



General Assembly

Amendment

January Session, 2021

LCO No. 10652



Offered by:
REP. FISHBEIN, 90th Dist.

To: Senate Bill No. 1118

File No.

Cal. No.

(As Amended by Senate Amendment Schedule "A")

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

1 Strike section 3 in its entirety and insert the following in lieu thereof:

2 "Sec. 3. Section 21a-279a of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective July 1, 2021*):

4 (a) Any person [who possesses or has under his control less than one-
5 half ounce of a cannabis-type substance, as defined in section 21a-240,
6 except as authorized in this chapter, shall (1) for a first offense, be fined
7 one hundred fifty dollars, and (2) for a subsequent offense, be fined not
8 less than two hundred dollars or more than five hundred dollars.]
9 twenty-one years of age or older may possess, use and otherwise
10 consume cannabis, provided the amount of all such cannabis does not
11 exceed such person's possession limit of (1) one and one-half ounces of
12 cannabis plant material and five ounces of cannabis plant material in a
13 locked container at such person's residence or a locked glove box or

14 trunk of such person's motor vehicle, (2) an equivalent amount of
15 cannabis products, as provided in subsection (i) of this section, or (3) an
16 equivalent amount of a combination of cannabis and cannabis products,
17 as provided in subsection (i) of this section. On and after July 1, 2023, a
18 person's personal possession limit does not include any live plant or
19 cannabis plant material derived from any live plant cultivated by such
20 person in accordance with the provisions of section 162 of this act.

21 (b) (1) Any person under eighteen years of age who possesses or has
22 under such person's control less than (A) five ounces of cannabis plant
23 material, (B) an equivalent amount of cannabis products, as provided in
24 subsection (i) of this section, or (C) an equivalent amount of a
25 combination of cannabis and cannabis products, as provided in
26 subsection (i) of this section, except as authorized in this chapter or
27 chapter 420f, shall for a (i) first offense, be issued a written warning, and
28 such person may be referred to a youth services bureau established
29 under section 10-19m or to any other appropriate services, (ii) second
30 offense, be referred to a youth services bureau established under section
31 10-19m or to any other appropriate services, and (iii) any subsequent
32 offense, be adjudicated delinquent pursuant to the provisions of section
33 46b-120.

34 (2) Any person under eighteen years of age who possesses or has
35 under such person's control (A) five ounces or more of cannabis plant
36 material, (B) an equivalent amount of cannabis products, as provided in
37 subsection (i) of this section, or (C) an equivalent amount of a
38 combination of cannabis and cannabis products, as provided in
39 subsection (i) of this section, except as authorized in this chapter or
40 chapter 420f, shall be adjudicated delinquent pursuant to the provisions
41 of section 46b-120.

42 (3) No person may be arrested for a violation of this subsection.

43 (c) (1) Any person eighteen years of age or older but under twenty-
44 one years of age, who possesses or has under such person's control less
45 than (A) five ounces of cannabis plant material, (B) an equivalent

46 amount of cannabis products, as provided in subsection (h) of this
47 section, or (C) an equivalent amount of a combination of cannabis and
48 cannabis products, as provided in subsection (i) of this section, except
49 as authorized in this chapter or chapter 420f, shall be required to view
50 and sign a statement acknowledging the health effects of cannabis on
51 young people and shall (i) for a first offense, be fined fifty dollars, and
52 (ii) for any subsequent offense, be fined one hundred fifty dollars.

53 (2) Any person eighteen years of age or older but under twenty-one
54 years of age, who possesses or has under such person's control (A) five
55 ounces or more of cannabis plant material, (B) an equivalent amount of
56 cannabis products, as provided in subsection (i) of this section, or (C) an
57 equivalent amount of a combination of cannabis and cannabis products,
58 as provided in subsection (i) of this section, except as authorized in this
59 chapter or chapter 420f, shall be required to view and sign a statement
60 acknowledging the health effects of cannabis on young people and shall
61 (i) for a first offense, be fined five hundred dollars, and (ii) for any
62 subsequent offense, be guilty of a class D misdemeanor.

63 (d) Any person twenty-one years of age or older, except as authorized
64 in this chapter, chapter 420f or RERACA, who possesses or has under
65 such person's control more than the possession limit pursuant to
66 subsection (a) of this section, but less than (1) five ounces of cannabis
67 plant material and eight ounces of cannabis plant material in a locked
68 container at such person's residence or a locked glove box or trunk of
69 such person's motor vehicle, (2) an equivalent amount of cannabis
70 products, as provided in subsection (i) of this section, or (3) an
71 equivalent amount of a combination of cannabis and cannabis products,
72 as provided in subsection (i) of this section, shall for a (A) first offense,
73 be fined one hundred dollars, and (B) subsequent offense, be fined two
74 hundred fifty dollars.

75 (e) (1) Any person twenty-one years of age or older, except as
76 authorized in this chapter, chapter 420f or RERACA, who possesses or
77 has under such person's control (A) five ounces or more of cannabis
78 plant material or eight ounces or more of cannabis plant material in a

79 locked container at such person's residence or a locked glove box or
80 trunk of such person's motor vehicle, (B) an equivalent amount of
81 cannabis products, as provided in subsection (i) of this section, or (C) an
82 equivalent amount of a combination of cannabis and cannabis products,
83 as provided in subsection (i) of this section, shall for a (i) first offense, be
84 fined five hundred dollars, and (ii) subsequent offense, be guilty of a
85 class C misdemeanor.

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

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

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

101 (h) Any person subject to a fine under the provisions of this section
102 may attest to his or her indigency, and, if the court makes a finding of
103 indigency, such person shall, in lieu of paying such fine, complete
104 community service with a private nonprofit charity or other nonprofit
105 organization that provides services related to substance abuse and
106 treatment. The number of hours of community service required by the
107 court shall be equivalent to one hour of such service for each twenty-
108 five dollars of the fine that would otherwise apply. Upon completion of
109 the community service, the private nonprofit charity or other nonprofit
110 organization shall attest to and present documentation confirming that

111 such person has completed such person's required community service.

112 (i) (1) For purposes of determining any amount or limit specified in
113 this section and RERACA, one ounce of cannabis plant material shall be
114 considered equivalent to (A) five grams of cannabis concentrate, or (B)
115 any other cannabis products with up to five hundred milligrams of
116 THC.

117 (2) For purposes of subsection (a) of this section, one and one-half
118 ounces of cannabis plant material shall be considered equivalent to (A)
119 seven and one-half grams of cannabis concentrate, or (B) any other
120 cannabis products with up to seven hundred fifty milligrams of THC.

121 (3) For purposes of subsections (b) to (e), inclusive, of this section, five
122 ounces of cannabis plant material shall be considered equivalent to (i)
123 twenty-five grams of cannabis concentrate, or (ii) any other cannabis
124 products with up to two thousand five hundred milligrams of THC.

125 (4) For purposes of determining any amount or limit specified in this
126 section and RERACA, the amount possessed shall be calculated by
127 converting any quantity of cannabis products to its equivalent quantity
128 of cannabis plant material, and then taking the sum of any such
129 quantities.

130 (j) (1) As used in this section, "cannabis", "cannabis flower", "cannabis
131 trim", "cannabis concentrate" and "cannabis product" have the same
132 meanings as provided in section 1 of this act.

133 (2) As used in this section, "cannabis plant material" means cannabis
134 flower, cannabis trim and all parts of any plant or species of the genus
135 cannabis, or any infra specific taxon thereof, excluding a growing plant,
136 and the seeds thereof. "Cannabis plant material" does not include hemp,
137 as defined in section 22-61l.

138 (3) As used in this section, "motor vehicle" has the same meaning as
139 provided in section 14-1.

140 (4) As used in this section, "trunk" means (i) the fully enclosed and
141 locked main storage or luggage compartment of a motor vehicle that is
142 not accessible from the passenger compartment, or (ii) a locked toolbox
143 or utility box attached to the bed of a pickup truck, as defined in section
144 14-1. "Trunk" does not include the rear of a pickup truck, except as
145 otherwise provided, or of a hatchback, station-wagon-type automobile
146 or sport utility vehicle or any compartment that has a window."