
3695 facility is a family child care home, as defined in section 19a-77, such
3696 smoking is prohibited only when a child enrolled in such home is
3697 present during customary business hours; (H) in any passenger
3698 elevator; [, provided no person shall be arrested for violating this
3699 subsection unless there is posted in such elevator a sign which indicates
3700 that smoking is prohibited by state law;] (I) in any area of a dormitory
3701 in any public or private institution of higher education; [or (J) on and
3702 after April 1, 2004,] (J) in any area of a dog race track or a facility
3703 equipped with screens for the simulcasting of off-track betting race
3704 programs or jai alai games; (K) in any room offered as an
3705 accommodation to guests by the operator of a hotel, motel or similar
3706 lodging; or (L) in any area of a correctional facility or halfway house. For
3707 purposes of this subsection, "restaurant" means space, in a suitable and
3708 permanent building, kept, used, maintained, advertised and held out to
3709 the public to be a place where meals are regularly served to the public,
3710 "school" has the same meaning as provided in section 10-154a and "child
3711 care facility" has the same meaning as provided in section 19a-342a, as
3712 amended by this act.

3713 (2) [This section] Subdivision (1) of this subsection shall not apply to
3714 [(A) correctional facilities; (B) designated smoking areas in psychiatric
3715 facilities; (C) public] the following: (A) Public housing projects, as
3716 defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
3717 where demonstration smoking is taking place as part of a medical or

3718 scientific experiment or lesson; [(E) smoking rooms provided by
3719 employers for employees, pursuant to section 31-40q; (F)] (C)
3720 notwithstanding the provisions of subparagraph (E) of subdivision (1)
3721 of this subsection, the outdoor portion of the premises of any permittee
3722 listed in subparagraph (E) of subdivision (1) of this subsection,
3723 provided, in the case of any seating area maintained for the service of
3724 food, at least seventy-five per cent of the outdoor seating capacity is an
3725 area in which smoking is prohibited and which is clearly designated
3726 with written signage as a nonsmoking area, except that any temporary
3727 seating area established for special events and not used on a regular
3728 basis shall not be subject to the smoking prohibition or signage
3729 requirements of this subparagraph; [(G)] (D) any medical research site
3730 where smoking is integral to the research being conducted; [or (H)] (E)
3731 any tobacco bar or tobacco specialist, provided no tobacco bar shall
3732 expand in size or change its location from its size or location as of
3733 December 31, 2002; or (F) any location licensed for on-site smoking of
3734 cannabis. For purposes of this subdivision, "outdoor" means an area
3735 which has no roof or other ceiling enclosure, "tobacco bar" means an
3736 establishment with a permit for the sale of alcoholic liquor to consumers
3737 issued pursuant to chapter 545 that, in the calendar year ending
3738 December 31, 2002, generated ten per cent or more of its total annual
3739 gross income from the on-site sale of tobacco products and the rental of
3740 on-site humidors, [and] "tobacco product" means any substance that
3741 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
3742 tobacco or chewing tobacco, except "tobacco product" does not include
3743 cannabis, and "tobacco specialist" means an establishment engaged in
3744 the sale of tobacco products that generates at least seventy-five per cent
3745 of its annual gross income from the on-site sale of tobacco products and
3746 the rental of on-site humidors.

3747 [(c) The operator of a hotel, motel or similar lodging may allow guests
3748 to smoke in not more than twenty-five per cent of the rooms offered as
3749 accommodations to guests.]

3750 [(d)] (c) In each room, elevator, area or building in which smoking is
3751 prohibited by this section, the person in control of the premises shall

3752 post or cause to be posted in a conspicuous place signs stating that
3753 smoking is prohibited by state law. Such signs, except in elevators,
3754 restaurants, establishments with permits to sell alcoholic liquor to
3755 consumers issued pursuant to chapter 545, hotels, motels or similar
3756 lodgings, and health care institutions, shall have letters at least four
3757 inches high with the principal strokes of letters not less than one-half
3758 inch wide.

3759 [(e)] (d) Any person found guilty of smoking in violation of this
3760 section, failure to post signs as required by this section or the
3761 unauthorized removal of such signs shall have committed an infraction.
3762 Nothing in this section shall be construed to require the person in
3763 control of a building to post such signs in every room of [a] the building,
3764 provided such signs are posted in a conspicuous place in [such] the
3765 building.

3766 [(f)] (e) Nothing in this section shall be construed to require any
3767 smoking area [in] inside or outside any building or the entryway to any
3768 building or on any property.

3769 [(g)] (f) The provisions of this section shall supersede and preempt
3770 the provisions of any municipal law or ordinance relative to smoking
3771 effective prior to, on or after October 1, 1993.

3772 Sec. 87. Section 19a-342a of the general statutes is repealed and the
3773 following is substituted in lieu thereof (*Effective October 1, 2021*):

3774 (a) As used in this section: [and section 2 of public act 15-206:]

3775 (1) "Any area" means the interior of the facility, building or
3776 establishment and the outside area within twenty-five feet of any
3777 doorway, operable window or air intake vent of the facility, building or
3778 establishment;

3779 [(1)] (2) "Child care facility" means a provider of child care services as
3780 defined in section 19a-77, or a person or entity required to be licensed
3781 under section 17a-145;

3782 [(2)] (3) "Electronic nicotine delivery system" [has the same meaning
3783 as provided in section 21a-415;] means an electronic device used in the
3784 delivery of nicotine to a person inhaling from the device, and includes,
3785 but is not limited to, an electronic cigarette, electronic cigar, electronic
3786 cigarillo, electronic pipe or electronic hookah and any related device and
3787 any cartridge or other component of such device, including, but not
3788 limited to, electronic cigarette liquid. "Electronic nicotine delivery
3789 system" does not include a medicinal or therapeutic product that is (A)
3790 used by a licensed health care provider to treat a patient in a health care
3791 setting, (B) used by a patient, as prescribed or directed by a licensed
3792 healthcare provider in any setting, or (C) any drug or device, as defined
3793 in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended
3794 from time to time, any combination product, as described in said act, 21
3795 USC 353(g), as amended from time to time, or any biological product, as
3796 described in 42 USC 262, as amended from time to time, and 21 CFR
3797 600.3, as amended from time to time, authorized for sale by the federal
3798 Food and Drug Administration;

3799 (4) "Electronic cigarette liquid" does not include a medicinal or
3800 therapeutic product that is (A) used by a licensed health care provider
3801 to treat a patient in a health care setting, (B) used by a patient, as
3802 prescribed or directed by a licensed health care provider in any setting,
3803 or (C) any drug or device, as defined in the federal Food, Drug and
3804 Cosmetic Act, 21 USC 321, as amended from time to time, any
3805 combination product, as described in said act, 21 USC 353(g), as
3806 amended from time to time, or any biological product, as described in
3807 42 USC 262, as amended from time to time, and 21 CFR 600.3, as
3808 amended from time to time, authorized for sale by the federal Food and
3809 Drug Administration;

3810 (5) "Electronic cannabis delivery system" means an electronic device
3811 that may be used to simulate smoking in the delivery of cannabis to a
3812 person inhaling the device and includes, but is not limited to, a
3813 vaporizer, electronic pipe, electronic hookah and any related device and
3814 any cartridge or other component of such device. "Electronic cannabis
3815 delivery system" does not include a medicinal or therapeutic product

3816 that is (A) used by a licensed health care provider to treat a patient in a
3817 health care setting, (B) used by a patient, as prescribed or directed by a
3818 licensed health care provider in any setting, or (C) any drug or device,
3819 as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as
3820 amended from time to time, any combination product, as described in
3821 said act, 21 USC 353(g), as amended from time to time, or any biological
3822 product, as described in 42 USC 262, as amended from time to time, and
3823 21 CFR 600.3, as amended from time to time, authorized for sale by the
3824 federal Food and Drug Administration;

3825 (6) "Cannabis" means marijuana, as defined in section 21a-240;

3826 [(3)] (7) "Liquid nicotine container" means a container that holds a
3827 liquid substance containing nicotine that is sold, marketed or intended
3828 for use in an electronic nicotine delivery system or vapor product,
3829 except "liquid nicotine container" does not include such a container that
3830 is prefilled and sealed by the manufacturer and not intended to be
3831 opened by the consumer; and

3832 [(4)] (8) "Vapor product" [has the same meaning as provided in
3833 section 21a-415] means any product that employs a heating element,
3834 power source, electronic circuit or other electronic, chemical or
3835 mechanical means, regardless of shape or size, to produce a vapor that
3836 may include nicotine or cannabis and is inhaled by the user of such
3837 product. "Vapor product" does not include a medicinal or therapeutic
3838 product that is (A) used by a licensed health care provider to treat a
3839 patient in a health care setting, (B) used by a patient, as prescribed or
3840 directed by a licensed health care provider in any setting, or (C) any
3841 drug or device, as defined in the federal Food, Drug and Cosmetic Act,
3842 21 USC 321, as amended from time to time, any combination product,
3843 as described in said act, 21 USC 353(g), as amended from time to time,
3844 or any biological product, as defined in 42 USC 262, as amended from
3845 time to time, and 21 CFR 600.3, as amended from time to time,
3846 authorized for sale by the federal Food and Drug Administration.

3847 (b) (1) No person shall use an electronic nicotine or cannabis delivery
3848 system or vapor product: (A) In any area of a building or portion of a

3849 building owned and operated or leased and operated by the state or any
3850 political subdivision thereof; (B) in any area of a health care institution,
3851 including, but not limited to, a psychiatric facility; (C) in any area of a
3852 retail [food store] establishment accessed by the public; (D) in any
3853 restaurant; (E) in any area of an establishment with a permit issued for
3854 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
3855 22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-
3856 37e or 30-37f, in any area of establishment with a permit issued for the
3857 sale of alcoholic liquor pursuant to section 30-23 issued after May 1,
3858 2003, or the bar area of a bowling establishment holding a permit
3859 pursuant to subsection (a) of section 30-37c; (F) [within] in any area of a
3860 school building or on the grounds of such school; (G) within a child care
3861 facility or on the grounds of such child care facility, except, if the child
3862 care facility is a family child care home as defined in section 19a-77, such
3863 use is prohibited only when a child enrolled in such home is present
3864 during customary business hours; (H) in any passenger elevator; [,
3865 provided no person shall be arrested for violating this subsection unless
3866 there is posted in such elevator a sign which indicates that such use is
3867 prohibited by state law;] (I) in any area of a dormitory in any public or
3868 private institution of higher education; [or] (J) in any area of a dog race
3869 track or a facility equipped with screens for the simulcasting of off-track
3870 betting race programs or jai alai games; (K) in any room offered as an
3871 accommodation to guests by the operator of a hotel, motel or similar
3872 lodging; or (L) in any area of a correctional facility or halfway house. For
3873 purposes of this subsection, "restaurant" means space, in a suitable and
3874 permanent building, kept, used, maintained, advertised and held out to
3875 the public to be a place where meals are regularly served to the public,
3876 and "school" has the same meaning as provided in section 10-154a.

3877 (2) [This section] Subdivision (1) of this subsection shall not apply to
3878 [(A) correctional facilities; (B) designated smoking areas in psychiatric
3879 facilities; (C) public] the following: (A) Public housing projects, as
3880 defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
3881 where a demonstration of the use of an electronic nicotine or cannabis
3882 delivery system or vapor product is taking place as part of a medical or
3883 scientific experiment or lesson; [(E)] (C) any medical research site where

3884 the use of an electronic nicotine or cannabis delivery system or vapor
3885 product is integral to the research being conducted; [(F)] (D)
3886 establishments without a permit for the sale of alcoholic liquor that sell
3887 electronic nicotine delivery systems, vapor products or liquid nicotine
3888 containers on-site and allow their customers to use such systems,
3889 products or containers on-site; [(G) smoking rooms provided by
3890 employers for employees, pursuant to section 31-40q; (H)] (E) any
3891 location licensed for on-site use of an electronic cannabis delivery
3892 system; (F) notwithstanding the provisions of subparagraph (E) of
3893 subdivision (1) of this subsection, the outdoor portion of the premises of
3894 any permittee listed in subparagraph (E) of subdivision (1) of this
3895 subsection, provided, in the case of any seating area maintained for the
3896 service of food, at least seventy-five per cent of the outdoor seating
3897 capacity is an area in which smoking is prohibited and which is clearly
3898 designated with written signage as a nonsmoking area, except that any
3899 temporary seating area established for special events and not used on a
3900 regular basis shall not be subject to the prohibition on the use of an
3901 electronic nicotine or cannabis delivery system or vapor product or the
3902 signage requirements of this subparagraph; or [(I)] (G) any tobacco bar,
3903 provided no tobacco bar shall expand in size or change its location from
3904 its size or location as of October 1, 2015. For purposes of this subdivision,
3905 "outdoor" means an area which has no roof or other ceiling enclosure,
3906 "tobacco bar" means an establishment with a permit for the sale of
3907 alcoholic liquor to consumers issued pursuant to chapter 545 that, in the
3908 calendar year ending December 31, 2015, generated ten per cent or more
3909 of its total annual gross income from the on-site sale of tobacco products
3910 and the rental of on-site humidors, [and] "tobacco product" means any
3911 substance that contains tobacco, including, but not limited to, cigarettes,
3912 cigars, pipe tobacco or chewing tobacco, except that "tobacco product"
3913 does not include cannabis.

3914 [(c) The operator of a hotel, motel or similar lodging may allow guests
3915 to use an electronic nicotine delivery system or vapor product in not
3916 more than twenty-five per cent of the rooms offered as accommodations
3917 to guests.]

3918 [(d)] (c) In each room, elevator, area or building in which the use of
3919 an electronic nicotine or cannabis delivery system or vapor product is
3920 prohibited by this section, the person in control of the premises shall
3921 post or cause to be posted in a conspicuous place signs stating that such
3922 use is prohibited by state law. Such signs, except in elevators,
3923 restaurants, establishments with permits to sell alcoholic liquor to
3924 consumers issued pursuant to chapter 545, hotels, motels or similar
3925 lodgings, and health care institutions, shall have letters at least four
3926 inches high with the principal strokes of letters not less than one-half
3927 inch wide.

3928 [(e)] (d) Any person found guilty of using an electronic nicotine or
3929 cannabis delivery system or vapor product in violation of this section,
3930 failure to post signs as required by this section or the unauthorized
3931 removal of such signs shall have committed an infraction. Nothing in
3932 this section shall be construed to require the person in control of a
3933 building to post such signs in every room of the building, provided such
3934 signs are posted in a conspicuous place in the building.

3935 [(f)] (e) Nothing in this section shall be construed to require the
3936 designation of any area for the use of electronic nicotine or cannabis
3937 delivery system or vapor product [in] inside or outside any building or
3938 the entryway to any building or on any property.

3939 [(g)] (f) The provisions of this section shall supersede and preempt
3940 the provisions of any municipal law or ordinance relative to the use of
3941 an electronic nicotine delivery system or vapor product effective prior
3942 to, on or after October 1, 2015.

3943 Sec. 88. Section 31-40q of the general statutes is repealed and the
3944 following is substituted in lieu thereof (*Effective October 1, 2021*):

3945 (a) As used in this section:

3946 (1) "Person" means one or more individuals, partnerships,
3947 associations, corporations, limited liability companies, business trusts,
3948 legal representatives or any organized group of persons; [.]

3949 (2) "Employer" means a person engaged in business who has
3950 employees, including the state and any political subdivision thereof; [.]

3951 (3) "Employee" means any person engaged in service to an employer
3952 in the business of his employer; [.]

3953 (4) "Business facility" means a structurally enclosed location or
3954 portion thereof at which employees perform services for their employer.
3955 The term "business facility" does not include: (A) Facilities listed in
3956 [subparagraph (A), (C) or (H) of] subdivision (2) of subsection (b) of
3957 section 19a-342, as amended by this act, or subdivision (2) of subsection
3958 (b) of section 19a-342a, as amended by this act; (B) any establishment
3959 with a permit for the sale of alcoholic liquor pursuant to section 30-23
3960 issued on or before May 1, 2003; (C) for any business that is engaged in
3961 the testing or development of tobacco, [or] tobacco products or cannabis,
3962 the areas of such business designated for such testing or development;
3963 or (D) during the period from October 1, 2003, to April 1, 2004,
3964 establishments with a permit issued for the sale of alcoholic liquor
3965 pursuant to section 30-22a or 30-26 or the bar area of a bowling
3966 establishment holding a permit pursuant to subsection (a) of section 30-
3967 37c; [.]

3968 (5) ["Smoking"] "Smoke" or "smoking" means the burning of a lighted
3969 cigar, cigarette, pipe or any other [matter or substance which contains
3970 tobacco.] similar device, whether containing, wholly or in part, tobacco,
3971 cannabis or hemp;

3972 (6) "Cannabis" means marijuana, as defined in section 21a-240;

3973 (7) "Electronic nicotine delivery system" has the same meaning as
3974 provided in section 19a-342a, as amended by this act;

3975 (8) "Electronic cannabis delivery system" has the same meaning as
3976 provided in section 19a-342a, as amended by this act;

3977 (9) "Vapor product" has the same meaning as provided in section 19a-
3978 342a, as amended by this act;

3979 (10) "Any area" has the same meaning as provided in section 19a-
3980 342a, as amended by this act; and

3981 (11) "Hemp" has the same meaning as provided in section 22-61l.

3982 [(b) Each employer with fewer than five employees in a business
3983 facility shall establish one or more work areas, sufficient to
3984 accommodate nonsmokers who request to utilize such an area, within
3985 each business facility under his control, where smoking is prohibited.
3986 The employer shall clearly designate the existence and boundaries of
3987 each nonsmoking area by posting signs which can be readily seen by
3988 employees and visitors. In the areas within the business facility where
3989 smoking is permitted, existing physical barriers and ventilation systems
3990 shall be used to the extent practicable to minimize the effect of smoking
3991 in adjacent nonsmoking areas.]

3992 [(c) (1)] (b) Each employer [with five or more employees] shall
3993 prohibit smoking [in] and the use of electronic nicotine and cannabis
3994 delivery systems and vapor products in any area of any business facility
3995 under said employer's control. [, except that an employer may designate
3996 one or more smoking rooms.]

3997 [(2) Each employer that provides a smoking room pursuant to this
3998 subsection shall provide sufficient nonsmoking break rooms for
3999 nonsmoking employees.

4000 (3) Each smoking room designated by an employer pursuant to this
4001 subsection shall meet the following requirements: (A) Air from the
4002 smoking room shall be exhausted directly to the outside by an exhaust
4003 fan, and no air from such room shall be recirculated to other parts of the
4004 building; (B) the employer shall comply with any ventilation standard
4005 adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii)
4006 the United States Secretary of Labor under the authority of the
4007 Occupational Safety and Health Act of 1970, as from time to time
4008 amended, or (iii) the federal Environmental Protection Agency; (C) such
4009 room shall be located in a nonwork area, where no employee, as part of
4010 his or her work responsibilities, is required to enter, except such work

4011 responsibilities shall not include any custodial or maintenance work
4012 carried out in the smoking room when it is unoccupied; and (D) such
4013 room shall be for the use of employees only.]

4014 [(d)] (c) Nothing in this section may be construed to prohibit an
4015 employer from designating an entire business facility and the real
4016 property on which the business facility is located as a nonsmoking area.

4017 Sec. 89. (NEW) (*Effective July 1, 2022*) (a) No hotel, motel or similar
4018 lodging shall prohibit the legal possession or consumption of cannabis,
4019 as defined in section 1 of this act, in any nonpublic area of such hotel,
4020 motel or similar lodging.

4021 (b) Notwithstanding the provisions of subsection (a) of this section, a
4022 hotel, motel or similar lodging shall prohibit the smoking of cannabis
4023 and the use of an electronic cannabis delivery system, as defined in
4024 section 19a-342a of the general statutes, as amended by this act, and
4025 vapor product, as defined in said section, containing cannabis in any
4026 location of such hotel, motel or similar lodging.

4027 Sec. 90. (NEW) (*Effective July 1, 2022*) (a) As used in this section,
4028 "tenant", "landlord" and dwelling unit" have the same meanings as
4029 provided in section 47a-1 of the general statutes. Except as provided in
4030 this section, a landlord or property manager may not refuse to rent to a
4031 potential tenant or a current tenant, or otherwise discriminate against a
4032 potential tenant or a current tenant, based on a past conviction for
4033 possession of a cannabis-type substance under section 21a-279a of the
4034 general statutes or for a past conviction for possession of four or fewer
4035 ounces of cannabis plant material, and any equivalencies and
4036 combinations thereof, pursuant to subsection (h) of section 21a-279a of
4037 the general statutes, as amended by this act, in any other jurisdiction.

4038 (b) Except as provided in this section, in the case of the rental of a
4039 dwelling unit, a landlord or property manager may not prohibit the
4040 possession of cannabis or the consumption of cannabis, except a
4041 landlord or property manager may prohibit smoking of cannabis or use
4042 of an electronic cannabis device or cannabis vapor product, as defined

4043 in section 19a-342a of the general statutes, as amended by this act.

4044 (c) A drug test of a tenant that solely yields a positive result for 11-
4045 nor-9-carboxy-delta-9-tetrahydrocannabinol shall not form the sole
4046 basis for a landlord to refuse to lease to or continue to lease to, or
4047 otherwise penalize such tenant, unless failing to do so would put the
4048 landlord in violation of a federal contract or cause the landlord to lose
4049 federal funding.

4050 (d) This section does not apply if:

4051 (1) The tenant is a roomer who is not leasing the entire residence;

4052 (2) the residence is incidental to detention or the provision of medical,
4053 geriatric, educational, counseling, religious, or similar service;

4054 (3) The residence is a transitional housing or sober living facility; or

4055 (4) Failing to prohibit cannabis possession or consumption would
4056 violate federal law or regulations or cause the landlord to lose a
4057 monetary or licensing-related benefit under federal law or regulations.

4058 Sec. 91. (NEW) (*Effective July 1, 2022*) The use of cannabis or cannabis
4059 products shall be prohibited on any state lands or waters managed by
4060 the Department of Energy and Environmental Protection. Any person
4061 who violates such prohibition shall be fined not more than two hundred
4062 fifty dollars.

4063 Sec. 92. (NEW) (*Effective July 1, 2021*) The Commissioner of Correction
4064 may prohibit the possession of cannabis in any Department of
4065 Correction facility and by any person under the custody of the
4066 department.

4067 Sec. 93. (NEW) (*Effective July 1, 2022*) A drug test of an individual that
4068 solely yields a positive result for 11-nor-9-carboxy-delta-9-
4069 tetrahydrocannabinol shall not be construed, without other evidence, as
4070 proof that such individual is under the influence of or impaired by
4071 cannabis.

4072 Sec. 94. (NEW) (*Effective July 1, 2021*) The presence of cannabinoid
4073 metabolites in the bodily fluids of a person:

4074 (1) With respect to a patient, shall not constitute the use of an illicit
4075 substance resulting in denial of medical care, including organ
4076 transplantation, and a patient's use of cannabis products may only be
4077 considered with respect to evidence-based clinical criteria; and

4078 (2) With respect to a parent or legal guardian of a child or newborn
4079 infant, or a pregnant woman, shall not form the sole or primary basis for
4080 any action or proceeding by the Department of Children and Families,
4081 or any successor agencies provided, nothing in this subdivision shall
4082 preclude any action or proceeding by such department based on harm
4083 or risk of harm to a child or the use of information on the presence of
4084 cannabinoid metabolites in the bodily fluids of any person in any action
4085 or proceeding.

4086 Sec. 95. (NEW) (*Effective July 1, 2021*) A drug test of a student that
4087 solely yields a positive result for 11-nor-9-carboxy-delta-9-
4088 tetrahydrocannabinol shall not form the sole basis for an educational
4089 institution to refuse to enroll or to continue to enroll, or otherwise
4090 penalize such student, unless failing to do so would put the educational
4091 institution in violation of a federal contract or cause it to lose federal
4092 funding, or such student is being drug tested as required by the National
4093 Collegiate Athletic Association and any such action is taken as required
4094 by the policies of the National Collegiate Athletic Association.

4095 Sec. 96. (NEW) (*Effective July 1, 2021*) No institution of higher
4096 education, as defined in section 10a-55 of the general statutes, shall
4097 revoke any financial aid, student loans, or expel a student, solely for use
4098 or possession of less than (1) four ounces of cannabis plant material, (2)
4099 an equivalent amount of cannabis product, as provided in subsection
4100 (h) of section 3 of this act, or (3) an equivalent amount of a combination
4101 of cannabis and cannabis product, as provided in subsection (h) of
4102 section 3 of this act, unless required by federal law, or that failing to do
4103 so would put the educational institution or in violation of a federal
4104 contract or cause it to lose federal funding.

4105 Sec. 97. (NEW) (Effective July 1, 2022) As used in this section and
4106 sections 98 to 101, inclusive, of this act:

4107 (1) "Employee" means any individual employed or permitted to work
4108 by an employer, or an independent contractor;

4109 (2) "Employer" has the same meaning as provided in section 31-58 of
4110 the general statutes.

4111 (3) "Exempted employer" means an employer whose primary activity
4112 is (A) mining, including, but not limited to, an employer with a two-
4113 digit North American Industry Classification System code of 21, (B)
4114 utilities, including, but not limited to, any employer with a two-digit
4115 North American Industry Classification System code of 22, (C)
4116 construction, including, but not limited to, an employer with a two-digit
4117 North American Industry Classification System code of 23, (D)
4118 manufacturing, including, but not limited to, an employer with a two-
4119 digit North American Industry Classification System code of 31, 32, or
4120 33, (E) transportation or delivery, including, but not limited to, an
4121 employer with a two-digit North American Industry Classification
4122 System code of 48 or 49, (F) educational services, including, but not
4123 limited to, an employer with a two-digit North American Industry
4124 Classification System Code of 61, (G) health care or social services,
4125 including, but not limited to, an employer with a two-digit North
4126 American Industry Classification System Code of 62, (H) justice, public
4127 order, and safety activities, including, but not limited to, an employer
4128 with a four-digit North American Industry Classification System code
4129 of 9221, or (I) national security and international affairs, including, but
4130 not limited to, those with a three-digit North American Industry
4131 Classification System code of 928. As used in this subdivision,
4132 "Employer" includes any subdivision of a business entity that is a
4133 standalone business unit, including, but not limited to, having its own
4134 executive leadership, having some or significant autonomy and having
4135 its own financial statements and results.

4136 (4) "Exempted position" means a position:

- 4137 (A) As a firefighter;
- 4138 (B) As an emergency medical technician;
- 4139 (C) As a police officer or peace officer, or in a position with a law
4140 enforcement or investigative function at a state or local agency;
- 4141 (D) Requiring operation of a motor vehicle, for which federal or state
4142 law requires any employee such position to submit to screening tests,
4143 including, but not limited to, any position requiring a commercial
4144 driver's license or any position subject to 49 CFR Part 40, 14 CFR Part
4145 120, or 49 CFR Part 16;
- 4146 (E) Requiring certification of completion of a course in construction
4147 safety and health approved by the United States Department of Labor's
4148 occupational safety and health administration;
- 4149 (F) Requiring a federal Department of Defense or Department of
4150 Energy national security clearance;
- 4151 (G) For which the provisions of sections 98 to 101, inclusive, of this
4152 act, are inconsistent or otherwise in conflict with the provisions of an
4153 employment contract or collective bargaining agreement;
- 4154 (H) For which the provisions of sections 98 to 101, inclusive, of this
4155 act, would be inconsistent or otherwise in conflict with any provision of
4156 federal law;
- 4157 (I) Funded in whole or in part by a federal grant;
- 4158 (J) Requiring certification of completion of a course in construction
4159 safety and health approved by the United States Department of Labor's
4160 occupational safety and health administration;
- 4161 (K) Requiring the supervision or care of children, medical patients or
4162 vulnerable persons;
- 4163 (L) With the potential to adversely impact the health or safety of
4164 employees or members of the public, in the determination of the

4165 employer; or

4166 (M) At a nonprofit organization or corporation, the primary purpose
4167 of which is to discourage use of cannabis products or any other drug by
4168 the general public; and

4169 (5) "Exempted employee" means an employee holding an exempted
4170 position or working for an exempted employer;

4171 (6) "On call" means a period of time for which an employee (A) is
4172 scheduled with at least twenty-four hours' notice by his or her employer
4173 to be on standby or otherwise responsible for performing tasks related
4174 to his or her employment, either at the employer's premises or other
4175 previously designated location by his or her employer or supervisor to
4176 perform a work-related task, and (B) is being compensated for such
4177 scheduled time;

4178 (7) "Work hours" means, for a nonexempt employee under the Fair
4179 Labor Standards Act, as amended from time to time, any period of time
4180 for which such employee is compensated by an employer; and

4181 (8) "Workplace" means the employer's premises, including any
4182 building, real property, and parking area under the control of the
4183 employer, and area used by an employee while in the performance of
4184 the employee's job duties, and the employer's vehicles, whether leased,
4185 rented, or owned.

4186 Sec. 98. (NEW) (*Effective July 1, 2022*) (a) No employer shall be
4187 required to make accommodations for an employee or be required to
4188 allow an employee to: (1) Perform his or her duties while under the
4189 influence of cannabis, or (2) possess, use or otherwise consume cannabis
4190 while performing such duties, except possession of palliative cannabis
4191 by a qualifying patient under chapter 420f of the general statutes.

4192 (b) (1) An employer may implement a policy prohibiting the
4193 possession, use or other consumption of cannabis by an employee,
4194 except (A) as provided in section 21a-408p of the general statutes, and
4195 (B) for possession of palliative cannabis by a qualifying patient under

4196 chapter 420f, provided such policy is: (i) In writing in either physical or
4197 electronic form, and (ii) made available to each employee prior to the
4198 enactment of such policy. The employer shall provide any such policy
4199 to each prospective employee at the time the employer makes an offer
4200 or conditional offer of employment to the prospective employee.

4201 (2) (A) No employer shall discharge from employment or take any
4202 adverse action against any employee with respect to compensation,
4203 terms, conditions or other privileges of employment because such
4204 employee does or does not smoke, vape, aerosolize or otherwise use
4205 cannabis products outside of the workplace, unless such employment
4206 action is made pursuant to a policy established under subdivision (1) of
4207 this subsection. (B) No employer shall discharge from employment or
4208 take any adverse action against any employee or prospective employee
4209 with respect to compensation, terms, conditions, refusal to hire or other
4210 privileges of employment because such employee or prospective
4211 employee had or had not smoked, vaped, aerosolized or otherwise used
4212 cannabis products outside of the workplace before such employee or
4213 prospective employee was employed by such employer, unless failing
4214 to do so would put the employer in violation of a federal contract or
4215 cause it to lose federal funding.

4216 (c) Nothing in sections 97 to 101, inclusive, of this act: (1) Requires an
4217 employer to amend or repeal, or affect, restrict or preempt the rights and
4218 obligations of employers to maintain a drug and alcohol-free workplace,
4219 or (2) shall limit an employer from taking appropriate employment
4220 action upon (A) reasonable suspicion of an employee's usage of
4221 cannabis while engaged in the performance of the employee's work
4222 responsibilities at the workplace or on call, or (B) that an employee
4223 manifests specific, articulable symptoms of drug impairment while
4224 working at the workplace or on call that decrease or lessen the
4225 employee's performance of the duties or tasks of the employee's job
4226 position, including, but not limited to, (i) symptoms of the employee's
4227 speech, physical dexterity, agility, coordination, demeanor, irrational or
4228 unusual behavior, or negligence or carelessness in operating equipment
4229 of machinery, (ii) disregard for the safety of the employee or others, or

4230 involvement in any accident that results in serious damage to
4231 equipment or property, (iii) disruption of a production or
4232 manufacturing process, or (iv) carelessness that results in any injury to
4233 the employee or others.

4234 (d) (1) The provisions of subsections (a) and (b) of this section shall
4235 not apply to an exempted employer or to any employee who holds or is
4236 applying for an exempted position.

4237 (2) Nothing in sections 97 to 101, inclusive, of this act, shall limit or
4238 prevent an employer from subjecting an employee or applicant to drug
4239 testing or a fitness for duty evaluation, or from taking adverse action,
4240 including, but not limited to, disciplining an employee, terminating
4241 employment of an employee or rescinding a conditional job offer to a
4242 prospective employee pursuant to a policy established under
4243 subdivision (1) of subsection (b) of this section.

4244 Sec. 99. (NEW) (*Effective July 1, 2022*) A drug test of prospective or
4245 current employee, other than a prospective or current exempted
4246 employee, that solely yields a positive result for 11-nor-9-carboxy-delta-
4247 9-tetrahydrocannabinol, shall not form the sole basis for refusal to
4248 employ or to continue to employ or otherwise penalize such prospective
4249 or current employee, unless (1) failing to do so would put the employer
4250 in violation of a federal contract or cause it to lose federal funding, (2)
4251 the employer reasonably suspects an employee's usage of cannabis
4252 while engaged in the performance of the employee's work
4253 responsibilities, (3) the employee manifests specific, articulable
4254 symptoms of drug impairment while working that decrease or lessen
4255 the employee's performance of the duties or tasks of the employee's job
4256 position, including, but not limited to, (A) symptoms of the employee's
4257 speech, physical dexterity, agility, coordination, demeanor, irrational or
4258 unusual behavior or negligence or carelessness in operating equipment
4259 of machinery, (B) disregard for the safety of the employee or others, or
4260 involvement in any accident that results in serious damage to
4261 equipment or property, (C) disruption of a production or manufacturing
4262 process, or (D) carelessness that results in any injury to the employee or

4263 others, or (4) except as provided in section 21a-408p of the general
4264 statutes, such drug test was pursuant to a random drug testing policy
4265 pursuant to subdivision (1) of subsection (b) of section 98 of this act or
4266 was of a prospective employee with a conditional job offer, and such
4267 employer has established in such policy that a positive drug test for 11-
4268 nor-9-carboxy-delta-9-tetrahydrocannabinol may result in an adverse
4269 employment action.

4270 Sec. 100. (NEW) (*Effective July 1, 2022*) (a) Except as provided in
4271 subsection (b) of this section, if an employer has violated any provision
4272 of section 98 or 99 of this act, an individual aggrieved by such violation
4273 may bring a civil action for judicial enforcement of such provision in the
4274 superior court for the judicial district where the violation is alleged to
4275 have occurred, or where the employer has its principal office, within
4276 ninety days of such alleged violation, except any action involving a state
4277 agency may be brought in the superior court for the judicial district of
4278 Hartford. Any individual who prevails in such civil action may be
4279 awarded reinstatement of the individual's previous employment or job
4280 offer and shall be awarded payment of back wages and reasonable
4281 attorney's fees and costs, to be taxed by the court.

4282 (b) Nothing in this section shall be construed to create or imply a
4283 cause of action for any person against an employer: (1) For actions taken
4284 based on the employer's good faith belief that an employee used or
4285 possessed cannabis, except possession of palliative cannabis by a
4286 qualifying patient under chapter 420f of the general statutes, in the
4287 employer's workplace, while performing the employee's job duties,
4288 during work hours, or while on call in violation of the employer's
4289 employment policies; (2) for actions taken, including discipline or
4290 termination of employment, based on the employer's good faith belief
4291 that an employee was unfit for duty or impaired as a result of the use of
4292 cannabis, or under the influence of cannabis, while at the employer's
4293 workplace, while performing the employee's job duties, during work
4294 hours or while on call in violation of the employer's workplace drug
4295 policy; (3) for injury, loss or liability to a third party if the employer
4296 neither knew nor had reason to know that the employee was impaired

4297 by cannabis; (4) for subjecting an employee to drug testing or a fitness
4298 for duty evaluation, pursuant to a policy established under subdivision
4299 (1) of subsection (b) of section 98 of this act; (5) for subjecting a
4300 prospective employee to drug testing or taking adverse action against a
4301 prospective employee, including but not limited to rescission of a
4302 conditional job offer, based on the results of a drug test, so long as no
4303 employer takes adverse action against a prospective employee in regard
4304 to a drug test that is solely positive for 11-nor-9-carboxy-delta-9-
4305 tetrahydrocannabinol unless such employer is an exempt employer,
4306 such prospective employee is applying for an exempt position, or the
4307 employer has established in an employment policy pursuant to
4308 subdivision (1) of subsection (b) of section 98 of this act that a positive
4309 drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol may result
4310 in adverse employment action; or (6) if such employer is an exempted
4311 employer or the claims are regarding an exempted position.

4312 (c) Notwithstanding the provisions of chapter 557 of the general
4313 statutes, no employer, officer, agent or other person who violates any
4314 provision of this act shall be liable to the Labor Department for a civil
4315 penalty, nor shall the Labor Department undertake an investigation of
4316 an employer, officer, agent or other person based solely on an allegation
4317 that such employer, officer, agent or other person violated the
4318 provisions of this section.

4319 Sec. 101. (NEW) (*Effective July 1, 2021*) (a) Notwithstanding the
4320 provisions of sections 98 to 100, inclusive, of this act, nothing in this act
4321 shall be construed to apply to drug testing, conditions of continued
4322 employment or conditions for hiring employees required pursuant to:

4323 (1) Any regulation of the federal Department of Transportation, if
4324 such regulation requires testing of a prospective employee in
4325 accordance with 49 CFR 40 or any regulations of state agencies that
4326 adopt a federal regulation for purposes of enforcing the requirements of
4327 such regulation with respect to intrastate commerce;

4328 (2) Any contract entered into between the federal government and an
4329 employer or any grant of financial assistance from the federal

4330 government to an employer that requires drug testing of prospective
4331 employees as a condition of receiving the contract or grant;

4332 (3) Any federal law or state statute, regulation or order that requires
4333 drug testing of prospective employees for safety or security purposes;
4334 or

4335 (4) Any applicant whose prospective employer is a party to a valid
4336 collective bargaining agreement that specifically addresses drug testing,
4337 conditions of hiring, or conditions of continued employment of such
4338 applicant.

4339 (b) Nothing in sections 98 to 100, inclusive, of this act, inclusive, shall
4340 apply to contracts between a hospital or other medical organization and
4341 medical staff, as defined in 42 CFR 482.22, or to the requirements or
4342 enforcement of such requirements of a hospital's or other medical
4343 organization's standards for the credentialing of such medical staff.

4344 Sec. 102. Section 21a-6 of the general statutes is repealed and the
4345 following is substituted in lieu thereof (*Effective July 1, 2021*):

4346 The following boards shall be within the Department of Consumer
4347 Protection:

4348 (1) The Architectural Licensing Board established under chapter 390;

4349 (2) Repealed by P.A. 93-151, S. 3, 4;

4350 (3) The examining boards for electrical work; plumbing and piping
4351 work; heating, piping, cooling and sheet metal work; elevator
4352 installation, repair and maintenance work; fire protection sprinkler
4353 systems work and automotive glass work and flat glass work,
4354 established under chapter 393;

4355 (4) Repealed by P.A. 99-73, S. 10*;

4356 (5) The Commission of Pharmacy established under chapter 400j;

4357 (6) The State Board of Landscape Architects established under

4358 chapter 396;

4359 (7) Deleted by P.A. 98-229;

4360 (8) The State Board of Examiners for Professional Engineers and Land
4361 Surveyors established under chapter 391;

4362 (9) Repealed by P.A. 80-484, S. 175, 176;

4363 (10) The Connecticut Real Estate Commission established under
4364 chapter 392;

4365 (11) The Connecticut Real Estate Appraisal Commission established
4366 under chapter 400g;

4367 (12) The State Board of Examiners of Shorthand Reporters established
4368 under chapter 400l;

4369 (13) The Liquor Control Commission established under chapter 545;

4370 (14) Repealed by P.A. 06-187, S. 99;

4371 (15) The Home Inspection Licensing Board established under section
4372 20-490a; [and]

4373 (16) The State Board of Accountancy established under section 20-
4374 280; and

4375 (17) The Cannabis Control Commission established under section X
4376 of this act.

4377 Sec. 103. Section 21a-7 of the general statutes is repealed and the
4378 following is substituted in lieu thereof (*Effective July 1, 2021*):

4379 (a) Each board or commission within the Department of Consumer
4380 Protection under section 21a-6, as amended by this act, shall have the
4381 following powers and duties:

4382 (1) Each board or commission shall exercise its statutory functions,
4383 including licensing, certification, registration, accreditation of schools

4384 and the rendering of findings, orders and adjudications. With the
4385 exception of the Liquor Control Commission and the Cannabis Control
4386 Commission, any exercise of such functions by such a board or
4387 commission that is adverse to a party shall be a proposed decision and
4388 subject to approval, modification or rejection by the commissioner.

4389 (2) Each board or commission may, in its discretion, issue (A) an
4390 appropriate order to any person found to be violating an applicable
4391 statute or regulation providing for the immediate discontinuance of the
4392 violation, (B) an order requiring the violator to make restitution for any
4393 damage caused by the violation, or (C) both. Each board or commission
4394 may, through the Attorney General, petition the superior court for the
4395 judicial district wherein the violation occurred, or wherein the person
4396 committing the violation resides or transacts business, for the
4397 enforcement of any order issued by it and for appropriate temporary
4398 relief or a restraining order and shall certify and file in the court a
4399 transcript of the entire record of the hearing or hearings, including all
4400 testimony upon which such order was made and the findings and
4401 orders made by the board or commission. The court may grant such
4402 relief by injunction or otherwise, including temporary relief, as it deems
4403 equitable and may make and enter a decree enforcing, modifying and
4404 enforcing as so modified, or setting aside, in whole or in part, any order
4405 of a board or commission.

4406 (3) Each board or commission may conduct hearings on any matter
4407 within its statutory jurisdiction. Such hearings shall be conducted in
4408 accordance with chapter 54 and the regulations established pursuant to
4409 subsection (a) of section 21a-9. In connection with any such hearing, the
4410 board or commission may administer oaths, issue subpoenas, compel
4411 testimony and order the production of books, records and documents.
4412 If any person refuses to appear, testify or produce any book, record or
4413 document when so ordered, a judge of the Superior Court may make
4414 such order as may be appropriate to aid in the enforcement of this
4415 section.

4416 (4) Each board or commission may request the Commissioner of

4417 Consumer Protection to conduct an investigation and to make findings
4418 and recommendations regarding any matter within the statutory
4419 jurisdiction of the board or commission.

4420 (5) Each board or commission may recommend rules and regulations
4421 for adoption by the Commissioner of Consumer Protection and may
4422 review and comment upon proposed rules and regulations prior to their
4423 adoption by said commissioner.

4424 (6) Each board or commission shall meet at least once in each quarter
4425 of a calendar year and at such other times as the chairperson or the
4426 Commissioner of Consumer Protection deems necessary. A majority of
4427 the members shall constitute a quorum, except that for any examining
4428 board, forty per cent of the members shall constitute a quorum. Any
4429 member who fails to attend three consecutive meetings or who fails to
4430 attend fifty per cent of all meetings during any calendar year shall be
4431 deemed to have resigned from office. Members of boards or
4432 commissions shall not serve for more than two consecutive full terms
4433 which commence on or after July 1, 1982, except that if no successor has
4434 been appointed or approved, such member shall continue to serve until
4435 a successor is appointed or approved. Members shall not be
4436 compensated for their services but shall be reimbursed for necessary
4437 expenses incurred in the performance of their duties.

4438 (7) In addition to any other action permitted under the general
4439 statutes, each board or commission may, upon a finding of any cause
4440 specified in subsection (c) of section 21a-9: (A) Revoke or suspend a
4441 license, registration or certificate; (B) issue a letter of reprimand to a
4442 practitioner and send a copy of such letter to a complainant or to a state
4443 or local official; (C) place a practitioner on probationary status and
4444 require the practitioner to (i) report regularly to the board or
4445 commission on the matter which is the basis for probation, (ii) limit the
4446 practitioner's practice to areas prescribed by the board or commission,
4447 or (iii) continue or renew the practitioner's education until the
4448 practitioner has attained a satisfactory level of competence in any area
4449 which is the basis for probation. Each board or commission may

4450 discontinue, suspend or rescind any action taken under this subsection.

4451 (8) Each examining board within the Department of Consumer
4452 Protection or the Commissioner of Consumer Protection shall conduct
4453 any hearing or other action required for an application submitted
4454 pursuant to section 20-333 and any completed renewal application
4455 submitted pursuant to section 20-335 not later than (A) thirty days after
4456 the date of submission for such application or completed renewal
4457 application, as applicable, or (B) a period of time deemed appropriate
4458 by the Commissioner of Consumer Protection, but not to exceed sixty
4459 days after such date of submission.

4460 (b) With the exception of the Liquor Control Commission and the
4461 Cannabis Control Commission, each board or commission within the
4462 Department of Consumer Protection under section 21a-6, as amended
4463 by this act, that makes a proposed final decision that is adverse to a party
4464 as described in subdivision (1) of subsection (a) of this section, shall
4465 submit such proposed decision to the Commissioner of Consumer
4466 Protection. Not later than thirty calendar days after receipt of any such
4467 proposed decision, the Commissioner of Consumer Protection shall
4468 notify such board or commission that the commissioner shall render the
4469 final decision concerning such matter. Not later than thirty days after
4470 receipt of any such proposed decision, the commissioner shall approve,
4471 modify or reject the proposed decision or remand the proposed decision
4472 for further review or for the taking of additional evidence. The
4473 commissioner shall notify the board or commission in writing of the
4474 commissioner's decision and include in such notification the rationale
4475 for such decision. The decision of the commissioner shall be the final
4476 decision in accordance with section 4-180 for purposes of
4477 reconsideration in accordance with section 4-181a or appeal to the
4478 Superior Court in accordance with section 4-183.

4479 Sec. 104. Subsection (a) of section 21a-8 of the general statutes is
4480 repealed and the following is substituted in lieu thereof (*Effective July 1,*
4481 *2021*):

4482 (a) The Department of Consumer Protection shall have the following

4483 powers and duties with regard to each board or commission transferred
4484 to the Department of Consumer Protection under section 21a-6, as
4485 amended by this act, except for the Liquor Control Commission and the
4486 Cannabis Control Commission:

4487 (1) The department shall control the allocation, disbursement and
4488 budgeting of funds appropriated to the department for the operation of
4489 each board or commission transferred to said department.

4490 (2) The department shall employ and assign such personnel as the
4491 commissioner deems necessary for the performance of each board's or
4492 commission's functions.

4493 (3) The department shall perform all management functions,
4494 including purchasing, bookkeeping, accounting, payroll, secretarial,
4495 clerical, record-keeping and routine housekeeping functions.

4496 (4) The department shall conduct any necessary review, inspection or
4497 investigation regarding qualifications of applicants for licenses or
4498 certificates, possible violations of statutes or regulations, accreditation
4499 of schools, disciplinary matters and the establishment of regulatory
4500 policy, and make recommendations to the appropriate board or
4501 commission. In connection with any such investigation, the
4502 Commissioner of Consumer Protection, or the commissioner's
4503 authorized agent, may administer oaths, issue subpoenas, compel
4504 testimony and order the production of books, records and documents.
4505 If any person refuses to appear, to testify or to produce any book, record
4506 or document when so ordered, a judge of the Superior Court may make
4507 such order as may be appropriate to aid in the enforcement of this
4508 section.

4509 (5) The department shall administer any examinations necessary to
4510 ascertain the qualifications of applicants for licenses or certificates and
4511 shall issue licenses or certificates to qualified applicants. The
4512 department shall maintain rosters of licensees or registrants and update
4513 such rosters annually, and may provide copies of such rosters to the
4514 public for an appropriate fee.

4515 (6) The department shall conduct any necessary investigation and
4516 follow-up in connection with complaints regarding persons subject to
4517 regulation or licensing by the board or commission.

4518 (7) The department shall perform any other function necessary to the
4519 effective operation of the board or commission.

4520 (8) The department shall receive complaints concerning the work and
4521 practices of persons licensed, registered or certified by such boards or
4522 commissions and shall receive complaints concerning unauthorized
4523 work and practice by persons not licensed, registered or certified by
4524 such boards or commissions. The department shall distribute quarterly
4525 a list of all complaints received within the previous quarter to the
4526 chairperson of the appropriate board or commission. The department
4527 shall screen all complaints and dismiss any in which the allegation, if
4528 substantiated, would not constitute a violation of any statute or
4529 regulation. The department shall distribute notice of all such dismissals
4530 monthly to the chairperson of the appropriate board or commission. The
4531 department shall investigate any complaint in which the allegation, if
4532 substantiated, would constitute a violation of a statute or regulation
4533 under its jurisdiction. In conducting the investigation, the commissioner
4534 may seek the assistance of a member of the appropriate board, an
4535 employee of any state agency with expertise in the area, or if no such
4536 member or employee is available, a person from outside state service
4537 licensed to perform the work involved in the complaint. Board or
4538 commission members involved in an investigation shall not participate
4539 in disciplinary proceedings resulting from such investigation. The
4540 Commissioner of Consumer Protection may dismiss a complaint
4541 following an investigation if the commissioner determines that such
4542 complaint lacks probable cause. The commissioner may bring a
4543 complaint before the appropriate board or commission for a formal
4544 hearing if the commissioner determines that there is probable cause to
4545 believe that the offense alleged in the complaint has been committed
4546 and that the practitioner named in the complaint was responsible. The
4547 commissioner, or the commissioner's authorized agent, shall have the
4548 power to issue subpoenas to require the attendance of witnesses or the

4549 production of records, correspondence, documents or other evidence in
4550 connection with any hearing of a board or commission.

4551 (9) The department may contract with a third party, if the
4552 commissioner deems it necessary, to administer licensing examinations
4553 and perform all attendant administrative functions in connection with
4554 such examination and to monitor continuing professional education
4555 requirements, and may require the payment of a fee to such third party.

4556 Sec. 105. (NEW) (*Effective July 1, 2022*) Any cannabis establishment
4557 licensee or any servant or agent of a licensee who sells or delivers
4558 cannabis or cannabis products to any person under twenty-one years of
4559 age shall be guilty of a class A misdemeanor.

4560 Sec. 106. (NEW) (*Effective January 1, 2022*) (a) A cannabis
4561 establishment issued a license pursuant to this act or an agent or
4562 employee of such licensee may require any person whose age is in
4563 question to have such person's photograph be taken by, and a
4564 photocopy of such person's driver's license or identity card issued in
4565 accordance with the provisions of section 1-1h of the general statutes be
4566 made by, such licensee, agent or employee as a condition of selling or
4567 delivering cannabis or cannabis products to such person.

4568 (b) No licensee or agent or employee of a licensee shall use a
4569 photograph taken or a photocopy made pursuant to subsection (a) of
4570 this section for a purpose other than the purpose specified in said
4571 subsection.

4572 (c) No licensee or agent or employee of a licensee shall sell or
4573 otherwise disseminate a photograph taken or a photocopy made
4574 pursuant to subsection (a) of this section, or any information derived
4575 from such photograph or photocopy, to any third party for any purpose
4576 including, but not limited to, any marketing, advertising or promotional
4577 activities, except that a licensee or an agent or employee of a licensee
4578 may release such photograph, photocopy or information pursuant to a
4579 court order.

4580 (d) In any prosecution of a licensee or an agent or employee of a
4581 licensee for selling or delivering cannabis or cannabis products to a
4582 person under twenty-one years of age in violation of this act, it shall be
4583 an affirmative defense that such licensee, agent or employee sold or
4584 delivered cannabis or cannabis products to such person in good faith
4585 and in reasonable reliance upon the identification presented by such
4586 person and, pursuant to subsection (a) of this section, photographed the
4587 person and made a photocopy of such identification. In support of such
4588 defense, such licensee, agent or employee may introduce evidence of
4589 such photograph and photocopy.

4590 (e) The Commissioner of Consumer Protection may require a
4591 cannabis establishment to use an online age verification system.

4592 Sec. 107. (NEW) (*Effective January 1, 2022*) Any person who induces
4593 any person under twenty-one years of age to procure cannabis or
4594 cannabis products from any person licensed to sell such cannabis
4595 products shall be guilty of a class A misdemeanor. The provisions of this
4596 section shall not apply to (1) the procurement of cannabis or cannabis
4597 products by a person over eighteen years of age who is an employee
4598 registered pursuant to the provisions of section 17 of this act where such
4599 procurement is made in the course of such person's employment or
4600 business, or (2) any such inducement in furtherance of an official
4601 investigation or enforcement activity conducted by a law enforcement
4602 agency. Nothing in this section shall be construed to prevent any action
4603 from being taken against any person permitted to sell cannabis or
4604 cannabis products who has sold cannabis or cannabis products to a
4605 person under twenty-one years of age who is participating in an official
4606 investigation or enforcement activity conducted by a law enforcement
4607 agency.

4608 Sec. 108. (NEW) (*Effective January 1, 2022*) (a) Each person who attains
4609 the age of twenty-one years and has a motor vehicle operator's license
4610 or identity card issued in accordance with the provisions of section 1-1h
4611 of the general statutes, containing a full-face photograph of such person,
4612 may use, and each licensee may accept, such license as legal proof of the

4613 age of the person for the purposes of this act.

4614 (b) Any person who, for the purpose of procuring cannabis or
4615 cannabis products, misrepresents his or her age or uses or exhibits an
4616 operator's license belonging to any other person shall for (1) a first
4617 offense, be fined not more than two hundred fifty dollars, and (2) any
4618 subsequent offense, be guilty of a class D misdemeanor.

4619 (c) The provisions of this section shall not apply to any person
4620 employed by or who has contracted directly or indirectly with a state
4621 agency for the purposes of testing the age verification and product
4622 controls of cannabis retailers while performing such testing duties.

4623 Sec. 109. (NEW) (*Effective January 1, 2022*) (a) No person having
4624 possession of, or exercising dominion and control over, any dwelling
4625 unit or private property shall: (1) Knowingly or recklessly permit any
4626 person under twenty-one years of age to possess cannabis or cannabis
4627 products in violation of section 21-279a of the general statutes, as
4628 amended by this act, in such dwelling unit or on such private property,
4629 or (2) knowing that any person under twenty-one years of age possesses
4630 cannabis or cannabis products in violation of section 21-279a of the
4631 general statutes, as amended by this act, in such dwelling unit or on such
4632 private property, fail to make reasonable efforts to halt such possession.

4633 (b) Any person who violates the provisions of subsection (a) of this
4634 section shall be guilty of a class A misdemeanor.

4635 Sec. 110. (NEW) (*Effective January 1, 2022*) (a) No retailer or hybrid
4636 retailer or employee or agent of a retailer or hybrid retailer shall permit
4637 any person under twenty-one years of age to loiter on his or her
4638 premises where cannabis or cannabis product is kept for sale or be in
4639 any room on such premises where cannabis or cannabis products are
4640 consumed, unless such person is (1) an employee of the retailer or
4641 hybrid retailer, (2) in the case of hybrid retailer or employee or agent of
4642 a hybrid retailer, permitted under chapter 420f of the general statutes to
4643 possess or consume cannabis or cannabis products, or (3) accompanied
4644 by his or her parent or guardian.

4645 (b) Any retailer or hybrid retailer or employee or agent of a retailer
4646 or hybrid retailer who violates the provisions of subsection (a) of this
4647 section shall be (1) fined not more than one thousand dollars for a first
4648 offense, and (2) guilty of a class B misdemeanor for any subsequent
4649 offense.

4650 Sec. 111. Section 30-89a of the general statutes is repealed and the
4651 following is substituted in lieu thereof (*Effective January 1, 2022*):

4652 (a) No person having possession of, or exercising dominion and
4653 control over, any dwelling unit or private property shall (1) knowingly
4654 [] or recklessly [or with criminal negligence] permit any minor to
4655 possess alcoholic liquor in violation of subsection (b) of section 30-89 in
4656 such dwelling unit or on such private property, or (2) knowing that any
4657 minor possesses alcoholic liquor in violation of subsection (b) of section
4658 30-89 in such dwelling unit or on such private property, fail to make
4659 reasonable efforts to halt such possession. For the purposes of this
4660 subsection, "minor" means a person under twenty-one years of age.

4661 (b) Any person who violates the provisions of subsection (a) of this
4662 section shall be guilty of a class A misdemeanor.

4663 Sec. 112. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
4664 smoking, otherwise inhaling or ingesting cannabis, as defined in section
4665 1 of this act, while operating a motor vehicle when he or she smokes,
4666 otherwise inhales or ingests a cannabis product, as defined in section 1
4667 of this act, while operating a motor vehicle upon a public highway of
4668 this state or upon any road of any specially chartered municipal
4669 association or of any district organized under the provisions of chapter
4670 105 of the general statutes, a purpose of which is the construction and
4671 maintenance of roads and sidewalks, or in any parking area for ten cars
4672 or more, or upon any private road on which a speed limit has been
4673 established in accordance with the provisions of section 14-218a of the
4674 general statutes or upon any school property. No person shall be
4675 convicted of smoking or otherwise inhaling or ingesting cannabis while
4676 operating a motor vehicle and possessing or having under such person's
4677 control a controlled substance upon the same transaction. A person may

4678 be charged and prosecuted for either or each such offense, a violation of
4679 operating a motor vehicle while under the influence of any drug and
4680 any other applicable offense upon the same information.

4681 (b) Smoking, otherwise inhaling or ingesting cannabis while
4682 operating a motor vehicle is a class C misdemeanor.

4683 Sec. 113. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
4684 smoking cannabis in a motor vehicle when he or she smokes cannabis,
4685 as defined in section 1 of this act, in a motor vehicle that is being
4686 operated by another person upon a public highway of this state or upon
4687 any road of any specially chartered municipal association or of any
4688 district organized under the provisions of chapter 105 of the general
4689 statutes, a purpose of which is the construction and maintenance of
4690 roads and sidewalks, or in any parking area for ten cars or more, or upon
4691 any private road on which a speed limit has been established in
4692 accordance with the provisions of section 14-218a of the general statutes
4693 or upon any school property. No person shall be convicted of smoking
4694 cannabis as a passenger in a motor vehicle and possessing or having
4695 under such person's control a controlled substance upon the same
4696 transaction, but such person may be charged and prosecuted for both
4697 offenses upon the same information.

4698 (b) Smoking cannabis in a motor vehicle is a class D misdemeanor.

4699 Sec. 114. (NEW) (*Effective July 1, 2021*) (a) Not later than January 1,
4700 2022, each law enforcement unit shall report to the Police Officer
4701 Standards and Training Council, in the manner specified by the council,
4702 a recommendation as to the minimum number of officers that such law
4703 enforcement unit should have accredited as drug recognition experts in
4704 order to ensure adequate availability of drug recognition experts to
4705 respond to instances of impaired driving, allowing that law enforcement
4706 units may call upon drug recognition experts from other law
4707 enforcement units as necessary and available. Such recommendation
4708 shall be based on data on impaired driving made available to law
4709 enforcement units by the Department of Transportation and any

4710 guidance issued by the council.

4711 (b) The Police Officer Standards and Training Council, in conjunction
4712 with the Highway Safety Office within the Department of
4713 Transportation, shall determine the minimum number of police officers
4714 to be accredited as drug recognition experts for each law enforcement
4715 unit. In making such determination, the council and office shall consider
4716 the recommendation made by each law enforcement unit pursuant to
4717 subsection (a) of this section. The council and office shall submit the
4718 results of such determination to the Governor and the Secretary of the
4719 Office of Policy and Management not later than July 1, 2022. The council
4720 and office shall update and submit such determination to the Governor
4721 and Secretary of the Office of Policy and Management no less frequently
4722 than once every three years.

4723 (c) Not later than April 1, 2022, the Police Officer Standards and
4724 Training Council shall develop and promulgate a model drug
4725 recognition expert policy to ensure that enough police officers become
4726 trained drug recognition experts in each law enforcement unit to meet
4727 the minimum number established in subsection (b) of this section.

4728 (d) Not later than October 1, 2022, each law enforcement unit shall
4729 adopt and maintain a written policy that meets or exceeds the standards
4730 of the model policy developed pursuant to subsection (c) of this section.

4731 (e) Not later than January 1, 2022, the Police Officer Standards and
4732 Training Council and the Highway Safety Office within the Department
4733 of Transportation shall jointly issue a plan to increase access to
4734 advanced roadside impaired driving enforcement training and drug
4735 recognition expert training for police officers and law enforcement units
4736 in the state. The council and office shall update such plan no less
4737 frequently than once every three years.

4738 (f) On and after January 1, 2022, each police officer who has not yet
4739 been recertified pursuant to section 7-294e of the general statutes for the
4740 second time after receiving an initial certification, shall complete

4741 training and receive certification in advanced roadside impaired driving
4742 enforcement prior to being recertified pursuant to section 7-294e of the
4743 general statutes.

4744 (g) For purposes of this section, "advanced roadside impaired driving
4745 enforcement" means a program developed by the National Highway
4746 Traffic Safety Administration with the International Association of
4747 Chiefs of Police and the Technical Advisory Panel, which focuses on
4748 impaired driving enforcement education for police officers, or any
4749 successor to such program; "drug recognition expert" means a person
4750 certified by the International Association of Chiefs of Police as having
4751 met all requirements of the International Drug Evaluation and
4752 Classification Program; "law enforcement unit" has the same meaning
4753 as provided in section 7-294a of the general statutes; and "Police Officer
4754 Standards and Training Council" means the council established under
4755 section 7-294b of the general statutes.

4756 Sec. 115. Subsection (a) of section 14-111e of the general statutes is
4757 repealed and the following is substituted in lieu thereof (*Effective April*
4758 *1, 2022*):

4759 (a) (1) The Commissioner of Motor Vehicles shall suspend, for a
4760 period of one hundred fifty days, the motor vehicle operator's license or
4761 nonresident operating privilege of any person who has been convicted
4762 of a violation of section 30-88a involving the misuse of an operator's
4763 license and who was under the age of twenty-one at the time of such
4764 violation.

4765 (2) The commissioner shall suspend, for a period of sixty days, the
4766 motor vehicle operator's license or nonresident operating privilege of
4767 any person who has been convicted of a violation of subdivision (1) of
4768 subsection (b) of section 30-89, subsection [(a)] (b), (c) or (e) of section
4769 21a-279a, as amended by this act, or subsection (d) of section 21a-267, as
4770 amended by this act, and who was under the age of twenty-one at the
4771 time of such violation.

4772 (3) The commissioner shall suspend, for a period of thirty days, the

4773 motor vehicle operator's license or nonresident operating privilege of
4774 any person who has been convicted of a violation of subdivision (2) of
4775 subsection (b) of section 30-89 and who was under the age of twenty-
4776 one at the time of such violation.

4777 Sec. 116. Subsections (a) to (e), inclusive, of section 14-227a of the
4778 general statutes are repealed and the following is substituted in lieu
4779 thereof (*Effective April 1, 2022*):

4780 (a) No person shall operate a motor vehicle while under the influence
4781 of intoxicating liquor or any drug or both. A person commits the offense
4782 of operating a motor vehicle while under the influence of intoxicating
4783 liquor or any drug or both if such person operates a motor vehicle (1)
4784 while under the influence of intoxicating liquor or any drug or both, or
4785 (2) while such person has an elevated blood alcohol content. For the
4786 purposes of this section, "elevated blood alcohol content" means a ratio
4787 of alcohol in the blood of such person that is eight-hundredths of one
4788 per cent or more of alcohol, by weight, except that if such person is
4789 operating a commercial motor vehicle, "elevated blood alcohol content"
4790 means a ratio of alcohol in the blood of such person that is four-
4791 hundredths of one per cent or more of alcohol, by weight, and "motor
4792 vehicle" includes a snowmobile and all-terrain vehicle, as those terms
4793 are defined in section 14-379. For purposes of this section, section 14-
4794 227b, as amended by this act, and section 14-227c, as amended by this
4795 act, (A) "advanced roadside impaired driving enforcement" means a
4796 program developed by the National Highway Traffic Safety
4797 Administration with the International Association of Chiefs of Police
4798 and the Technical Advisory Panel, which focuses on impaired driving
4799 enforcement education for police officers, or any successor to such
4800 program; (B) "drug influence evaluation" means a twelve-part
4801 evaluation developed by the National Highway Traffic Safety
4802 Administration and the International Association of Chiefs of Police that
4803 is conducted by a drug recognition expert to determine the level of a
4804 person's impairment from the use of drugs and the drug category
4805 causing such impairment; (C) "drug recognition expert" means a person
4806 certified by the International Association of Chiefs of Police as having

4807 met all requirements of the International Drug Evaluation and
4808 Classification Program; and (D) "nontestimonial portion of a drug
4809 influence evaluation" means a drug influence evaluation conducted by
4810 a drug recognition expert that does not include a verbal interview with
4811 the subject.

4812 (b) Except as provided in subsection (c) of this section, in any criminal
4813 prosecution for violation of subsection (a) of this section, evidence
4814 respecting the amount of alcohol or drug in the defendant's blood or
4815 urine at the time of the alleged offense, as shown by a chemical
4816 [analysis] test of the defendant's breath, blood or urine, shall be
4817 admissible and competent provided: (1) The defendant was afforded a
4818 reasonable opportunity to telephone an attorney prior to the
4819 performance of the test and consented to the taking of the test upon
4820 which such analysis is made; (2) a true copy of the report of the test
4821 result was mailed to or personally delivered to the defendant within
4822 twenty-four hours or by the end of the next regular business day, after
4823 such result was known, whichever is later; (3) the test was performed
4824 by or at the direction of a police officer according to methods and with
4825 equipment approved by the Department of Emergency Services and
4826 Public Protection and was performed in accordance with the regulations
4827 adopted under subsection (d) of this section; (4) the device used for such
4828 test was checked for accuracy in accordance with the regulations
4829 adopted under subsection (d) of this section; (5) an additional chemical
4830 test of the same type was performed at least ten minutes after the initial
4831 test was performed or, if requested by the police officer for reasonable
4832 cause, an additional chemical test of a different type was performed,
4833 including a test to detect the presence of a drug or drugs other than or
4834 in addition to alcohol, provided the results of the initial test shall not be
4835 inadmissible under this subsection if reasonable efforts were made to
4836 have such additional test performed in accordance with the conditions
4837 set forth in this subsection and (A) such additional test was not
4838 performed or was not performed within a reasonable time, or (B) the
4839 results of such additional test are not admissible for failure to meet a
4840 condition set forth in this subsection; and (6) evidence is presented that
4841 the test was commenced within two hours of operation. In any

4842 prosecution under this section it shall be a rebuttable presumption that
4843 the results of such chemical [analysis] test establish the ratio of alcohol
4844 in the blood of the defendant at the time of the alleged offense, except
4845 that if the results of the additional test indicate that the ratio of alcohol
4846 in the blood of such defendant is ten-hundredths of one per cent or less
4847 of alcohol, by weight, and is higher than the results of the first test,
4848 evidence shall be presented that demonstrates that the test results and
4849 the analysis thereof accurately indicate the blood alcohol content at the
4850 time of the alleged offense.

4851 (c) In any prosecution for a violation of subdivision (1) of subsection
4852 (a) of this section, reliable evidence respecting the amount of alcohol in
4853 the defendant's blood or urine at the time of the alleged offense, as
4854 shown by a chemical analysis of the defendant's blood, breath or urine,
4855 otherwise admissible under subdivision (1) of subsection (b) of this
4856 section, shall be admissible only at the request of the defendant.

4857 (d) The Commissioner of Emergency Services and Public Protection
4858 shall ascertain the reliability of each method and type of device offered
4859 for chemical testing [and analysis purposes] of blood, of breath and of
4860 urine and certify those methods and types which [said] the
4861 commissioner finds suitable for use in testing [and analysis] of blood,
4862 breath and urine, respectively, in this state. The Commissioner of
4863 Emergency Services and Public Protection shall adopt regulations, in
4864 accordance with chapter 54, governing the conduct of chemical tests, the
4865 operation and use of chemical test devices, the training and certification
4866 of operators of such devices and the drawing or obtaining of blood,
4867 breath or urine samples as [said] the commissioner finds necessary to
4868 protect the health and safety of persons who submit to chemical tests
4869 and to insure reasonable accuracy in testing results. Such regulations
4870 shall not require recertification of a police officer solely because such
4871 officer terminates such officer's employment with the law enforcement
4872 agency for which certification was originally issued and commences
4873 employment with another such agency. A person qualified to withdraw
4874 blood or any hospital, laboratory or other clinic employing or utilizing
4875 the services of such a person shall not incur any civil liability as a result

4876 of such activities if requested by a police officer acting in accordance
4877 with this section or section 14-227c, as amended by this act, to withdraw
4878 blood unless the actions of the person while performing such activities
4879 constitute gross negligence.

4880 (e) (1) In any criminal prosecution for a violation of subsection (a) of
4881 this section, evidence that the defendant refused to submit to a blood,
4882 breath or urine test or the nontestimonial portion of a drug influence
4883 evaluation requested in accordance with section 14-227b, as amended
4884 by this act, shall be admissible provided the requirements of subsection
4885 (b) of said section have been satisfied. If a case involving a violation of
4886 subsection (a) of this section is tried to a jury, the court shall instruct the
4887 jury as to any inference that may or may not be drawn from the
4888 defendant's refusal to submit to [a blood, breath or urine test] such a test
4889 or evaluation.

4890 (2) A drug recognition expert may, at the discretion of the court,
4891 testify as to his or her opinion or otherwise as to the significance of any
4892 symptoms of impairment or intoxication for which evidence has been
4893 admitted or on the condition that such evidence be introduced.

4894 (3) In any prosecution for a violation of subdivision (1) of subsection
4895 (a) of this section in which it is alleged that the defendant's operation of
4896 a motor vehicle was impaired, in whole or in part, by consumption of
4897 cannabis, cannabis products or THC, as those terms are defined in
4898 section 1 of this act, the court may take judicial notice that the ingestion
4899 of THC (A) can impair a person's ability to operate a motor vehicle; (B)
4900 can impair a person's motor function, reaction time, tracking ability,
4901 cognitive attention, decision-making, judgment, perception, peripheral
4902 vision, impulse control and memory; and (C) does not enhance a
4903 person's ability to safely operate a motor vehicle.

4904 Sec. 117. Subsection (j) of section 14-227a of the general statutes is
4905 repealed and the following is substituted in lieu thereof (*Effective April*
4906 *1, 2022*):

4907 (j) In addition to any fine or sentence imposed pursuant to the

4908 provisions of subsection (g) of this section, the court may order such
4909 person to participate in an alcohol education and treatment program if
4910 such person was operating a motor vehicle under the influence of
4911 intoxicating liquor or under the influence of both intoxicating liquor and
4912 any drug.

4913 Sec. 118. Section 14-227b of the general statutes is repealed and the
4914 following is substituted in lieu thereof (*Effective April 1, 2022*):

4915 (a) Any person who operates a motor vehicle in this state shall be
4916 deemed to have given such person's consent to: [a] (1) A chemical
4917 [analysis] test of such person's blood, breath or urine; [and, if] and (2) a
4918 nontestimonial portion of a drug influence evaluation conducted by a
4919 drug recognition expert. If such person is a minor, such person's parent
4920 or parents or guardian shall also be deemed to have given their consent
4921 for such test or evaluation.

4922 [(b) If any such person, having been placed under arrest for a
4923 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
4924 subsection (a) of section 14-227n, and thereafter, after being apprised of
4925 such person's constitutional rights, having been requested to submit to
4926 a blood, breath or urine test at the option of the police officer, having
4927 been afforded a reasonable opportunity to telephone an attorney prior
4928 to the performance of such test and having been informed that such
4929 person's license or nonresident operating privilege may be suspended
4930 in accordance with the provisions of this section if such person refuses
4931 to submit to such test, or if such person submits to such test and the
4932 results of such test indicate that such person has an elevated blood
4933 alcohol content, and that evidence of any such refusal shall be
4934 admissible in accordance with subsection (e) of section 14-227a and may
4935 be used against such person in any criminal prosecution, refuses to
4936 submit to the designated test, the test shall not be given; provided, if the
4937 person refuses or is unable to submit to a blood test, the police officer
4938 shall designate the breath or urine test as the test to be taken. The police
4939 officer shall make a notation upon the records of the police department
4940 that such officer informed the person that such person's license or

4941 nonresident operating privilege may be suspended if such person
4942 refused to submit to such test or if such person submitted to such test
4943 and the results of such test indicated that such person had an elevated
4944 blood alcohol content.]

4945 (b) (1) A police officer who has placed a person under arrest for a
4946 violation of section 14-227a, as amended by this act, 14-227m or
4947 subdivision (1) or (2) of subsection (a) of section 14-227n may request
4948 that such person submit to a blood, breath or urine test at the option of
4949 the police officer, a drug influence evaluation conducted by a drug
4950 recognition expert, or both, after such person has been (A) apprised of
4951 such person's constitutional rights; (B) afforded a reasonable
4952 opportunity to telephone an attorney prior to the performance of such
4953 test or evaluation; (C) informed that evidence of any refusal to submit
4954 to such test or evaluation shall be admissible in accordance with
4955 subsection (e) of section 14-227a, as amended by this act, and may be
4956 used against such person in any criminal prosecution, except that
4957 refusal to submit to the testimonial portions of a drug influence
4958 evaluation shall not be considered evidence of refusal of such evaluation
4959 for purposes of any criminal prosecution; and (D) informed that such
4960 person's license or operating privilege may be suspended in accordance
4961 with the provisions of this section if (i) such person refuses to submit to
4962 such test or the nontestimonial portion of a drug influence evaluation,
4963 (ii) such person submits to such test and the results of such test indicate
4964 that such person has an elevated blood alcohol content, or (iii) the officer
4965 concludes, through such officer's investigation, that such person was
4966 operating a motor vehicle under the influence of intoxicating liquor or
4967 any drug, or both.

4968 (2) If the person refuses to submit to any test or drug influence
4969 evaluation, the test or evaluation shall not be given, except if the person
4970 refuses or is unable to submit to a blood test, the police officer shall
4971 designate another test to be taken. If a person submits to a breath test
4972 and the results indicate that the person does not have an elevated blood
4973 alcohol content, the police officer may request that the person submit to
4974 a different type of test, except that if such person refuses or is unable to

4975 submit to a blood test, the officer shall designate a urine test to be taken.
4976 The police officer shall make a notation upon the records of the law
4977 enforcement unit, as defined in section 7-294a, that such officer
4978 informed the person that such person's license or operating privilege
4979 may be suspended if (A) such person refused to submit to such test or
4980 nontestimonial portion of a drug influence evaluation; (B) such person
4981 submitted to such test and the results of such test indicated that such
4982 person had an elevated blood alcohol content; or (C) the officer
4983 concludes, through such officer's investigation, that such person was
4984 operating a motor vehicle under the influence of intoxicating liquor or
4985 any drug, or both.

4986 (c) If the person arrested refuses to submit to such test or [analysis]
4987 nontestimonial portion of a drug influence evaluation or submits to such
4988 test, [or analysis,] commenced within two hours of the time of operation,
4989 and the results of such test [or analysis] indicate that such person has an
4990 elevated blood alcohol content, the police officer, acting on behalf of the
4991 Commissioner of Motor Vehicles, shall immediately revoke and take
4992 possession of the motor vehicle operator's license or, if such person is
4993 not licensed or is a nonresident, suspend the [nonresident] operating
4994 privilege of such person, for a twenty-four-hour period. The police
4995 officer shall prepare a report of the incident and shall mail or otherwise
4996 transmit in accordance with this subsection the report and a copy of the
4997 results of any chemical test [or analysis] to the Department of Motor
4998 Vehicles within three business days, except that failure of an officer to
4999 mail or transmit such report within three business days shall not impact
5000 a decision to suspend such person's license or operating privilege and
5001 shall not render such report inadmissible at a hearing under this section.
5002 The report shall contain such information as prescribed by the
5003 Commissioner of Motor Vehicles and shall be subscribed and sworn to
5004 under penalty of false statement as provided in section 53a-157b by the
5005 arresting officer. If the person arrested refused to submit to such test or
5006 [analysis] evaluation, the report shall be endorsed by a third person who
5007 witnessed such refusal. The report shall set forth the grounds for the
5008 officer's belief that there was probable cause to arrest such person for a
5009 violation of section 14-227a, as amended by this act, or 14-227m or

5010 subdivision (1) or (2) of subsection (a) of section 14-227n and shall state
5011 that such person had refused to submit to such test or [analysis]
5012 evaluation when requested by such police officer to do so or that such
5013 person submitted to such test, [or analysis,] commenced within two
5014 hours of the time of operation, and the results of such test [or analysis]
5015 indicated that such person had an elevated blood alcohol content. The
5016 Commissioner of Motor Vehicles may accept a police report under this
5017 subsection that is prepared and transmitted as an electronic record,
5018 including electronic signature or signatures, subject to such security
5019 procedures as the commissioner may specify and in accordance with the
5020 provisions of sections 1-266 to 1-286, inclusive. In any hearing
5021 conducted pursuant to the provisions of subsection (g) of this section, it
5022 shall not be a ground for objection to the admissibility of a police report
5023 that it is an electronic record prepared by electronic means.

5024 [(d) If the person arrested submits to a blood or urine test at the
5025 request of the police officer, and the specimen requires laboratory
5026 analysis in order to obtain the test results, the police officer shall not take
5027 possession of the motor vehicle operator's license of such person or,
5028 except as provided in this subsection, follow the procedures subsequent
5029 to taking possession of the operator's license as set forth in subsection
5030 (c) of this section. If the test results indicate that such person has an
5031 elevated blood alcohol content, the police officer, immediately upon
5032 receipt of the test results, shall notify the Commissioner of Motor
5033 Vehicles and submit to the commissioner the written report required
5034 pursuant to subsection (c) of this section.]

5035 (d) If a police officer who has placed a person under arrest for a
5036 violation of section 14-227a, as amended by this act, 14-227m or
5037 subdivision (1) or (2) of subsection (a) of section 14-227n does not
5038 request that such person submit to a blood, breath or urine test under
5039 subsection (b) of this section, or obtains results from a test administered
5040 under subsection (b) of this section that indicate that the person does not
5041 have an elevated blood alcohol content, such officer shall:

5042 (1) Advise such person that such person's license or operating

5043 privilege may be suspended in accordance with the provisions of this
5044 section if such police officer concludes, through such officer's
5045 investigation, that such person was operating a motor vehicle under the
5046 influence of intoxicating liquor or any drug, or both; and

5047 (2) Submit a report to the commissioner in accordance with the
5048 procedure set forth in subsection (c) of this section and, if such report
5049 contains the results of a blood, breath or urine test that does not show
5050 an elevated blood alcohol content, such report shall conform to the
5051 requirements in subsection (c) of this section for reports that contain
5052 results showing an elevated blood alcohol content. In any report
5053 submitted under this subdivision, the officer shall document (A) the
5054 basis for the officer's belief that there was probable cause to arrest such
5055 person for a violation of section 14-227a, as amended by this act, or 14-
5056 227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and
5057 (B) whether the officer concluded, through such officer's investigation,
5058 that the person was operating a motor vehicle under the influence of
5059 intoxicating liquor or any drug, or both. With such report, the officer
5060 may submit other supporting documentation indicating the person's
5061 intoxication by liquor or any drug, or both. If the officer concludes,
5062 through such officer's investigation, that the person was operating a
5063 motor vehicle under the influence of intoxicating liquor or any drug, or
5064 both, the officer shall immediately revoke and take possession of the
5065 motor vehicle operator's license or, if such person is not licensed or is a
5066 nonresident, suspend the operating privilege of such person for a
5067 twenty-four-hour period.

5068 (e) (1) Except as provided in subdivision (2) of this subsection, upon
5069 receipt of [such] a report submitted under subsection (c) or (d) of this
5070 section, the [Commissioner of Motor Vehicles] commissioner may
5071 suspend any operator's license or [nonresident] operating privilege of
5072 such person effective as of a date certain, which date certain shall be not
5073 later than thirty days [after] from the later of the date such person
5074 received (A) notice of such person's arrest by the police officer, or (B) the
5075 results of a blood or urine test or a drug influence evaluation. Any
5076 person whose operator's license or [nonresident] operating privilege has

5077 been suspended in accordance with this subdivision shall automatically
5078 be entitled to a hearing before the commissioner to be held in accordance
5079 with the provisions of chapter 54 and prior to the effective date of the
5080 suspension. The commissioner shall send a suspension notice to such
5081 person informing such person that such person's operator's license or
5082 [nonresident] operating privilege is suspended as of a date certain and
5083 that such person is entitled to a hearing prior to the effective date of the
5084 suspension and may schedule such hearing by contacting the
5085 Department of Motor Vehicles not later than seven days after the date
5086 of mailing of such suspension notice.

5087 (2) [If the person arrested (A) is] Upon receipt of a report that (A) the
5088 person's arrest involved [in] an accident resulting in a fatality, or (B) the
5089 person has previously had such person's operator's license or
5090 [nonresident] operating privilege suspended under the provisions of
5091 section 14-227a, as amended by this act, 14-227m or 14-227n, as amended
5092 by this act, during the ten-year period preceding the present arrest,
5093 [upon receipt of such report, the Commissioner of Motor Vehicles] the
5094 commissioner may suspend any operator's license or [nonresident]
5095 operating privilege of such person effective as of the date specified in a
5096 notice of such suspension to such person. [Any] A person whose
5097 operator's license or [nonresident] operating privilege has been
5098 suspended in accordance with this subdivision shall automatically be
5099 entitled to a hearing before the commissioner, to be held in accordance
5100 with the provisions of chapter 54. The commissioner shall send a
5101 suspension notice to such person informing such person that such
5102 person's operator's license or [nonresident] operating privilege is
5103 suspended as of the date specified in such suspension notice, and that
5104 such person is entitled to a hearing and may schedule such hearing by
5105 contacting the Department of Motor Vehicles not later than seven days
5106 after the date of mailing of such suspension notice. Any suspension
5107 issued under this subdivision shall remain in effect until such
5108 suspension is affirmed under subsection (f) of this section or such
5109 operator's license or [nonresident] operating privilege is reinstated in
5110 accordance with [subsections (f) and] subsection (h) of this section.

5111 (f) If such person does not contact the department to schedule a
5112 hearing, the commissioner shall affirm the suspension contained in the
5113 suspension notice for the appropriate period specified in subsection (i)
5114 of this section.

5115 (g) (1) If such person contacts the department to schedule a hearing,
5116 the department shall assign a date, time and place for the hearing, which
5117 date shall be prior to the effective date of the suspension, except that,
5118 with respect to a person whose operator's license or [nonresident]
5119 operating privilege is suspended in accordance with subdivision (2) of
5120 subsection (e) of this section, such hearing shall be scheduled not later
5121 than thirty days after such person contacts the department. At the
5122 request of such person, the hearing officer or the department and upon
5123 a showing of good cause, the commissioner may grant one or more
5124 continuances. [The hearing]

5125 (2) A hearing based on a report submitted under subsection (c) of this
5126 section shall be limited to a determination of the following issues: [(1)]
5127 (A) Did the police officer have probable cause to arrest the person for
5128 operating a motor vehicle while under the influence of intoxicating
5129 liquor or any drug, or both; [(2)] (B) was such person placed under
5130 arrest; [(3)] (C) did such person (i) refuse to submit to such test or
5131 [analysis or did such person] nontestimonial portion of a drug influence
5132 evaluation, or (ii) submit to such test, [or analysis,] commenced within
5133 two hours of the time of operation, and the results of such test [or
5134 analysis] indicated that such person had an elevated blood alcohol
5135 content; and [(4)] (D) was such person operating the motor vehicle.

5136 (3) A hearing based on a report submitted under subsection (d) of this
5137 section shall be limited to a determination of the following issues: (A)
5138 Did the police officer have probable cause to arrest the person for
5139 operating a motor vehicle while under the influence of intoxicating
5140 liquor or any drug, or both; (B) was such person placed under arrest; (C)
5141 is there substantial evidence to conclude that such person was operating
5142 a motor vehicle under the influence of intoxicating liquor or any drug,
5143 or both; and (D) was such person operating the motor vehicle.

5144 (4) In [the] a hearing under this subsection, the results of the test, [or
5145 analysis] if administered, shall be sufficient to indicate the ratio of
5146 alcohol in the blood of such person at the time of operation, provided
5147 such test was commenced within two hours of the time of operation.
5148 The fees of any witness summoned to appear at [the] a hearing under
5149 this subsection shall be the same as provided by the general statutes for
5150 witnesses in criminal cases. Notwithstanding the provisions of
5151 subsection (a) of section 52-143, any subpoena summoning a police
5152 officer as a witness shall be served not less than seventy-two hours prior
5153 to the designated time of the hearing.

5154 (5) In a hearing based on a report submitted under subsection (d) of
5155 this section, evidence of operation under the influence of intoxicating
5156 liquor or any drug, or both shall be admissible. Such evidence may
5157 include, but need not be limited to, (A) the police officer's observations
5158 of intoxication, as documented in a report submitted to the
5159 commissioner under subsection (d) of this section; (B) the results of any
5160 chemical test administered under this section or a toxicology report
5161 certified by the Division of Scientific Services within the Department of
5162 Emergency Services and Public Protection; (C) hospital or medical
5163 records obtained in accordance with subsection (j) of this section or by
5164 the consent of the operator; (D) the results of any tests conducted by, or
5165 the report of, an officer trained in advanced roadside impaired driving
5166 enforcement; or (E) reports of drug recognition experts.

5167 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
5168 this section, the commissioner finds in the negative on any one of the
5169 [said] issues [in the negative] specified in subparagraph (A), (B), (C) or
5170 (D) of said subdivision, the commissioner shall reinstate such license or
5171 operating privilege. If, after a hearing under subdivision (3) of
5172 subsection (g) of this section, the commissioner finds in the negative on
5173 any one of the issues specified in subparagraph (A), (B), (C) or (D) of
5174 said subdivision, the commissioner shall reinstate such license or
5175 operating privilege. If, after such hearing under subdivision (2) or (3) of
5176 subsection (g) of this section, the commissioner does not find on any one
5177 of [the] said issues in the negative or if such person fails to appear at

5178 such hearing, the commissioner shall affirm the suspension contained
5179 in the suspension notice for the appropriate period specified in
5180 subsection (i) of this section. The commissioner shall render a decision
5181 at the conclusion of such hearing and send a notice of the decision by
5182 bulk certified mail to such person. The notice of such decision sent by
5183 bulk certified mail to the address of such person as shown by the records
5184 of the commissioner shall be sufficient notice to such person that such
5185 person's operator's license or [nonresident] operating privilege is
5186 reinstated or suspended, as the case may be.

5187 (i) (1) The commissioner shall suspend the operator's license or
5188 [nonresident] operating privilege of a person who did not contact the
5189 department to schedule a hearing, who failed to appear at a hearing, or
5190 against whom a decision was issued, after a hearing, pursuant to
5191 subsection (h) of this section, as of the effective date contained in the
5192 suspension notice, for a period of forty-five days. As a condition for the
5193 restoration of such operator's license or [nonresident] operating
5194 privilege, such person shall be required to install an ignition interlock
5195 device on each motor vehicle owned or operated by such person and,
5196 upon such restoration, be prohibited from operating a motor vehicle
5197 unless such motor vehicle is equipped with a functioning, approved
5198 ignition interlock device, as defined in section 14-227j, for the longer of
5199 either (A) the period prescribed in subdivision (2) of this subsection for
5200 the present arrest and suspension, or (B) the period prescribed in
5201 subdivision (1), (2) or (3) of subsection (g) of section 14-227a or
5202 subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
5203 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
5204 arrest and conviction, if any.

5205 (2) (A) A person twenty-one years of age or older at the time of the
5206 arrest who submitted to a test [or analysis] and the results of such test
5207 [or analysis] indicated that such person had an elevated blood alcohol
5208 content, or was found to have been operating a motor vehicle under the
5209 influence of intoxicating liquor or any drug, or both based on a report
5210 filed pursuant to subsection (d) of this section, shall install and maintain
5211 an ignition interlock device for the following periods: (i) For a first

5212 suspension under this section, six months; (ii) for a second suspension
5213 under this section, one year; and (iii) for a third or subsequent
5214 suspension under this section, two years; (B) a person under twenty-one
5215 years of age at the time of the arrest who submitted to a test [or analysis]
5216 and the results of such test [or analysis] indicated that such person had
5217 an elevated blood alcohol content, or was found to have been operating
5218 a motor vehicle under the influence of intoxicating liquor or any drug,
5219 or both based on a report filed pursuant to subsection (d) of this section,
5220 shall install and maintain an ignition interlock device for the following
5221 periods: (i) For a first suspension under this section, one year; (ii) for a
5222 second suspension under this section, two years; and (iii) for a third or
5223 subsequent suspension under this section, three years; and (C) a person,
5224 regardless of age, who refused to submit to a test or [analysis]
5225 nontestimonial portion of a drug influence evaluation shall install and
5226 maintain an ignition interlock device for the following periods: (i) For a
5227 first suspension under this section, one year; (ii) for a second suspension
5228 under this section, two years; and (iii) for a third or subsequent
5229 suspension, under this section, three years.

5230 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
5231 subsection, a person whose motor vehicle operator's license or
5232 [nonresident] operating privilege has been permanently revoked upon
5233 a third offense pursuant to subsection (g) of section 14-227a, as amended
5234 by this act, or subsection (c) of section 14-227m shall be subject to the
5235 penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

5236 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
5237 of this section, any police officer who obtains the results of a [chemical
5238 analysis] test of a blood sample taken from or a urine sample provided
5239 by an operator of a motor vehicle who was involved in an accident and
5240 suffered or allegedly suffered physical injury in such accident, or who
5241 was otherwise deemed by a police officer to require treatment or
5242 observation at a hospital, shall notify the [Commissioner of Motor
5243 Vehicles] commissioner and submit to the commissioner a written
5244 report if such results indicate that such person had an elevated blood
5245 alcohol content, or any quantity of an intoxicating liquor or any drug, or

5246 both, in such person's blood, and if such person was arrested for
5247 violation of section 14-227a, as amended by this act, or 14-227m or
5248 subdivision (1) or (2) of subsection (a) of section 14-227n. The report
5249 shall be made on a form approved by the commissioner containing such
5250 information as the commissioner prescribes, and shall be subscribed and
5251 sworn to under penalty of false statement, as provided in section 53a-
5252 157b, by the police officer. The commissioner may, after notice and an
5253 opportunity for hearing, which shall be conducted by a hearing officer
5254 on behalf of the commissioner in accordance with chapter 54, suspend
5255 the motor vehicle operator's license or [nonresident] operating privilege
5256 of such person for the appropriate period of time specified in subsection
5257 (i) of this section and require such person to install and maintain an
5258 ignition interlock device for the appropriate period of time prescribed
5259 in subsection (i) of this section. Each hearing conducted under this
5260 subsection shall be limited to a determination of the following issues: (1)
5261 Whether the police officer had probable cause to arrest the person for
5262 operating a motor vehicle while under the influence of intoxicating
5263 liquor or drug, or both; (2) whether such person was placed under
5264 arrest; (3) whether such person was operating the motor vehicle; (4)
5265 whether the results of the analysis of the blood or urine of such person
5266 indicate that such person had an elevated blood alcohol content, or there
5267 is substantial evidence to conclude that the person was operating a
5268 motor vehicle under the influence of intoxicating liquor or any drug, or
5269 both; and (5) in the event that a blood sample was taken, whether the
5270 blood sample was obtained in accordance with conditions for
5271 admissibility and competence as evidence as set forth in subsection (k)
5272 of section 14-227a. If, after such hearing, the commissioner finds on any
5273 one of the said issues in the negative, the commissioner shall not impose
5274 a suspension. The fees of any witness summoned to appear at the
5275 hearing shall be the same as provided by the general statutes for
5276 witnesses in criminal cases, as provided in section 52-260.

5277 (k) The provisions of this section shall apply with the same effect to
5278 the refusal by any person to submit to an additional chemical test as
5279 provided in subparagraph (E) of subdivision [(5)] (1) of subsection (b)
5280 of section 14-227a, as amended by this act.

5281 (l) The provisions of this section shall not apply to any person whose
5282 physical condition is such that, according to competent medical advice,
5283 such test would be inadvisable.

5284 (m) The state shall pay the reasonable charges of any physician who,
5285 at the request of a [municipal police department] law enforcement unit,
5286 as defined in section 7-294a, takes a blood sample for purposes of a test
5287 under the provisions of this section.

5288 (n) For the purposes of this section, "elevated blood alcohol content"
5289 means (1) a ratio of alcohol in the blood of such person that is eight-
5290 hundredths of one per cent or more of alcohol, by weight, (2) if such
5291 person is operating a commercial motor vehicle, a ratio of alcohol in the
5292 blood of such person that is four-hundredths of one per cent or more of
5293 alcohol, by weight, or (3) if such person is less than twenty-one years of
5294 age, a ratio of alcohol in the blood of such person that is two-hundredths
5295 of one per cent or more of alcohol, by weight.

5296 (o) The Commissioner of Motor Vehicles shall adopt regulations, in
5297 accordance with chapter 54, to implement the provisions of this section.

5298 Sec. 119. Section 14-227c of the general statutes is repealed and the
5299 following is substituted in lieu thereof (*Effective April 1, 2022*):

5300 (a) As part of the investigation of any motor vehicle accident resulting
5301 in the death of a person, the Chief Medical Examiner, Deputy Chief
5302 Medical Examiner, an associate medical examiner, a pathologist as
5303 specified in section 19a-405, or an authorized assistant medical
5304 examiner, as the case may be, shall order that a blood sample be taken
5305 from the body of any operator or pedestrian who dies as a result of such
5306 accident. Such blood samples shall be examined for the presence and
5307 concentration of alcohol and any drug by the Division of Scientific
5308 Services within the Department of Emergency Services and Public
5309 Protection or by the Office of the Chief Medical Examiner, or by any
5310 forensic toxicology laboratory pursuant to an agreement with the office.
5311 Nothing in this subsection or section 19a-406 shall be construed as
5312 requiring such medical examiner to perform an autopsy in connection

5313 with obtaining such blood samples.

5314 (b) [A blood or breath sample shall be obtained from any surviving
5315 operator whose motor vehicle is involved in an accident resulting in the
5316 serious physical injury, as defined in section 53a-3, or death of another
5317 person, if] If any surviving operator whose motor vehicle is involved in
5318 an accident resulting in the serious physical injury, as defined in section
5319 53a-3, or death of another person, and (1) a police officer has probable
5320 cause to believe that such operator operated such motor vehicle while
5321 under the influence of intoxicating liquor or any drug, or both, or (2)
5322 such operator has been charged with a motor vehicle violation in
5323 connection with such accident and a police officer has a reasonable and
5324 articulable suspicion that such operator operated such motor vehicle
5325 while under the influence of intoxicating liquor or any drug, or both;

5326 (A) A blood, breath or urine sample shall be obtained from such
5327 surviving operator. The test shall be performed by or at the direction of
5328 a police officer according to methods and with equipment approved by
5329 the Department of Emergency Services and Public Protection and shall
5330 be performed by a person certified or recertified for such purpose by
5331 said department or recertified by persons certified as instructors by the
5332 Commissioner of Emergency Services and Public Protection. The
5333 equipment used for such test shall be checked for accuracy by a person
5334 certified by the Department of Emergency Services and Public
5335 Protection immediately before and after such test is performed. If a
5336 blood test is performed, it shall be on a blood sample taken by a person
5337 licensed to practice medicine and surgery in this state, a qualified
5338 laboratory technician, a registered nurse, a physician assistant or a
5339 phlebotomist. [The blood samples] A blood sample obtained from an
5340 operator pursuant to this subsection shall be examined for the presence
5341 and concentration of alcohol and any drug by the Division of Scientific
5342 Services within the Department of Emergency Services and Public
5343 Protection; and

5344 (B) A drug recognition expert shall conduct a drug influence
5345 evaluation of such surviving operator, provided such operator is not

5346 seriously injured or otherwise unable to take such evaluation as a result
5347 of the accident.

5348 (c) Each police officer who obtains from a surviving operator any
5349 blood, breath or urine sample or a drug influence evaluation conducted
5350 on such operator pursuant to subsection (b) of this section shall submit
5351 to the Commissioner of Motor Vehicles a written report providing the
5352 results of such sample or evaluation on a form approved by the
5353 commissioner. The commissioner may, after notice and an opportunity
5354 for a hearing held in accordance with chapter 54 and section 14-227b, as
5355 amended by this act, suspend the motor vehicle operator's license or
5356 operating privilege of such person and require such person to install and
5357 maintain an ignition interlock device as provided for in subsection (i) of
5358 section 14-227b, as amended by this act. Such hearing shall be limited to
5359 a determination of the following issues: (1) Was the person operating
5360 the motor vehicle; (2) was the person's sample obtained in accordance
5361 with, or drug influence evaluation conducted pursuant to, the
5362 provisions of subsection (b) of this section; and (3) was the examined
5363 sample found to have an elevated blood alcohol content, as defined in
5364 section 14-227b, as amended by this act, or was there substantial
5365 evidence that the person was operating the motor vehicle under the
5366 influence of intoxicating liquor or any drug, or both.

5367 (d) In any motor vehicle accident resulting in the death of a person,
5368 the law enforcement unit, as defined in section 7-294a, responding to the
5369 accident shall assign an officer trained in advanced roadside impaired
5370 driving enforcement to respond, if such an officer is available.

5371 Sec. 120. Subsection (c) of section 14-44k of the general statutes is
5372 repealed and the following is substituted in lieu thereof (*Effective April*
5373 *1, 2022*):

5374 (c) In addition to any other penalties provided by law, and except as
5375 provided in subsection (d) of this section, a person is disqualified from
5376 operating a commercial motor vehicle for one year if the commissioner
5377 finds that such person (1) has refused to submit to a test to determine
5378 such person's blood alcohol concentration while operating any motor

5379 vehicle [, or has failed such a test when given,] or to a nontestimonial
5380 portion of a drug influence evaluation conducted by a drug recognition
5381 expert, (2) has an elevated blood alcohol content based on such a test
5382 pursuant to section 14-227b, as amended by this act, or (3) was found to
5383 have been operating under the influence of intoxicating liquor or any
5384 drug, or both based on a report filed pursuant to the provisions of
5385 subsection (d) of section 14-227b, as amended by this act, or pursuant to
5386 the provisions of a law of any other state that is deemed by the
5387 commissioner to be substantially similar to section 14-227b, as amended
5388 by this act. For the purpose of this subsection, [a person shall be deemed
5389 to have failed such a test if, when driving a commercial motor vehicle,
5390 the ratio of alcohol in the blood of such person was four-hundredths of
5391 one per cent or more of alcohol, by weight, or if, when driving any other
5392 motor vehicle, the ratio of alcohol in the blood of such person was eight-
5393 hundredths of one per cent or more of alcohol, by weight] "drug
5394 recognition expert" and "nontestimonial portion of a drug influence
5395 evaluation" have the same meanings as provided in section 14-227a, as
5396 amended by this act.

5397 Sec. 121. (NEW) (*Effective July 1, 2021*) The state Traffic Safety
5398 Resource Prosecutor, in consultation with the Department of
5399 Transportation, the Department of Motor Vehicles, the state-wide drug
5400 recognition expert coordinator, and the Connecticut Police Chiefs
5401 Association, shall seek any guidance available from the National
5402 Highway Traffic Safety Administration, and shall (1) develop
5403 educational materials and programs about the drug recognition expert
5404 program and drug influence evaluations, and (2) make such materials
5405 and programs available to the Judicial Branch and the Connecticut
5406 Judges Association.

5407 Sec. 122. Section 15-140q of the general statutes is repealed and the
5408 following is substituted in lieu thereof (*Effective April 1, 2022*):

5409 (a) Any person who operates a vessel in this state shall be deemed to
5410 have consented to (1) a chemical [analysis] test of such person's blood,
5411 breath or urine, [and if] and (2) a nontestimonial portion of a drug

5412 influence evaluation conducted by a drug recognition expert. If such
5413 person is a minor, such person's parent or parents or guardian shall also
5414 be deemed to have given their consent for such [an analysis of the
5415 minor's blood, breath or urine] test or evaluation.

5416 [(b) If any such person, having been placed under arrest for: (1)
5417 Violating subsection (b) of section 53-206d; (2) operating a vessel upon
5418 the waters of this state while under the influence of intoxicating liquor
5419 or any drug, or both; (3) operating a vessel upon the waters of this state
5420 while such person has an elevated blood alcohol content, and thereafter,
5421 after being apprised of such person's constitutional rights, having been
5422 requested to submit to a blood, breath or urine test at the option of the
5423 police officer, having been afforded a reasonable opportunity to
5424 telephone an attorney prior to the performance of such test and having
5425 been informed that such person's safe boating certificate, right to
5426 operate a vessel that requires a safe boating certificate for operation or
5427 certificate of personal watercraft operation issued by the commissioner
5428 as a condition of operating a vessel shall be suspended in accordance
5429 with the provisions of this section if such person refuses to submit to
5430 such test or if such person submits to such test and the results of such
5431 test indicate that such person has an elevated blood alcohol content and
5432 that evidence of any such refusal shall be admissible in accordance with
5433 subsection (d) of section 15-140r, and may be used against such person
5434 in any criminal prosecution, refuses to submit to the designated test, the
5435 test shall not be given; provided, if such person refuses or is unable to
5436 submit to a blood test, the peace officer shall designate the breath or
5437 urine test as the test to be taken. The peace officer shall make a notation
5438 upon the records of the police department that such officer informed
5439 such person that such person's safe boating certificate, right to operate
5440 a vessel that requires a safe boating certificate for operation or certificate
5441 of personal watercraft operation would be suspended if such person
5442 refused to submit to such test or if such person submitted to such test
5443 and the results of such test indicated that such person has an elevated
5444 blood alcohol content.]

5445 (b) (1) A peace officer who has placed a person under arrest for

5446 violating subsection (b) of section 53-206d; operating a vessel upon the
5447 waters of this state while under the influence of intoxicating liquor or
5448 any drug, or both; or operating a vessel upon the waters of this state
5449 while such person has an elevated blood alcohol content, may request
5450 that such person submit to a blood, breath or urine test at the option of
5451 the peace officer, a drug influence evaluation conducted by a drug
5452 recognition expert, or both, after such person has been (A) apprised of
5453 such person's constitutional rights, (B) afforded a reasonable
5454 opportunity to telephone an attorney prior to the performance of such
5455 test or evaluation, (C) informed that evidence of any refusal to submit
5456 to such test or evaluation shall be admissible in accordance with
5457 subsection (d) of section 15-140r, as amended by this act, and may be
5458 used against such person in any criminal prosecution, except that
5459 refusal to submit to the testimonial portions of a drug influence
5460 evaluation shall not be considered evidence of refusal of such evaluation
5461 for purposes of any criminal prosecution, and (D) informed that such
5462 person's safe boating certificate, right to operate a vessel that requires a
5463 safe boating certificate for operation or certificate of personal watercraft
5464 operation issued by the commissioner as a condition of operating a
5465 vessel may be suspended in accordance with the provisions of this
5466 section if (i) such person refuses to submit to such test or nontestimonial
5467 portion of a drug influence evaluation, (ii) such person submits to such
5468 test and the results of such test indicate that such person has an elevated
5469 blood alcohol content, or (iii) the officer concludes, through such
5470 officer's investigation, that such person was operating a vessel under the
5471 influence of intoxicating liquor or any drug, or both.

5472 (2) If the person refuses to submit to any test or drug influence
5473 evaluation, the test or evaluation shall not be given, except that if the
5474 person refuses or is unable to submit to a blood test, the peace officer
5475 shall designate another test to be taken. If a person submits to a breath
5476 test and the results indicate that the person does not have an elevated
5477 blood alcohol content, the peace officer may request that the person
5478 submit to a different type of test, except that if the person refuses or is
5479 unable to submit to a blood test, the peace officer shall designate a urine
5480 test to be taken. The peace officer shall make a notation upon the records

5481 of the law enforcement unit, as defined in section 7-294a, that such
5482 officer informed the person that such person's safe boating certificate,
5483 right to operate a vessel that requires a safe boating certificate for
5484 operation or certificate of personal watercraft operation may be
5485 suspended if such person (A) refused to submit to such test or the
5486 nontestimonial portion of a drug influence evaluation; (B) submitted to
5487 such test and the results of such test indicated that such person had an
5488 elevated blood alcohol content; or (C) the officer concludes, through
5489 such officer's investigation, that such person was operating a vessel
5490 under the influence of intoxicating liquor or any drug, or both.

5491 (c) (1) If the person arrested refuses to submit to such test or [analysis]
5492 nontestimonial portion of a drug influence evaluation, or submits to
5493 such test [or analysis] and the results of such test [or analysis] indicate
5494 that at the time of the alleged offense such person had an elevated blood
5495 alcohol content, the peace officer shall immediately revoke the safe
5496 boating certificate, right to operate a vessel that requires a safe boating
5497 certificate for operation or certificate of personal watercraft operation, if
5498 any, of such person for a twenty-four-hour period. The peace officer
5499 shall prepare a written report of the incident and shall mail the report,
5500 together with any certificate taken into possession and a copy of the
5501 results of any chemical test, [or analysis,] to the commissioner within
5502 three business days, except that failure of an officer to mail or transmit
5503 such report within three business days shall not impact a decision to
5504 suspend a safe boating certificate, right to operate a vessel that requires
5505 a safe boating certificate for operation or certificate of personal
5506 watercraft operation issued by the commissioner as a condition of
5507 operating a vessel and shall not render such report inadmissible at a
5508 hearing under this section. The report shall be made on a form approved
5509 by the commissioner and shall be subscribed and sworn to under
5510 penalty of false statement as provided in section 53a-157b by the peace
5511 officer before whom such refusal was made or who administered or
5512 caused to be administered such test, [or analysis.] If the person arrested
5513 refused to submit to such test or [analysis] evaluation, the report shall
5514 be endorsed by a third person who witnessed such refusal. The report
5515 shall set forth the grounds for the officer's belief that there was probable

5516 cause to arrest such person for operating such vessel while under the
5517 influence of intoxicating liquor or any drug, or both, or while such
5518 person has an elevated blood alcohol content and shall state that such
5519 person refused to submit to such test or [analysis] evaluation when
5520 requested by such peace officer or that such person submitted to such
5521 test [or analysis] and the results of such test [or analysis] indicated that
5522 such person at the time of the alleged offense had an elevated blood
5523 alcohol content.

5524 [(d) If the person arrested submits to a blood or urine test at the
5525 request of the peace officer, and the specimen requires laboratory
5526 analysis in order to obtain the test results, and if the test results indicate
5527 that such person has an elevated blood alcohol content, the peace officer,
5528 immediately upon receipt of the test results, shall notify and submit to
5529 the commissioner the written report required pursuant to subsection (c)
5530 of this section.]

5531 (d) If a peace officer has placed a person under arrest for violating
5532 subsection (b) of section 53-206d; operating a vessel upon the waters of
5533 this state while under the influence of intoxicating liquor or any drug,
5534 or both; or operating a vessel upon the waters of this state while such
5535 person has an elevated blood alcohol content and does not request that
5536 such person submit to a blood, breath or urine test under subsection (b)
5537 of this section, or obtains test results from a test administered under
5538 subsection (b) of this section that indicate that the person does not have
5539 an elevated blood alcohol content, such officer shall:

5540 (1) Advise such person that such person's safe boating certificate,
5541 right to operate a vessel that requires a safe boating certificate for
5542 operation or certificate of personal watercraft operation issued by the
5543 commissioner as a condition of operating a vessel may be suspended in
5544 accordance with the provisions of this section if such officer concludes,
5545 through such officer's investigation, that such person was operating a
5546 vessel under the influence of intoxicating liquor or any drug, or both;
5547 and

5548 (2) Submit a report to the commissioner in accordance with the

5549 procedure set forth in subsection (c) of this section and, if such report
5550 contains the results of a blood, breath or urine test that does not show
5551 an elevated blood alcohol content, such report shall conform to the
5552 requirements in subsection (c) of this section for reports that contain
5553 results showing an elevated blood alcohol content. In any report
5554 submitted under this subdivision, the officer shall document (A) the
5555 basis for the officer's belief that there was probable cause to arrest such
5556 person for a violation of subsection (b) of section 53-206d; operating a
5557 vessel upon the waters of this state while under the influence of
5558 intoxicating liquor or any drug, or both; or operating a vessel upon the
5559 waters of this state while such person has an elevated blood alcohol
5560 content, and (B) whether the officer concludes, through such officer's
5561 investigation, that the person was operating a vessel under the influence
5562 of intoxicating liquor or any drug, or both. With such report, the officer
5563 may submit other supporting documentation indicating the person's
5564 intoxication by liquor or any drug, or both. If the officer concludes,
5565 through such officer's investigation, that the person was operating a
5566 vessel under the influence of intoxicating liquor or any drug, or both,
5567 the officer shall immediately revoke and take possession of the person's
5568 safe boating certificate, right to operate a vessel that requires a safe
5569 boating certificate for operation or certificate of personal watercraft
5570 operation issued by the commissioner as a condition of operating a
5571 vessel, for a twenty-four-hour period.

5572 (e) Upon receipt of [such] a report submitted under subsection (c) or
5573 (d) of this section, the commissioner shall suspend the safe boating
5574 certificate, right to operate a vessel that requires a safe boating certificate
5575 for operation or certificate of personal watercraft operation of such
5576 person effective as of a date certain, and such date certain shall be no
5577 later than thirty-five days [after] from the later of the date such person
5578 received (1) notice of such person's arrest by the peace officer, or (2) the
5579 results of a blood or urine test or a drug influence evaluation. Any
5580 person whose safe boating certificate, right to operate a vessel that
5581 requires a safe boating certificate for operation or certificate of personal
5582 watercraft operation is suspended in accordance with this subsection
5583 shall be entitled to a hearing before the commissioner to be held prior to

5584 the effective date of the suspension. The commissioner shall send a
5585 suspension notice to such person informing such person that such
5586 person's safe boating certificate, right to operate a vessel that requires a
5587 safe boating certificate for operation or certificate of personal watercraft
5588 operation is suspended and shall specify the date of such suspension
5589 and that such person is entitled to a hearing prior to the effective date of
5590 the suspension and may schedule such hearing by contacting the
5591 commissioner not later than seven days after the date of mailing of such
5592 suspension notice.

5593 (f) If such person does not contact the department to schedule a
5594 hearing, the commissioner shall affirm the suspension contained in the
5595 suspension notice for the appropriate period specified in subsection (i)
5596 of this section.

5597 (g) (1) If such person contacts the department to schedule a hearing,
5598 the commissioner shall assign a date, time and place for the hearing,
5599 which date shall be prior to the effective date of the suspension. At the
5600 request of such person and upon a showing of good cause, the
5601 commissioner may grant one continuance for a period not to exceed
5602 thirty days. [The hearing]

5603 (2) A hearing based on a report submitted under subsection (c) of this
5604 section shall be limited to a determination of the following issues: [(1)]
5605 (A) Whether the peace officer had probable cause to arrest the person
5606 for operating the vessel while under the influence of intoxicating liquor
5607 or drugs, or both, or while such person has an elevated blood alcohol
5608 content; [(2)] (B) whether such person was placed under arrest; [(3)] (C)
5609 whether such person [(A)] (i) refused to submit to such test or [analysis]
5610 nontestimonial portion of a drug influence evaluation, or [(B)] (ii)
5611 submitted to such test [or analysis] and the results of such test [or
5612 analysis] indicated that at the time of the alleged offense that such
5613 person had an elevated blood alcohol content; and [(4)] (D) whether
5614 such person was operating the vessel.

5615 (3) A hearing based on a report submitted under subsection (d) of this
5616 section shall be limited to a determination of the following issues: (A)

5617 Whether the peace officer had probable cause to arrest the person for
5618 operating a vessel while under the influence of intoxicating liquor or
5619 drugs, or both, or while such person has an elevated blood alcohol
5620 content; (B) whether such person was placed under arrest; (C) whether
5621 there is substantial evidence to conclude that such person was operating
5622 a vessel under the influence of intoxicating liquor or any drug, or both;
5623 and (D) whether such person was operating the vessel.

5624 (4) At [the] a hearing held under this subsection, the results of the
5625 test, [or analysis] if administered, shall be sufficient to indicate the ratio
5626 of alcohol in the blood of such person at the time of operation, except
5627 that if the results of an additional test, administered pursuant to section
5628 15-140r, as amended by this act, indicate that the ratio of alcohol in the
5629 blood of such person is eight-hundredths of one per cent or less of
5630 alcohol, by weight, and is higher than the results of the first test,
5631 evidence shall be presented that demonstrates that the test results and
5632 analysis thereof accurately indicate the blood alcohol content at the time
5633 of operation. The fees of any witness summoned to appear at [the] a
5634 hearing under this subsection shall be the same as provided in section
5635 52-260.

5636 (5) In a hearing based on a report submitted under subsection (d) of
5637 this section, evidence of operation under the influence of intoxicating
5638 liquor or any drug, or both shall be admissible. Such evidence may
5639 include, but need not be limited to, (A) the peace officer's observations
5640 of intoxication, as documented in a report submitted to the
5641 commissioner under subsection (d) of this section; (B) the results of any
5642 chemical test administered under this section or a toxicology report
5643 certified by the Division of Scientific Services within the Department of
5644 Emergency Services and Public Protection; (C) hospital or medical
5645 records obtained in accordance with subsection (j) of this section or by
5646 the consent of the operator; or (D) reports of drug recognition experts.

5647 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
5648 this section, the commissioner finds in the negative on any one of [said]
5649 the issues specified in [the negative] subparagraph (A), (B), (C) or (D) of

5650 said subdivision, the commissioner shall stay the safe boating certificate,
5651 right to operate a vessel that requires a safe boating certificate for
5652 operation or certificate of personal watercraft operation suspension. If,
5653 after a hearing under subdivision (3) of subsection (g) of this section, the
5654 commissioner finds in the negative on any one of the issues specified in
5655 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
5656 shall stay the safe boating certificate, right to operate a vessel that
5657 requires a safe boating certificate for operation or certificate of personal
5658 watercraft operation suspension. If, after such hearing under
5659 subdivision (2) or (3) of subsection (g) of this section, the commissioner
5660 does not find on any one of said issues in the negative or if such person
5661 fails to appear at such hearing, the commissioner shall affirm the
5662 suspension contained in the suspension notice for the appropriate
5663 period specified in subsection (i) of this section. The commissioner shall
5664 render a decision at the conclusion of such hearing or send a notice of
5665 the decision by certified mail to such person not later than thirty-five
5666 days from the date of notice of such person's arrest by the peace officer
5667 or, if a continuance is granted, not later than sixty-five days from the
5668 date such person received notice of such person's arrest by the peace
5669 officer. The notice of such decision sent by certified mail to the address
5670 of such person as shown by the records of the commissioner shall be
5671 sufficient notice to such person that such person's safe boating
5672 certificate, right to operate a vessel that requires a safe boating certificate
5673 for operation or certificate of personal watercraft operation is suspended
5674 or the suspension is stayed. Unless a continuance of the hearing is
5675 granted pursuant to subsection (g) of this section, if the commissioner
5676 fails to render a decision within thirty-five days from the date that such
5677 person received notice of such person's arrest by the peace officer, the
5678 commissioner shall not suspend such person's safe boating certificate,
5679 right to operate a vessel that requires a safe boating certificate for
5680 operation or certificate of personal watercraft operation.

5681 (i) The commissioner shall suspend the operator's safe boating
5682 certificate, right to operate a vessel that requires a safe boating certificate
5683 for operation or certificate of personal watercraft operation of a person
5684 who does not contact the department to schedule a hearing under

5685 subsection (e) of this section, who fails to appear at such hearing, or
5686 against whom, after a hearing, the commissioner holds pursuant to
5687 subsection (g) of this section. Such suspension shall be as of the effective
5688 date contained in the suspension notice or the date the commissioner
5689 renders a decision, whichever is later, for a period of: (1) (A) Except as
5690 provided in subparagraph (B) of this subdivision, ninety days if such
5691 person submitted to a test [or analysis] and the results of such test [or
5692 analysis] indicated that at the time of the alleged offense that such
5693 person had an elevated blood alcohol content, or such person was found
5694 to have been operating a vessel under the influence of intoxicating
5695 liquor or any drug, or both, based on a report filed pursuant to
5696 subsection (d) of this section, or (B) one hundred twenty days if such
5697 person submitted to a test [or analysis] and the results of such test [or
5698 analysis] indicated that the ratio of alcohol in the blood of such person
5699 was sixteen-hundredths of one per cent or more of alcohol, by weight,
5700 or (C) six months if such person refused to submit to such test; [or
5701 analysis;] (2) if such person has previously had such person's safe
5702 boating certificate, right to operate a vessel that requires a safe boating
5703 certificate for operation or certificate of personal watercraft operation
5704 suspended under this section, (A) except as provided in subparagraph
5705 (B) of this subdivision, nine months if such person submitted to a test
5706 [or analysis] and the results of such test [or analysis] indicated that at
5707 the time of the alleged offense that such person had an elevated blood
5708 alcohol content, or such person was found to have been operating a
5709 vessel under the influence of intoxicating liquor or any drug, or both,
5710 based on a report filed pursuant to subsection (d) of this section, (B) ten
5711 months if such person submitted to a test [or analysis] and the results of
5712 such test [or analysis] indicated that the ratio of alcohol in the blood of
5713 such person was sixteen-hundredths of one per cent or more of alcohol,
5714 by weight, and (C) one year if such person refused to submit to such
5715 test; [or analysis;] and (3) if such person has two or more times
5716 previously had such person's safe boating certificate, right to operate a
5717 vessel that requires a safe boating certificate for operation or certificate
5718 of personal watercraft operation suspended under this section, (A)
5719 except as provided in subparagraph (B) of this subdivision, two years if

5720 such person submitted to a test [or analysis] and the results of such test
5721 [or analysis] indicated that at the time of the alleged offense that such
5722 person had an elevated blood alcohol content, or such person was found
5723 to have been operating a vessel under the influence of intoxicating
5724 liquor or any drug, or both, based on a report filed pursuant to
5725 subsection (d) of this section, (B) two and one-half years if such person
5726 submitted to a test [or analysis] and the results of such test [or analysis]
5727 indicated that the ratio of alcohol in the blood of such person was
5728 sixteen-hundredths of one per cent or more of alcohol, by weight, and
5729 (C) three years if such person refused to submit to such test. [or
5730 analysis.]

5731 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
5732 of this section, any peace officer who obtains the results of a chemical
5733 analysis of a blood sample taken from an operator of a vessel involved
5734 in an accident who suffered or allegedly suffered physical injury in such
5735 accident shall notify the commissioner and submit to the commissioner
5736 a written report if such results indicate that at the time of the alleged
5737 offense such person had an elevated blood alcohol content, or any
5738 quantity of an intoxicating liquor or any drug, or both, in such person's
5739 blood, and if such person was arrested for a violation of section 15-132a,
5740 subsection (d) of section 15-133 or section 15-140/ or 15-140n in
5741 connection with such accident. The report shall be made on a form
5742 approved by the commissioner containing such information as the
5743 commissioner prescribes and shall be subscribed and sworn under
5744 penalty of false statement, as provided in section 53a-157b, by the peace
5745 officer. The commissioner shall, after notice and an opportunity for
5746 hearing, which shall be conducted in accordance with chapter 54,
5747 suspend the safe boating certificate, right to operate a vessel that
5748 requires a safe boating certificate for operation or certificate of personal
5749 watercraft operation of such person for a period of up to ninety days,
5750 or, if such person has previously had such person's operating privilege
5751 suspended under this section, for a period up to one year. Each hearing
5752 conducted under this section shall be limited to a determination of the
5753 following issues: (1) Whether the peace officer had probable cause to
5754 arrest the person for operating a vessel while under the influence of

5755 intoxicating liquor or drugs, or both, or while such person has an
5756 elevated blood alcohol content; (2) whether such person was placed
5757 under arrest; (3) whether such person was operating the vessel; (4)
5758 whether the results of the analysis of the blood of such person indicate
5759 that such person had an elevated blood alcohol content, or there is
5760 substantial evidence to conclude that the person was operating a vessel
5761 under the influence of intoxicating liquor or any drug, or both; and (5)
5762 whether the blood sample was obtained in accordance with conditions
5763 for admissibility as set forth in section 15-140s. If, after such hearing, the
5764 commissioner finds on any issue in the negative, the commissioner shall
5765 not impose a suspension. The fees of any witness summoned to appear
5766 at the hearing shall be the same as provided by the general statutes for
5767 witnesses in criminal cases.

5768 (k) The provisions of this section shall apply with the same effect to
5769 the refusal by any person to submit to an additional chemical test as
5770 provided in [subdivision (5)] subparagraph (E) of subdivision (1) of
5771 subsection (a) of section 15-140r, as amended by this act.

5772 (l) The provisions of this section do not apply to any person whose
5773 physical condition is such that, according to competent medical advice,
5774 such test would be inadvisable.

5775 (m) The state shall pay the reasonable charges of any physician who,
5776 at the request of a [municipal police department] law enforcement unit,
5777 as defined in section 7-294a, takes a blood sample for purposes of a test
5778 under the provisions of this section.

5779 (n) For the purposes of this section, "elevated blood alcohol content"
5780 means: (1) A ratio of alcohol in the blood of such person that is eight-
5781 hundredths of one per cent or more of alcohol, by weight, or (2) if such
5782 person is under twenty-one years of age, a ratio of alcohol in the blood
5783 of such person that is two-hundredths of one per cent or more of alcohol,
5784 by weight.

5785 (o) The commissioner may adopt regulations, in accordance with
5786 chapter 54, to implement the provisions of this section.

5787 (p) For purposes of this section and section 15-140r, as amended by
5788 this act, (1) "drug influence evaluation" means a twelve-part evaluation
5789 developed by the National Highway Traffic Safety Administration and
5790 the International Association of Chiefs of Police that is conducted by a
5791 drug recognition expert to determine the level of a person's impairment
5792 from the use of drugs and the drug category causing such impairment;
5793 (2) "drug recognition expert" means a person certified by the
5794 International Association of Chiefs of Police as having met all
5795 requirements of the International Drug Evaluation and Classification
5796 Program; and (3) "nontestimonial portion of a drug influence
5797 evaluation" means a drug influence evaluation conducted by a drug
5798 recognition expert that does not include a verbal interview with the
5799 subject.

5800 Sec. 123. Section 15-140r of the general statutes is repealed and the
5801 following is substituted in lieu thereof (*Effective April 1, 2022*):

5802 (a) Except as provided in section 15-140s or subsection (d) of this
5803 section, in any criminal prosecution for the violation of section 15-132a,
5804 subsection (d) of section 15-133, section 15-140l or 15-140n or subsection
5805 (b) of section 53-206d, evidence respecting the amount of alcohol or drug
5806 in the defendant's blood or urine at the time of the alleged offense, as
5807 shown by a chemical [analysis] test of the defendant's breath, blood or
5808 urine shall be admissible and competent provided: (1) The defendant
5809 was afforded a reasonable opportunity to telephone an attorney prior to
5810 the performance of the test and consented to the taking of the test upon
5811 which such analysis is made; (2) a true copy of the report of the test
5812 result was mailed to or personally delivered to the defendant within
5813 twenty-four hours or by the end of the next regular business day, after
5814 such result was known, whichever is later; (3) the test was performed
5815 by or at the direction of a certified law enforcement officer according to
5816 methods and with equipment approved by the Department of
5817 Emergency Services and Public Protection, and if a blood test was
5818 performed, it was performed on a blood sample taken by a person
5819 licensed to practice medicine and surgery in this state, a qualified
5820 laboratory technician, an emergency medical technician II or a

5821 registered nurse in accordance with the regulations adopted under
5822 subsection (b) of this section; (4) the device used for such test was
5823 checked for accuracy in accordance with the regulations adopted under
5824 subsection (b) of this section; (5) an additional chemical test of the same
5825 type was performed at least ten minutes after the initial test was
5826 performed or, if requested by the peace officer for reasonable cause, an
5827 additional chemical test of a different type was performed, including a
5828 test to detect the presence of a drug or drugs other than or in addition
5829 to alcohol, except that the results of the initial test shall not be
5830 inadmissible under this subsection if reasonable efforts were made to
5831 have such additional test performed in accordance with the conditions
5832 set forth in this subsection and (A) such additional test was not
5833 performed or was not performed within a reasonable time, or (B) the
5834 results of such additional test are not admissible for failure to meet a
5835 condition set forth in this subsection; and (6) evidence is presented that
5836 the test was commenced within two hours of operation of the vessel or
5837 expert testimony establishes the reliability of a test commenced beyond
5838 two hours of operation of the vessel. In any prosecution under this
5839 section, it shall be a rebuttable presumption that the results of such
5840 chemical analysis establish the ratio of alcohol in the blood of the
5841 defendant at the time of the alleged offense, except that if the results of
5842 the additional test indicate that the ratio of alcohol in the blood of such
5843 defendant is ten-hundredths of one per cent or less of alcohol, by weight,
5844 and is higher than the results of the first test, evidence shall be presented
5845 that demonstrates that the test results and the analysis thereof
5846 accurately indicate the blood alcohol content at the time of the alleged
5847 offense.

5848 (b) The Commissioner of Emergency Services and Public Protection
5849 shall ascertain the reliability of each method and type of device offered
5850 for chemical testing and analysis of blood, of breath and of urine and
5851 certify those methods and types which the Commissioner of Emergency
5852 Services and Public Protection finds suitable for use in testing and
5853 analysis of blood, breath and urine, respectively, in this state. The
5854 Commissioner of Emergency Services and Public Protection, after
5855 consultation with the Commissioner of Public Health, shall adopt

5856 regulations, in accordance with chapter 54, governing the conduct of
5857 chemical tests, the operation and use of chemical test devices and the
5858 training and certification of operators of such devices and the drawing
5859 or obtaining of blood, breath or urine samples as the Commissioner of
5860 Emergency Services and Public Protection finds necessary to protect the
5861 health and safety of persons who submit to chemical tests and to insure
5862 reasonable accuracy in testing results. Such regulations shall not require
5863 recertification of a peace officer solely because such officer terminates
5864 such officer's employment with the law enforcement agency for which
5865 certification was originally issued and commences employment with
5866 another such agency.

5867 (c) If a person is charged with a violation of section 15-132a,
5868 subsection (d) of section 15-133 or section 15-140/ or 15-140n, the charge
5869 may not be reduced, nolle or dismissed unless the prosecuting
5870 authority states in open court such prosecutor's reasons for the
5871 reduction, nolle or dismissal.

5872 (d) (1) In any criminal prosecution for a violation of section 15-132a,
5873 subsection (d) of section 15-133 or section 15-140/ or 15-140n, evidence
5874 that the defendant refused to submit to a blood, breath or urine test or
5875 the nontestimonial portion of a drug influence evaluation requested in
5876 accordance with section 15-140q, as amended by this act, shall be
5877 admissible provided the requirements of subsection (a) of said section
5878 have been satisfied. If a case involving a violation of section 15-132a,
5879 subsection (d) of section 15-133 or section 15-140/ or 15-140n is tried to a
5880 jury, the court shall instruct the jury as to any inference that may or may
5881 not be drawn from the defendant's refusal to submit to a blood, breath
5882 or urine test or evaluation.

5883 (2) In any prosecution for a violation of subsection (a) of this section,
5884 a drug recognition expert may, at the discretion of the court, testify as
5885 to his or her opinion or otherwise as to the significance of any symptoms
5886 of impairment or intoxication for which evidence has been admitted or
5887 on the condition that such evidence be introduced.

5888 (3) In any prosecution for a violation of subsection (a) of this section

5889 in which it is alleged that the defendant's operation of a vessel was
5890 impaired, in whole or in part, by consumption of cannabis, cannabis
5891 products or THC, as those terms are defined in section 1 of this act, the
5892 court may take judicial notice that the ingestion of THC (A) can impair
5893 a person's ability to operate a vessel; (B) can impair a person's motor
5894 function, reaction time, tracking ability, cognitive attention, decision-
5895 making, judgment, perception, peripheral vision, impulse control and
5896 memory; and (C) does not enhance a person's ability to safely operate a
5897 vessel.

5898 Sec. 124. (NEW) (*Effective July 1, 2021*) Not later than January 1, 2022,
5899 the Commissioner of Transportation, in consultation with the
5900 Commissioner of Motor Vehicles and a task force established within the
5901 Executive Branch known as the Statewide Impaired Driving Task Force,
5902 shall make recommendations to the Governor and, in accordance with
5903 the provisions of section 11-4a of the general statutes, the joint standing
5904 committees of the General Assembly having cognizance of matters
5905 relating to the judiciary and transportation regarding (1) the
5906 enhancement of data collection regarding impaired driving, including,
5907 but not limited to, the possibility of reorganizing the state's impaired
5908 driving statutes into separate offenses for operation under the influence
5909 of alcohol, operation under the influence of any drug and operation
5910 under the influence of both alcohol and any drug, (2) the
5911 implementation of an electronic warrant pilot program in impaired
5912 driving investigations, and (3) the merits and feasibility of a pilot
5913 program for oral fluid testing in impaired driving investigations.

5914 Sec. 125. (NEW) (*Effective July 1, 2021*) (a) As used in this section and
5915 sections 126 and 127 of this act:

5916 (1) "Cannabis" has the same meaning as provided in section 1 of this
5917 act;

5918 (2) "Cannabis flower" has the same meaning as provided in section 1
5919 of this act;

5920 (3) "Cannabis product" has the same meaning as provided in section

5921 1 of this act;

5922 (4) "Cannabis retailer" means "retailer", as defined in section 1 of this
5923 act;

5924 (5) "Cannabis trim" has the same meaning as provided in section 1 of
5925 this act;

5926 (6) "Consumer" has the same meaning as provided in section 1 of this
5927 act;

5928 (7) "Cultivator" has the same meaning as provided in section 1 of this
5929 act;

5930 (8) "Delivery service" has the same meaning as provided in section 1
5931 of this act;

5932 (9) "Dispensary facility" has the same meaning as provided in section
5933 1 of this act;

5934 (10) "Disproportionately affected community" has the same meaning
5935 as provided in section 1 of this act;

5936 (11) "Food and beverage manufacturer" has the same meaning as
5937 provided in section 1 of this act;

5938 (12) "Hybrid retailer" has the same meaning as provided in section 1
5939 of this act;

5940 (13) "Micro-cultivator" has the same meaning as provided in section
5941 1 of this act;

5942 (14) "Municipality" has the same meaning as provided in section 1 of
5943 this act;

5944 (15) "Palliative use" has the same meaning as provided in section 21a-
5945 408 of the general statutes;

5946 (16) "Producer" has the same meaning as provided in section 1 of this
5947 act;

5948 (17) "Product manufacturer" has the same meaning as provided in
5949 section 1 of this act;

5950 (18) "Product packager" has the same meaning as provided in section
5951 1 of this act; and

5952 (19) "Wet cannabis" means the whole plant of the genus cannabis,
5953 including abnormal and immature plants, that has been harvested and
5954 weighed within two hours of harvesting and has not undergone any
5955 processing such as drying, curing, trimming or increasing the ambient
5956 temperature in the room in which such plant is held.

5957 (b) Beginning on the first day of the month in which a cultivator,
5958 micro-cultivator, food and beverage manufacturer, product
5959 manufacturer, product packager or delivery service may legally operate
5960 within the state or a cannabis retailer, hybrid retailer or producer may
5961 legally sell cannabis other than cannabis for palliative use, there is
5962 imposed a tax on the first sale or first use in the state by a producer,
5963 cultivator or micro-cultivator of cannabis flowers, cannabis trim or wet
5964 cannabis, at the rate of (1) one dollar and twenty-five cents per dry-
5965 weight gram of cannabis flowers, (2) fifty cents per dry-weight gram of
5966 cannabis trim, and (3) twenty-eight cents per gram of wet cannabis.

5967 (c) On or before the last day of each month in which a cultivator or
5968 micro-cultivator may legally operate within the state or a producer may
5969 legally sell cannabis other than cannabis for palliative use, each such
5970 cultivator, micro-cultivator and producer shall file with the
5971 Commissioner of Revenue Services a return for the calendar month
5972 immediately preceding. Such return shall be in such form and contain
5973 such information as the commissioner prescribes, and shall be
5974 accompanied by a payment of the amount of the tax shown to be due
5975 thereon.

5976 (d) If any cultivator, micro-cultivator or producer fails to pay the
5977 amount of tax reported due on its return within the time specified under
5978 this section, there shall be imposed a penalty equal to twenty-five per
5979 cent of such amount due and unpaid, or two hundred fifty dollars,

5980 whichever is greater. Such amount shall bear interest at the rate of one
5981 per cent per month or fraction thereof, from the due date of such tax
5982 until the date of payment. Subject to the provisions of section 12-3a of
5983 the general statutes, the commissioner may waive all or part of the
5984 penalties provided under this section when it is proven to the
5985 commissioner's satisfaction that the failure to pay any tax was due to
5986 reasonable cause and was not intentional or due to neglect.

5987 (e) Each person, other than a cultivator, micro-cultivator or producer,
5988 who is required, on behalf of such cultivator, micro-cultivator or
5989 producer, to collect, truthfully account for and pay over a tax imposed
5990 on such cultivator, micro-cultivator or producer under this section and
5991 who wilfully fails to collect, truthfully account for and pay over such tax
5992 or who wilfully attempts in any manner to evade or defeat the tax or the
5993 payment thereof, shall, in addition to other penalties provided by law,
5994 be liable for a penalty equal to the total amount of the tax evaded, or not
5995 collected, or not accounted for and paid over, including any penalty or
5996 interest attributable to such wilful failure to collect or truthfully account
5997 for and pay over such tax or such wilful attempt to evade or defeat such
5998 tax, provided such penalty shall only be imposed against such person in
5999 the event that such tax, penalty or interest cannot otherwise be collected
6000 from such cultivator, micro-cultivator or producer. The amount of such
6001 penalty with respect to which a person may be personally liable under
6002 this section shall be collected in accordance with the provisions of
6003 section 12-555a of the general statutes and any amount so collected shall
6004 be allowed as a credit against the amount of such tax, penalty or interest
6005 due and owing from the cultivator, micro-cultivator or producer. The
6006 dissolution of the cultivator, micro-cultivator or producer shall not
6007 discharge any person in relation to any personal liability under this
6008 section for wilful failure to collect or truthfully account for and pay over
6009 such tax or for a wilful attempt to evade or defeat such tax prior to
6010 dissolution, except as otherwise provided in this section. For purposes
6011 of this section, "person" includes any individual, corporation, limited
6012 liability company or partnership and any officer or employee of any
6013 corporation, including a dissolved corporation, and a member of or
6014 employee of any partnership or limited liability company who, as such

6015 officer, employee or member, is under a duty to file a tax return under
6016 this section on behalf of a cultivator, micro-cultivator or producer or to
6017 collect or truthfully account for and pay over a tax imposed under this
6018 section on behalf of such cultivator, micro-cultivator or producer.

6019 (f) The provisions of sections 12-548, 12-551 to 12-554, inclusive, and
6020 12-555a of the general statutes shall apply to the provisions of this
6021 section in the same manner and with the same force and effect as if the
6022 language of said sections had been incorporated in full into this section
6023 and had expressly referred to the tax under this section, except to the
6024 extent that any provision is inconsistent with a provision in this section.

6025 (g) The commissioner shall not issue a refund of any tax paid by a
6026 cultivator, micro-cultivator or producer under this section.

6027 (h) The commissioner may adopt regulations, in accordance with the
6028 provisions of chapter 54 of the general statutes, to implement the
6029 provisions of this section.

6030 (i) (1) The tax received by the state under this section shall be
6031 deposited as follows: (A) For the fiscal years ending June 30, 2022, and
6032 June 30, 2023, in the General Fund; and (B) for the fiscal year ending
6033 June 30, 2024, and each fiscal year thereafter, fifty-five per cent of such
6034 tax received in the cannabis equity and innovation account established
6035 under subdivision (2) of this section, fifteen per cent of such tax received
6036 in the prevention and recovery services account established under
6037 subdivision (3) of this section and thirty per cent in the General Fund.

6038 (2) There is established an account to be known as the "cannabis
6039 equity and innovation account" which shall be a separate, nonlapsing
6040 account within the General Fund. The account shall contain any moneys
6041 required by law to be deposited in the account. Moneys in the account
6042 shall be appropriated for the purposes of: (A) Investing in programs that
6043 are located in or primarily serve residents of disproportionately affected
6044 communities. Such programs include, but are not limited to, (i) adult
6045 education programs including, but not limited to, such programs
6046 offered by Unified School District #1, and (ii) programs to assist

6047 individuals released from the custody of the Commissioner of
6048 Correction, probation or parole; (B) providing grants to youth service
6049 bureaus established pursuant to section 10-19m of the general statutes
6050 and to municipal juvenile review boards; (C) funding workforce
6051 development and business incubator and accelerator programs that
6052 support social equity applicants and prospective social equity
6053 applicants; and (D) programs and services that promote and encourage
6054 economic opportunity and advancement of individuals from
6055 disproportionately affected communities.

6056 (3) There is established an account to be known as the "prevention
6057 and recovery services account" which shall be a separate, nonlapsing
6058 account within the General Fund. The account shall contain any moneys
6059 required by law to be deposited in the account. Moneys in the account
6060 shall be expended by the Commissioner of Mental Health and Addiction
6061 Services to provide community-based grants for substance abuse
6062 prevention, treatment and recovery services.

6063 (j) At the close of each fiscal year in which the tax imposed under the
6064 provisions of this section are received by the commissioner, the
6065 Comptroller is authorized to record as revenue for such fiscal year that
6066 amounts of such tax that are received by the commissioner not later than
6067 five business days from the July thirty-first immediately following the
6068 end of such fiscal year.

6069 Sec. 126. (NEW) (*Effective July 1, 2021*) (a) (1) There is imposed a tax
6070 at the rate of three per cent on the gross receipts from the sale of cannabis
6071 and cannabis products by a cannabis retailer, hybrid retailer or micro-
6072 cultivator. For the purposes of this section, "gross receipts" means the
6073 total amount of the sales price from sales of cannabis and cannabis
6074 products by a cannabis retailer, hybrid retailer or micro-cultivator.

6075 (2) The tax under this section:

6076 (A) Shall not apply to the sale of cannabis for palliative use;

6077 (B) Shall not apply to the transfer of cannabis or cannabis products to

6078 a delivery service for transport to any other cultivator, micro-cultivator,
6079 food and beverage manufacturer, product manufacturer, product
6080 packager, dispensary facility, cannabis retailer, hybrid retailer or
6081 producer;

6082 (C) Shall not apply to the sale of cannabis or cannabis products by a
6083 delivery service to a consumer;

6084 (D) Shall be collected from the purchaser at the time of sale and shall
6085 be in addition to the tax imposed under chapter 219 of the general
6086 statutes; and

6087 (E) Shall be held in trust until remitted to the municipality.

6088 (b) (1) On or before the last day of each month in which a cannabis
6089 retailer, hybrid retailer or micro-cultivator may legally sell cannabis
6090 other than cannabis sold for palliative use, each such cannabis retailer,
6091 hybrid retailer and micro-cultivator shall file a return with the tax
6092 collector of the municipality, or the individual designated by the
6093 municipality to receive such returns, in which such cannabis retailer,
6094 hybrid retailer or micro-cultivator is located. Such return shall report
6095 such cannabis retailer's, hybrid retailer's or micro-cultivator's gross
6096 receipts from the sale of cannabis and cannabis products other than
6097 cannabis sold for palliative use, for the calendar month immediately
6098 preceding and the amount of tax imposed under this section shown to
6099 be due thereon. Such return shall be in such form and contain such
6100 information as the tax collector of the municipality or the individual
6101 designated by the municipality to collect the tax imposed under this
6102 section, in consultation with the Department of Revenue Services and
6103 the Office of Policy and Management, prescribes, and shall be
6104 accompanied by a payment of the amount of the tax shown to be due
6105 thereon. Such amount shall become part of the general revenue of such
6106 municipality and used for any of the purposes set forth in subdivision
6107 (2) of this subsection.

6108 (2) The tax collected pursuant to this section shall be used by such
6109 municipality to (A) make improvements to the streetscapes and other

6110 neighborhood developments in and around each community in which
6111 a cannabis retailer, hybrid retailer or micro-cultivator is located, (B) fund
6112 youth employment and training programs in such municipality, (C)
6113 fund services for individuals released from the custody of the
6114 Commissioner of Correction, probation or parole and residing in such
6115 municipality, (D) fund mental health or addiction services, or (E) fund
6116 efforts to promote civic engagement in communities in such
6117 municipality.

6118 (c) If any cannabis retailer, hybrid retailer or micro-cultivator fails to
6119 pay the amount of tax reported due on its return within the time period
6120 set forth under this section, there shall be imposed a penalty equal to
6121 twenty-five per cent of such amount due and unpaid, or two hundred
6122 fifty dollars, whichever is greater. Such amount shall bear interest at the
6123 rate of one per cent per month or fraction thereof, from the due date of
6124 such tax until the date of payment. A municipality may waive, by vote
6125 of its legislative body, all or part of the penalties provided under this
6126 subsection upon a finding by such body that the failure to pay any tax
6127 was due to reasonable cause and was not intentional or due to neglect.

6128 (d) A municipality may impose a lien on the real property of a
6129 cannabis retailer, hybrid retailer or micro-cultivator for nonpayment of
6130 tax due under this section. The amount of such lien shall not exceed the
6131 amount of tax due under this section plus penalties and interest. Such
6132 lien shall have the same priority as a municipal lien for real property
6133 taxes.

6134 (e) (1) If the tax collector, or the individual designated by the
6135 municipality to collect the tax imposed under this section, of a
6136 municipality in which a cannabis retailer, hybrid retailer or micro-
6137 cultivator is located has good cause to believe a cannabis retailer, hybrid
6138 retailer or micro-cultivator has underpaid the tax under this section or
6139 otherwise has made a material misrepresentation in a return filed
6140 pursuant to subsection (b) of this section, the tax collector or such
6141 individual may require such cannabis retailer, hybrid retailer or micro-
6142 cultivator to have an audit. Such audit shall be performed in the same

6143 manner and with the same time periods for completion and extension
6144 as for a nonstate entity under the provisions of section 4-232 of the
6145 general statutes. An audit shall not be ordered more than once per fiscal
6146 year.

6147 (2) The cannabis retailer, hybrid retailer or micro-cultivator shall file
6148 a copy of the audit report with the tax collector of the municipality or
6149 the individual designated by the municipality to collect the tax imposed
6150 under this section. Any cannabis retailer, hybrid retailer or micro-
6151 cultivator, or auditor for such cannabis retailer, hybrid retailer or micro-
6152 cultivator, that fails to have the audit report filed within the time period
6153 set forth in subdivision (2) of subsection (b) of section 4-232 of the
6154 general statutes may be assessed a penalty by the tax collector or such
6155 individual, in an amount as provided under subdivision (2) of
6156 subsection (b) of section 4-232 of the general statutes.

6157 (3) If an audit report shows that the tax under this section was
6158 underpaid by a cannabis retailer, hybrid retailer or micro-cultivator,
6159 there shall be imposed a penalty equal to twenty-five per cent of the
6160 amount due and unpaid, or two hundred fifty dollars, whichever is
6161 greater. Such amount shall bear interest at the rate of one per cent per
6162 month or fraction thereof, from the due date of such tax until the date of
6163 payment. A municipality may waive, by vote of its legislative body, all
6164 or part of the penalties provided under this subsection upon a finding
6165 by such body that the failure to pay any tax was due to reasonable cause
6166 and was not intentional or due to neglect.

6167 (f) (1) No cannabis retailer, hybrid retailer, micro-cultivator or
6168 municipality shall issue a refund to a purchaser for any tax paid under
6169 this section by such purchaser.

6170 (2) No municipality shall issue a refund to a cannabis retailer, hybrid
6171 retailer or micro-cultivator for any tax paid under this section by such
6172 cannabis retailer, hybrid retailer or micro-cultivator.

6173 (3) No overpayment of the tax under this section by a purchaser,
6174 cannabis retailer, hybrid retailer or micro-cultivator shall be applied to

6175 any other liability due to such municipality from such purchaser,
6176 cannabis retailer, hybrid retailer or micro-cultivator.

6177 Sec. 127. (NEW) (*Effective July 1, 2021*) (a) The tax under chapter 219
6178 of the general statutes shall not be imposed on the transfer of cannabis
6179 or cannabis products to a delivery service by a cultivator, micro-
6180 cultivator, food and beverage manufacturer, product manufacturer,
6181 product packager, dispensary facility, cannabis retailer, hybrid retailer
6182 or producer, for transport to any other cultivator, micro-cultivator, food
6183 and beverage manufacturer, product manufacturer, product packager,
6184 dispensary facility, cannabis retailer, hybrid retailer or producer.

6185 (b) No person may purchase cannabis or cannabis products on a
6186 resale basis and no exemption under chapter 219 of the general statutes
6187 shall apply to the sale of cannabis or cannabis products, except as
6188 provided under section 12-412 of the general statutes, as amended by
6189 this act, for the sale of cannabis for palliative use.

6190 (c) (1) No cannabis retailer, hybrid retailer, micro-cultivator or
6191 delivery service, nor the Department of Revenue Services, shall issue a
6192 refund to a purchaser for any tax paid under chapter 219 of the general
6193 statutes for the sale of cannabis or cannabis products.

6194 (2) The Commissioner of Revenue Services shall not issue a refund to
6195 a cannabis retailer, hybrid retailer or micro-cultivator of any tax paid
6196 under chapter 219 of the general statutes by such cannabis retailer,
6197 hybrid retailer or micro-cultivator.

6198 (d) The provisions of subsection (g) of section 125 of this act,
6199 subsection (f) of section 126 of this act and subsection (c) of this section
6200 shall not be construed as authorizing suit against the state or any
6201 political subdivision thereof by a person against whom any tax, penalty
6202 or interest has been erroneously or illegally assessed or from whom any
6203 tax, penalty or interest has been erroneously or illegally collected and
6204 shall not be construed as a waiver of sovereign immunity.

6205 Sec. 128. Subdivision (120) of section 12-412 of the general statutes is

6206 repealed and the following is substituted in lieu thereof (*Effective July 1,*
6207 *2021*):

6208 (120) [On and after April 1, 2015, sales] (A) Sales of the following
6209 nonprescription drugs or medicines available for purchase for use in or
6210 on the body: Vitamin or mineral concentrates; dietary supplements;
6211 natural or herbal drugs or medicines; products intended to be taken for
6212 coughs, cold, asthma or allergies, or antihistamines; laxatives;
6213 antidiarrheal medicines; analgesics; antibiotic, antibacterial, antiviral
6214 and antifungal medicines; antiseptics; astringents; anesthetics; steroidal
6215 medicines; anthelmintics; emetics and antiemetics; antacids; [and] any
6216 medication prepared to be used in the eyes, ears or nose; and marijuana
6217 sold for palliative use under the provisions of chapter 420f.

6218 (B) Nonprescription drugs or medicines [shall] do not include
6219 cosmetics, [dentrifrices] dentifrices, mouthwash, shaving and hair care
6220 products, soaps, [or] deodorants or products containing cannabis, as
6221 defined in section 1 of this act, or cannabinoids.

6222 Sec. 129. Subparagraph (U) of subdivision (37) of subsection (a) of
6223 section 12-407 of the general statutes is repealed and the following is
6224 substituted in lieu thereof (*Effective July 1, 2021*):

6225 (U) (i) [Advertising] Except as provided in clause (ii) of this
6226 subparagraph, advertising or public relations services, including layout,
6227 art direction, graphic design, mechanical preparation or production
6228 supervision, not related to the development of media advertising or
6229 cooperative direct mail advertising;

6230 (ii) Advertising or public relations services, including layout, art
6231 direction, graphic design, mechanical preparation or production
6232 supervision, related to cannabis, as defined in section 1 of this act, or
6233 cannabis products;

6234 Sec. 130. Section 12-650 of the general statutes is repealed and the
6235 following is substituted in lieu thereof (*Effective July 1, 2021*):

6236 [As used in this chapter:

6237 (1) "Marijuana" means any marijuana, whether real or counterfeit, as
6238 defined in subdivision (29) of section 21a-240, that is held, possessed,
6239 transported, sold or offered to be sold in violation of any provision of
6240 the general statutes;

6241 (2) "Controlled substance" means any controlled substance as defined
6242 in subdivision (9) of section 21a-240, that is held, possessed, transported,
6243 sold or offered to be sold in violation of any provision of the general
6244 statutes;

6245 (3) "Dealer" means any person who, in violation of any provision of
6246 the general statutes, manufactures, produces, ships, transports, or
6247 imports into the state or in any manner acquires or possesses more than
6248 forty-two and one-half grams of marijuana or seven or more grams of
6249 any controlled substance or ten or more dosage units of any controlled
6250 substance which is not sold by weight; and

6251 (4) "Commissioner" means the Commissioner of Revenue Services.]

6252 Notwithstanding the provisions of this chapter, revision of 1958,
6253 revised to January 1, 2021, any outstanding liabilities or assessments, or
6254 any portion thereof, made under said chapter related to the sale,
6255 purchase, acquisition or possession within the state or the transport or
6256 importation into the state, of marijuana, as defined in section 21a-240,
6257 shall be cancelled. The Commissioner of Revenue Services may take any
6258 action necessary to effectuate the cancellation of such liabilities and
6259 assessments. No cancellation of a liability or an assessment pursuant to
6260 this section shall entitle any person affected by such cancellation to a
6261 refund or credit of any amount previously paid or collected in
6262 connection with such liability or assessment.

6263 Sec. 131. Subdivision (1) of subsection (a) of section 12-30a of the
6264 general statutes is repealed and the following is substituted in lieu
6265 thereof (*Effective July 1, 2021*):

6266 (a) (1) Whenever the provisions of section 12-35, 12-204, 12-205, 12-
6267 206, 12-225, 12-226, 12-229, 12-235, 12-242d, 12-263c, 12-263d, 12-263m,

6268 12-268d, 12-268h, 12-293a, 12-309, 12-330d, 12-330i, 12-376, 12-376a, 12-
6269 376b, 12-392, 12-414, 12-415, 12-416, 12-419, 12-419a, 12-439, 12-440, 12-
6270 458, 12-458d, 12-486a, 12-488, 12-547, 12-548, 12-590, 12-594, 12-638c, 12-
6271 638d, 12-646a, 12-647, [12-655,] 12-667, 12-722, 12-723, 12-728, 12-731, 12-
6272 735, 22a-132, 22a-232, 22a-237c, 38a-277 or 51-81b require interest to be
6273 paid to the Commissioner of Revenue Services at the rate of one per cent
6274 per month or fraction thereof or one per cent for each month or fraction
6275 thereof, the Commissioner of Revenue Services may adopt regulations
6276 in accordance with the provisions of chapter 54 that require interest to
6277 be paid to said commissioner at the equivalent daily rate in lieu of such
6278 monthly rate.

6279 Sec. 132. Subsection (a) of section 12-35b of the general statutes is
6280 repealed and the following is substituted in lieu thereof (*Effective July 1,*
6281 *2021*):

6282 (a) For the purposes of sections 12-204, 12-212, 12-235, 12-268h, 12-
6283 309, 12-330i, 12-366, 12-398, 12-420, 12-441, 12-475, 12-488, 12-555a, 12-
6284 594, 12-638j [, 12-655] and 12-734:

6285 (1) "Bona fide purchaser" means a person who takes a conveyance of
6286 real estate in good faith from the holder of legal title, and pays valuable
6287 consideration, without actual, implied, or constructive notice of any tax
6288 delinquency.

6289 (2) "Qualified encumbrancer" means a person who places a burden,
6290 charge or lien on real estate, in good faith, without actual, implied, or
6291 constructive notice of any tax delinquency.

6292 (3) "Commissioner" means the Commissioner of Revenue Services or
6293 his or her authorized agent.

6294 Sec. 133. Section 12-704d of the general statutes is repealed and the
6295 following is substituted in lieu thereof (*Effective July 1, 2021*):

6296 (a) As used in this section:

6297 (1) "Angel investor" means an accredited investor, as defined by the

6298 Securities and Exchange Commission, or network of accredited
6299 investors who review new or proposed businesses for potential
6300 investment and who may seek active involvement, such as consulting
6301 and mentoring, in a qualified Connecticut business or a qualified
6302 cannabis business, but "angel investor" does not include (A) a person
6303 controlling fifty per cent or more of the Connecticut business or cannabis
6304 business invested in by the angel investor, (B) a venture capital
6305 company, or (C) any bank, bank and trust company, insurance
6306 company, trust company, national bank, savings association or building
6307 and loan association for activities that are a part of its normal course of
6308 business;

6309 (2) "Cash investment" means the contribution of cash, at a risk of loss,
6310 to a qualified Connecticut business or a qualified cannabis business in
6311 exchange for qualified securities;

6312 (3) "Connecticut business" means any business with its principal
6313 place of business in Connecticut, excluding a cannabis business;

6314 (4) "Bioscience" means manufacturing pharmaceuticals, medicines,
6315 medical equipment or medical devices and analytical laboratory
6316 instruments, operating medical or diagnostic testing laboratories, or
6317 conducting pure research and development in life sciences;

6318 (5) "Advanced materials" means developing, formulating or
6319 manufacturing advanced alloys, coatings, lubricants, refrigerants,
6320 surfactants, emulsifiers or substrates;

6321 (6) "Photonics" means generation, emission, transmission,
6322 modulation, signal processing, switching, amplification, detection and
6323 sensing of light from ultraviolet to infrared and the manufacture,
6324 research or development of opto-electronic devices, including, but not
6325 limited to, lasers, masers, fiber optic devices, quantum devices,
6326 holographic devices and related technologies;

6327 (7) "Information technology" means software publishing, motion
6328 picture and video production, teleproduction and postproduction

6329 services, telecommunications, data processing, hosting and related
6330 services, custom computer programming services, computer system
6331 design, computer facilities management services, other computer
6332 related services and computer training;

6333 (8) "Clean technology" means the production, manufacture, design,
6334 research or development of clean energy, green buildings, smart grid,
6335 high-efficiency transportation vehicles and alternative fuels,
6336 environmental products, environmental remediation and pollution
6337 prevention;

6338 (9) "Qualified securities" means any form of equity, including a
6339 general or limited partnership interest, common stock, preferred stock,
6340 with or without voting rights, without regard to seniority position that
6341 must be convertible into common stock; [and]

6342 (10) "Emerging technology business" means any business that is
6343 engaged in bioscience, advanced materials, photonics, information
6344 technology, clean technology or any other emerging technology as
6345 determined by the Commissioner of Economic and Community
6346 Development;

6347 (11) "Cannabis business" means a cannabis establishment for which a
6348 social equity applicant has been granted a provisional license or a
6349 license;

6350 (12) "Social equity applicant" has the same meaning as provided in
6351 section 1 of this act;

6352 (13) "Cannabis" has the same meaning as provided in section 1 of this
6353 act;

6354 (14) "Cannabis establishment" has the same meaning as provided in
6355 section 1 of this act; and

6356 (15) "Disproportionately affected community" has the same meaning
6357 as provided in section 1 of this act.

6358 (b) There shall be allowed a credit against the tax imposed under this
6359 chapter, other than the liability imposed by section 12-707, for a cash
6360 investment by an angel investor of not less than twenty-five thousand
6361 dollars in the qualified securities of a Connecticut business [by an angel
6362 investor] or a cannabis business. The credit shall be in an amount equal
6363 to (1) twenty-five per cent of such investor's cash investment in a
6364 Connecticut business, or (2) forty per cent of such investor's cash
6365 investment in a cannabis business, provided the total tax credits allowed
6366 to any angel investor shall not exceed five hundred thousand dollars.
6367 The credit shall be claimed in the taxable year in which such cash
6368 investment is made by the angel investor. The credit may be sold,
6369 assigned or otherwise transferred, in whole or in part.

6370 (c) To qualify for a tax credit pursuant to this section, a cash
6371 investment shall be in: [a]

6372 (1) A Connecticut business that [(1)] (A) has been approved as a
6373 qualified Connecticut business pursuant to subsection (d) of this section;
6374 [(2)] (B) had annual gross revenues of less than one million dollars in the
6375 most recent income year of such business; [(3)] (C) has fewer than
6376 twenty-five employees, not less than seventy-five per cent of whom
6377 reside in this state; [(4)] (D) has been operating in this state for less than
6378 seven consecutive years; [(5)] (E) is primarily owned by the
6379 management of the business and their families; and [(6)] (F) received
6380 less than two million dollars in cash investments eligible for the tax
6381 credits provided by this section; or

6382 (2) A cannabis business that (A) has been approved as a qualified
6383 cannabis business pursuant to subsection (d) of this section; (B) had
6384 annual gross revenues of less than one million dollars in the most recent
6385 income year of such business; (C) has fewer than twenty-five employees,
6386 not less than seventy-five per cent of whom reside in this state; (D) is
6387 primarily owned by the management of the business and their families;
6388 and (E) received less than two million dollars in cash investments
6389 eligible for the tax credits provided by this section.

6390 (d) (1) A Connecticut business or a cannabis business may apply to

6391 Connecticut Innovations, Incorporated, for approval as a Connecticut
6392 business or cannabis business, as applicable, qualified to receive cash
6393 investments eligible for a tax credit pursuant to this section. The
6394 application shall include (A) the name of the business and a copy of the
6395 organizational documents of such business, (B) a business plan,
6396 including a description of the business and the management, product,
6397 market and financial plan of the business, (C) a description of the
6398 business's innovative technology, product or service, (D) a statement of
6399 the potential economic impact of the business, including the number,
6400 location and types of jobs expected to be created, (E) a description of the
6401 qualified securities to be issued and the amount of cash investment
6402 sought by the [qualified Connecticut] business, (F) a statement of the
6403 amount, timing and projected use of the proceeds to be raised from the
6404 proposed sale of qualified securities, and (G) such other information as
6405 the chief executive officer of Connecticut Innovations, Incorporated,
6406 may require.

6407 (2) Said chief executive officer shall, on a monthly basis, compile a list
6408 of approved applications, categorized by the cash investments being
6409 sought by the qualified Connecticut business or the qualified cannabis
6410 business and type of qualified securities offered.

6411 (e) (1) Any angel investor that intends to make a cash investment in
6412 a business on such list may apply to Connecticut Innovations,
6413 Incorporated, to reserve a tax credit in the amount indicated by such
6414 investor. Connecticut Innovations, Incorporated, shall not reserve tax
6415 credits under this section for any investment made on or after July 1,
6416 2024.

6417 (2) The aggregate amount of all tax credits under this section that may
6418 be reserved by Connecticut Innovations, Incorporated, shall not exceed
6419 (A) for cash investments made in Connecticut businesses, six million
6420 dollars annually for the fiscal years commencing July 1, 2010, to July 1,
6421 2012, inclusive, and [shall not exceed] five million dollars [in] for
6422 fiscal year thereafter, [Each fiscal year,] and (B) for cash investments
6423 made in qualified cannabis businesses, fifteen million dollars annually

6424 for each fiscal year commencing on or after July 1, 2021.

6425 (3) With respect to the tax credits available under this section for
6426 investments in Connecticut businesses, Connecticut Innovations,
6427 Incorporated, shall not reserve more than seventy-five per cent of [the]
6428 such tax credits [available under this section] each fiscal year for
6429 investments in emerging technology businesses, except if any such
6430 credits remain available for reservation after April first in any fiscal
6431 year, such remaining credits may be reserved for (A) investments in
6432 such businesses [,] and may be prioritized for veteran-owned, women-
6433 owned or minority-owned businesses and businesses owned by
6434 individuals with disabilities, [. Connecticut Innovations, Incorporated,
6435 shall not reserve tax credits under this section for any investment made
6436 on or after July 1, 2024] and (B) investments in qualified cannabis
6437 businesses.

6438 ~~[(2)]~~ (4) The amount of the credit allowed to any investor pursuant to
6439 this section shall not exceed the amount of tax due from such investor
6440 under this chapter, other than section 12-707, with respect to such
6441 taxable year. Any tax credit that is claimed by the angel investor but not
6442 applied against the tax due under this chapter, other than the liability
6443 imposed under section 12-707, may be carried forward for the five
6444 immediately succeeding taxable years until the full credit has been
6445 applied.

6446 (f) If the angel investor is an S corporation or an entity treated as a
6447 partnership for federal income tax purposes, the tax credit may be
6448 claimed by the shareholders or partners of the angel investor. If the
6449 angel investor is a single member limited liability company that is
6450 disregarded as an entity separate from its owner, the tax credit may be
6451 claimed by such limited liability company's owner, provided such
6452 owner is a person subject to the tax imposed under this chapter.

6453 (g) A review of the cumulative effectiveness of the credit under this
6454 section shall be conducted by Connecticut Innovations, Incorporated, by
6455 [July 1, 2014, and by] July first annually. [thereafter.] Such review shall
6456 include, but need not be limited to, the number and type of Connecticut

6457 businesses and cannabis businesses that received angel investments, the
6458 number of angel investors and the aggregate amount of cash
6459 investments, the current status of each Connecticut business and
6460 cannabis business that received angel investments, the number of
6461 employees employed in each year following the year in which such
6462 Connecticut business or cannabis business received the angel
6463 investment [,] and the economic impact in the state [,] of the Connecticut
6464 business or cannabis business that received the angel investment. Such
6465 review shall be submitted to the Office of Policy and Management and
6466 to the joint standing committee of the General Assembly having
6467 cognizance of matters relating to commerce, in accordance with the
6468 provisions of section 11-4a.

6469 Sec. 134. (NEW) (*Effective July 1, 2021*) (a) For the purposes described
6470 in subsection (b) of this section, the State Bond Commission shall have
6471 the power from time to time to authorize the issuance of bonds of the
6472 state in one or more series and in principal amounts not exceeding in
6473 the aggregate fifty million dollars.

6474 (b) The proceeds of the sale of such bonds, to the extent of the amount
6475 stated in subsection (a) of this section, shall be used by the Department
6476 of Economic and Community Development jointly with the Cannabis
6477 Control Commission for the purposes of providing (1) low-interest
6478 loans to social equity applicants, municipalities or organizations exempt
6479 from taxation under Section 501(c)(3) of the Internal Revenue Code of
6480 1986, or any subsequent corresponding internal revenue code of the
6481 United States, as amended from time to time, to facilitate the
6482 rehabilitation, renovation or development of unused, underused real
6483 property to be used as a cannabis establishment or as part of such
6484 establishment; (2) capital to social equity applicants seeking to start or
6485 maintain a cannabis establishment; (3) funding to assist in the
6486 development or ongoing expenses of the cannabis business accelerator
6487 program established under section 38 of this act; and (4) funding to
6488 assist in the development or ongoing expenses of workforce training
6489 programs developed by the Cannabis Control Commission pursuant to
6490 section 39 of this act. As used in this subsection, "Cannabis Control

6491 Commission", "cannabis establishment" and "social equity applicant"
6492 have the same meanings as provided in section 1 of this act.

6493 (c) All provisions of section 3-20 of the general statutes, or the exercise
6494 of any right or power granted thereby, that are not inconsistent with the
6495 provisions of this section are hereby adopted and shall apply to all
6496 bonds authorized by the State Bond Commission pursuant to this
6497 section. Temporary notes in anticipation of the money to be derived
6498 from the sale of any such bonds so authorized may be issued in
6499 accordance with section 3-20 of the general statutes and from time to
6500 time renewed. Such bonds shall mature at such time or times not
6501 exceeding twenty years from their respective dates as may be provided
6502 in or pursuant to the resolution or resolutions of the State Bond
6503 Commission authorizing such bonds. None of such bonds shall be
6504 authorized except upon a finding by the State Bond Commission that
6505 there has been filed with it a request for such authorization that is signed
6506 by or on behalf of the Secretary of the Office of Policy and Management
6507 and states such terms and conditions as said commission, in its
6508 discretion, may require. Such bonds issued pursuant to this section shall
6509 be general obligations of the state and the full faith and credit of the state
6510 of Connecticut are pledged for the payment of the principal of and
6511 interest on such bonds as the same become due, and accordingly and as
6512 part of the contract of the state with the holders of such bonds,
6513 appropriation of all amounts necessary for punctual payment of such
6514 principal and interest is hereby made, and the State Treasurer shall pay
6515 such principal and interest as the same become due.

6516 Sec. 135. (NEW) (*Effective July 1, 2021*) (a) As used in this section,
6517 "Cannabis Control Commission", "cannabis establishment" and "social
6518 equity applicant" have the same meanings as provided in section 1 of
6519 this act.

6520 (b) (1) The Department of Economic and Community Development
6521 and the Cannabis Control Commission shall jointly develop and
6522 establish:

6523 (A) A revolving loan program for the purposes of subdivision (1) of

6524 subsection (b) of section 134 of this act, including (i) requirements for
 6525 loan eligibility under the program, (ii) an application form and the
 6526 information and documentation required to be submitted with such
 6527 application, (iii) the terms of the loans to be offered, including the rates
 6528 of interest to be charged and the length of the loans, (iv) a plan for
 6529 publicizing and marketing the program, and (v) any other requirements
 6530 necessary to implement the program; and

6531 (B) Application forms, applicant requirements and any other
 6532 provisions the department and commission deem necessary for the
 6533 purposes of subdivisions (2) to (4), inclusive, of subsection (b) of section
 6534 134 of this act.

6535 (2) The department and the commission shall post on the Internet
 6536 web sites of the Department of Economic and Community Development
 6537 and the Department of Consumer Protection information concerning
 6538 the loan program and other available funding under this section.

6539 Sec. 136. Sections 12-651 to 12-660, inclusive, and 21a-408n of the
 6540 general statutes are repealed. (*Effective July 1, 2021*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>January 1, 2022</i>	21a-279(a)
Sec. 3	<i>January 1, 2022</i>	21a-279a
Sec. 4	<i>January 1, 2022</i>	21a-267
Sec. 5	<i>January 1, 2022</i>	46b-120
Sec. 6	<i>January 1, 2022</i>	51-164n(b)
Sec. 7	<i>January 1, 2022</i>	New section
Sec. 8	<i>July 1, 2022</i>	54-142d
Sec. 9	<i>January 1, 2023</i>	New section
Sec. 10	<i>January 1, 2023</i>	54-142e
Sec. 11	<i>January 1, 2022</i>	New section
Sec. 12	<i>January 1, 2022</i>	New section
Sec. 13	<i>January 1, 2022</i>	New section
Sec. 14	<i>January 1, 2022</i>	New section
Sec. 15	<i>January 1, 2022</i>	21a-277(b)

Sec. 16	<i>January 1, 2022</i>	New section
Sec. 17	<i>January 1, 2022</i>	54-63d(c)
Sec. 18	<i>January 1, 2022</i>	New section
Sec. 19	<i>January 1, 2022</i>	10-221(d)
Sec. 20	<i>October 1, 2021</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>July 1, 2021</i>	New section
Sec. 25	<i>July 1, 2021</i>	New section
Sec. 26	<i>July 1, 2021</i>	New section
Sec. 27	<i>July 1, 2021</i>	New section
Sec. 28	<i>July 1, 2021</i>	New section
Sec. 29	<i>July 1, 2021</i>	New section
Sec. 30	<i>July 1, 2021</i>	New section
Sec. 31	<i>July 1, 2021</i>	New section
Sec. 32	<i>from passage</i>	New section
Sec. 33	<i>January 1, 2022</i>	New section
Sec. 34	<i>July 1, 2021</i>	New section
Sec. 35	<i>July 1, 2021</i>	New section
Sec. 36	<i>July 1, 2021</i>	New section
Sec. 37	<i>July 1, 2021</i>	New section
Sec. 38	<i>from passage</i>	New section
Sec. 39	<i>from passage</i>	New section
Sec. 40	<i>July 1, 2021</i>	New section
Sec. 41	<i>July 1, 2021</i>	New section
Sec. 42	<i>July 1, 2021</i>	New section
Sec. 43	<i>July 1, 2021</i>	New section
Sec. 44	<i>July 1, 2021</i>	New section
Sec. 45	<i>July 1, 2021</i>	New section
Sec. 46	<i>July 1, 2021</i>	New section
Sec. 47	<i>July 1, 2021</i>	New section
Sec. 48	<i>July 1, 2021</i>	New section
Sec. 49	<i>July 1, 2021</i>	New section
Sec. 50	<i>July 1, 2021</i>	New section
Sec. 51	<i>from passage</i>	New section
Sec. 52	<i>July 1, 2021</i>	New section
Sec. 53	<i>July 1, 2021</i>	New section
Sec. 54	<i>July 1, 2021</i>	New section
Sec. 55	<i>July 1, 2021</i>	New section
Sec. 56	<i>January 1, 2022</i>	New section

Sec. 57	<i>July 1, 2021</i>	New section
Sec. 58	<i>July 1, 2021</i>	New section
Sec. 59	<i>from passage</i>	New section
Sec. 60	<i>July 1, 2022</i>	New section
Sec. 61	<i>July 1, 2021</i>	New section
Sec. 62	<i>July 1, 2022</i>	New section
Sec. 63	<i>from passage</i>	New section
Sec. 64	<i>from passage</i>	New section
Sec. 65	<i>from passage</i>	New section
Sec. 66	<i>October 1, 2021</i>	21a-408
Sec. 67	<i>July 1, 2021</i>	21a-408a
Sec. 68	<i>July 1, 2021</i>	21a-408b
Sec. 69	<i>July 1, 2021</i>	21a-408c
Sec. 70	<i>October 1, 2021</i>	21a-408d
Sec. 71	<i>July 1, 2021</i>	21a-408f
Sec. 72	<i>July 1, 2021</i>	21a-408h
Sec. 73	<i>October 1, 2021</i>	21a-408j
Sec. 74	<i>July 1, 2021</i>	21a-408k
Sec. 75	<i>October 1, 2021</i>	21a-408m
Sec. 76	<i>October 1, 2021</i>	21a-408l
Sec. 77	<i>July 1, 2021</i>	21a-408p
Sec. 78	<i>October 1, 2021</i>	21a-408r
Sec. 79	<i>July 1, 2021</i>	21a-408t
Sec. 80	<i>July 1, 2021</i>	21a-408s
Sec. 81	<i>July 1, 2021</i>	21a-408u
Sec. 82	<i>October 1, 2021</i>	New section
Sec. 83	<i>July 1, 2021</i>	New section
Sec. 84	<i>October 1, 2021</i>	7-148(c)(7)(H)
Sec. 85	<i>July 1, 2021</i>	New section
Sec. 86	<i>October 1, 2021</i>	19a-342
Sec. 87	<i>October 1, 2021</i>	19a-342a
Sec. 88	<i>October 1, 2021</i>	31-40q
Sec. 89	<i>July 1, 2022</i>	New section
Sec. 90	<i>July 1, 2022</i>	New section
Sec. 91	<i>July 1, 2022</i>	New section
Sec. 92	<i>July 1, 2021</i>	New section
Sec. 93	<i>July 1, 2022</i>	New section
Sec. 94	<i>July 1, 2021</i>	New section
Sec. 95	<i>July 1, 2021</i>	New section
Sec. 96	<i>July 1, 2021</i>	New section
Sec. 97	<i>July 1, 2022</i>	New section

Sec. 98	<i>July 1, 2022</i>	New section
Sec. 99	<i>July 1, 2022</i>	New section
Sec. 100	<i>July 1, 2022</i>	New section
Sec. 101	<i>July 1, 2021</i>	New section
Sec. 102	<i>July 1, 2021</i>	21a-6
Sec. 103	<i>July 1, 2021</i>	21a-7
Sec. 104	<i>July 1, 2021</i>	21a-8(a)
Sec. 105	<i>July 1, 2022</i>	New section
Sec. 106	<i>January 1, 2022</i>	New section
Sec. 107	<i>January 1, 2022</i>	New section
Sec. 108	<i>January 1, 2022</i>	New section
Sec. 109	<i>January 1, 2022</i>	New section
Sec. 110	<i>January 1, 2022</i>	New section
Sec. 111	<i>January 1, 2022</i>	30-89a
Sec. 112	<i>October 1, 2021</i>	New section
Sec. 113	<i>October 1, 2021</i>	New section
Sec. 114	<i>July 1, 2021</i>	New section
Sec. 115	<i>April 1, 2022</i>	14-111e(a)
Sec. 116	<i>April 1, 2022</i>	14-227a(a) to (e)
Sec. 117	<i>April 1, 2022</i>	14-227a(j)
Sec. 118	<i>April 1, 2022</i>	14-227b
Sec. 119	<i>April 1, 2022</i>	14-227c
Sec. 120	<i>April 1, 2022</i>	14-44k(c)
Sec. 121	<i>July 1, 2021</i>	New section
Sec. 122	<i>April 1, 2022</i>	15-140q
Sec. 123	<i>April 1, 2022</i>	15-140r
Sec. 124	<i>July 1, 2021</i>	New section
Sec. 125	<i>July 1, 2021</i>	New section
Sec. 126	<i>July 1, 2021</i>	New section
Sec. 127	<i>July 1, 2021</i>	New section
Sec. 128	<i>July 1, 2021</i>	12-412(120)
Sec. 129	<i>July 1, 2021</i>	12-407(a)(37)(U)
Sec. 130	<i>July 1, 2021</i>	12-650
Sec. 131	<i>July 1, 2021</i>	12-30a(a)(1)
Sec. 132	<i>July 1, 2021</i>	12-35b(a)
Sec. 133	<i>July 1, 2021</i>	12-704d
Sec. 134	<i>July 1, 2021</i>	New section
Sec. 135	<i>July 1, 2021</i>	New section
Sec. 136	<i>July 1, 2021</i>	Repealer section