



House of Representatives

General Assembly

File No. 226

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Substitute House Bill No. 6697

House of Representatives, March 27, 2023

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CANNABIS REGULATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-240 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 The following words and phrases, as used in this chapter, shall have
4 the following meanings, unless the context otherwise requires:

5 (1) "Abuse of drugs" means the use of controlled substances solely for
6 their stimulant, depressant or hallucinogenic effect upon the higher
7 functions of the central nervous system and not as a therapeutic agent
8 prescribed in the course of medical treatment or in a program of
9 research operated under the direction of a physician or pharmacologist.
10 []

11 (2) "Administer" means the direct application of a controlled
12 substance, whether by injection, inhalation, ingestion or any other

13 means, to the body of a patient or research subject by: (A) A practitioner,
14 or, in [his] the practitioner's presence, by [his] the practitioner's
15 authorized agent, or (B) the patient or research subject at the direction
16 and in the presence of the practitioner, or (C) a nurse or intern under the
17 direction and supervision of a practitioner. [;]

18 (3) "Agent" means an authorized person who acts on behalf of or at
19 the direction of a manufacturer, distributor, dispenser or prescribing
20 practitioner. [It] but does not include a common or contract carrier,
21 public warehouseman, or employee of the carrier or warehouseman. [;]

22 (4) "Amphetamine-type substances" include amphetamine, optical
23 isomers thereof, salts of amphetamine and its isomers, and chemical
24 compounds which are similar thereto in chemical structure or which are
25 similar thereto in physiological effect, and which show a like potential
26 for abuse, which are controlled substances under this chapter unless
27 modified. [;]

28 (5) "Barbiturate-type drugs" include barbituric acid and its salts,
29 derivatives thereof and chemical compounds which are similar thereto
30 in chemical structure or which are similar thereto in physiological effect,
31 and which show a like potential for abuse, which are controlled
32 substances under this chapter unless modified. [;]

33 (6) "Bureau" means the Bureau of Narcotics and Dangerous Drugs,
34 United States Department of Justice, or its successor agency. [;]

35 [(7) "Cannabis-type substances" include all parts of any plant, or
36 species of the genus cannabis or any infra specific taxon thereof whether
37 growing or not; the seeds thereof; the resin extracted from any part of
38 such a plant; and every compound, manufacture, salt, derivative,
39 mixture or preparation of such plant, its seeds or resin; but shall not
40 include the mature stalks of such plant, fiber produced from such stalks,
41 oil or cake made from the seeds of such plant, any other compound,
42 manufacture, salt, derivative, mixture or preparation of such mature
43 stalks, except the resin extracted therefrom, fiber, oil or cake, the
44 sterilized seed of such plant which is incapable of germination, or hemp,

45 as defined in 7 USC 1639o, as amended from time to time. Included are
46 cannabimon, cannabimol, cannabidiol and chemical compounds which
47 are similar to cannabimon, cannabimol or cannabidiol in chemical
48 structure or which are similar thereto in physiological effect, and which
49 show a like potential for abuse, which are controlled substances under
50 this chapter unless derived from hemp, as defined in section 22-61l;]

51 [(8)] (7) "Controlled drugs" are those drugs which contain any
52 quantity of a substance which has been designated as subject to the
53 federal Controlled Substances Act, or which has been designated as a
54 depressant or stimulant drug pursuant to federal food and drug laws,
55 or which has been designated by the Commissioner of Consumer
56 Protection pursuant to section 21a-243, as having a stimulant,
57 depressant or hallucinogenic effect upon the higher functions of the
58 central nervous system and as having a tendency to promote abuse or
59 psychological or physiological dependence, or both. Such controlled
60 drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-
61 type, cocaine-type, hallucinogenic, morphine-type and other stimulant
62 and depressant drugs. Specifically excluded from controlled drugs and
63 controlled substances are alcohol, nicotine and caffeine. [;]

64 [(9)] (8) "Controlled substance" means a drug, substance, or
65 immediate precursor in schedules I to V, inclusive, of the Connecticut
66 controlled substance scheduling regulations adopted pursuant to
67 section 21a-243. [;]

68 [(10)] (9) "Counterfeit substance" means a controlled substance
69 which, or the container or labeling of which, without authorization,
70 bears the trademark, trade name or other identifying mark, imprint,
71 number or device, or any likeness thereof, of a manufacturer, distributor
72 or dispenser other than the person who in fact manufactured,
73 distributed or dispensed the substance. [;]

74 [(11)] (10) "Deliver or delivery" means the actual, constructive or
75 attempted transfer from one person to another of a controlled substance,
76 whether or not there is an agency relationship. [;]

77 [(12)] (11) "Dentist" means a person authorized by law to practice
78 dentistry in this state. [;]

79 [(13)] (12) "Dispense" means to deliver a controlled substance to an
80 ultimate user or research subject by or pursuant to the lawful order of a
81 practitioner, including the prescribing, administering, packaging,
82 labeling or compounding necessary to prepare the substance for the
83 delivery. [;]

84 [(14)] (13) "Dispenser" means a practitioner who dispenses. [;]

85 [(15)] (14) "Distribute" means to deliver other than by administering
86 or dispensing a controlled substance. [;]

87 [(16)] (15) "Distributor" means a person who distributes and includes
88 a wholesaler who is a person supplying or distributing controlled drugs
89 which [he himself] the person personally has not produced or prepared
90 to hospitals, clinics, practitioners, pharmacies, other wholesalers,
91 manufacturers and federal, state and municipal agencies. [;]

92 [(17)] (16) "Drug" means (A) substances recognized as drugs in the
93 official United States Pharmacopoeia, official Homeopathic
94 Pharmacopoeia of the United States, or official National Formulary, or
95 any supplement to any of them; (B) substances intended for use in the
96 diagnosis, cure, mitigation, treatment or prevention of disease in man
97 or animals; (C) substances, other than food, intended to affect the
98 structure or any function of the body of man or animals; and (D)
99 substances intended for use as a component of any article specified in
100 subparagraph (A), (B) or (C) of this subdivision. It does not include
101 devices or their components, parts or accessories. [;]

102 [(18)] (17) "Drug dependence" means a psychoactive substance
103 dependence on drugs as that condition is defined in the most recent
104 edition of the "Diagnostic and Statistical Manual of Mental Disorders"
105 of the American Psychiatric Association. [;]

106 [(19)] (18) "Drug-dependent person" means a person who has a
107 psychoactive substance dependence on drugs as that condition is

108 defined in the most recent edition of the "Diagnostic and Statistical
109 Manual of Mental Disorders" of the American Psychiatric Association.
110 [.]

111 [(20)] (19) (A) "Drug paraphernalia" means equipment, products and
112 materials of any kind that are used, intended for use or designed for use
113 in planting, propagating, cultivating, growing, harvesting,
114 manufacturing, compounding, converting, producing, processing,
115 preparing, testing, analyzing, packaging, repackaging, storing,
116 containing or concealing, or ingesting, inhaling or otherwise
117 introducing into the human body, any controlled substance contrary to
118 the provisions of this chapter, including, but not limited to: (i) Kits
119 intended for use or designed for use in planting, propagating,
120 cultivating, growing or harvesting of any species of plant that is a
121 controlled substance or from which a controlled substance can be
122 derived; (ii) kits used, intended for use or designed for use in
123 manufacturing, compounding, converting, producing, processing or
124 preparing controlled substances; (iii) isomerization devices used or
125 intended for use in increasing the potency of any species of plant that is
126 a controlled substance; (iv) testing equipment used, intended for use or
127 designed for use in identifying or analyzing the strength, effectiveness
128 or purity of controlled substances; (v) dilutents and adulterants,
129 including, but not limited to, quinine hydrochloride, mannitol, mannite,
130 dextrose and lactose used, intended for use or designed for use in
131 cutting controlled substances; (vi) separation gins and sifters used,
132 intended for use or designed for use in removing twigs and seeds from,
133 or in otherwise cleaning or refining, marijuana; (vii) capsules and other
134 containers used, intended for use or designed for use in packaging small
135 quantities of controlled substances; (viii) containers and other objects
136 used, intended for use or designed for use in storing or concealing
137 controlled substances; and (ix) objects used, intended for use or
138 designed for use in ingesting, inhaling, or otherwise introducing
139 marijuana, cocaine, hashish, or hashish oil into the human body,
140 including, but not limited to, wooden, acrylic, glass, stone, plastic or
141 ceramic pipes with screens, permanent screens, hashish heads or
142 punctured metal bowls; water pipes; carburetion tubes and devices;

143 smoking and carburetion masks; roach clips; miniature cocaine spoons
144 and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-
145 driven pipes; chillums; bongs; ice pipes and chillers. "Drug
146 paraphernalia" does not include a product used by a manufacturer
147 licensed pursuant to this chapter for the activities permitted under the
148 license or by an individual to test any substance prior to injection,
149 inhalation or ingestion of the substance to prevent accidental overdose
150 by injection, inhalation or ingestion of the substance, provided the
151 licensed manufacturer or individual is not using the product to engage
152 in the unlicensed manufacturing or distribution of controlled
153 substances. As used in this subdivision, "roach clip" means an object
154 used to hold burning material, including, but not limited to, a marijuana
155 cigarette, that has become too small or too short to be held between the
156 fingers. [;]

157 (B) "Factory" means any place used for the manufacturing, mixing,
158 compounding, refining, processing, packaging, distributing, storing,
159 keeping, holding, administering or assembling illegal substances
160 contrary to the provisions of this chapter, or any building, rooms or
161 location which contains equipment or paraphernalia used for this
162 purpose. [;]

163 [(21)] (20) "Federal Controlled Substances Act, 21 USC 801 et seq."
164 means Public Law 91-513, the Comprehensive Drug Abuse Prevention
165 and Control Act of 1970. [;]

166 [(22)] (21) "Federal food and drug laws" means the federal Food, Drug
167 and Cosmetic Act, as amended, Title 21 USC 301 et seq. [;]

168 [(23)] (22) "Hallucinogenic substances" are psychodysleptic
169 substances, other than [cannabis-type substances] marijuana, which
170 assert a confusional or disorganizing effect upon mental processes or
171 behavior and mimic acute psychotic disturbances. Exemplary of such
172 drugs are mescaline, peyote, psilocyn and d-lysergic acid diethylamide,
173 which are controlled substances under this chapter unless modified. [;]

174 (23) "High-THC hemp product" means a manufacturer hemp

175 product, as defined in section 22-611, as amended by this act, that has a
176 THC concentration or serving size limit, or is advertised, labeled or
177 offered for sale as having a total THC concentration or serving size limit,
178 that exceeds (A) for a hemp edible, hemp topical or hemp transdermal
179 patch (i) one milligram on a per-serving basis, or (ii) five milligrams on
180 a per-container basis, (B) for a hemp tincture, including, but not limited
181 to, oil intended for ingestion by swallowing or sublingual absorption (i)
182 one milligram on a per-serving basis, or (ii) twenty-five milligrams on a
183 per-container basis, (C) for a hemp concentrate or extract, including, but
184 not limited to, a vape oil, wax or shatter, twenty-five milligrams on a
185 per-container basis, or (D) for a manufacturer hemp product not
186 described in subparagraph (A), (B) or (C) of this subdivision, (i) one
187 milligram on a per-serving basis, (ii) five milligrams on a per-container
188 basis, or (iii) three-tenths per cent on a dry-weight basis.

189 (24) "Hospital", as used in sections 21a-243 to 21a-283, inclusive,
190 means an institution for the care and treatment of the sick and injured,
191 approved by the Department of Public Health or the Department of
192 Mental Health and Addiction Services as proper to be entrusted with
193 the custody of controlled drugs and substances and professional use of
194 controlled drugs and substances under the direction of a licensed
195 practitioner. [;]

196 (25) "Intern" means a person who holds a degree of doctor of
197 medicine or doctor of dental surgery or medicine and whose period of
198 service has been recorded with the Department of Public Health and
199 who has been accepted and is participating in training by a hospital or
200 institution in this state. Doctors meeting the foregoing requirements and
201 commonly designated as "residents" and "fellows" shall be regarded as
202 interns for purposes of this chapter. [;]

203 (26) "Immediate precursor" means a substance which the
204 Commissioner of Consumer Protection has found to be, and by
205 regulation designates as being, the principal compound commonly used
206 or produced primarily for use, and which is an immediate chemical
207 intermediary used or likely to be used, in the manufacture of a

208 controlled substance, the control of which is necessary to prevent, curtail
209 or limit manufacture. [;]

210 (27) "Laboratory" means a laboratory approved by the Department of
211 Consumer Protection as proper to be entrusted with the custody of
212 controlled substances and the use of controlled substances for scientific
213 and medical purposes and for purposes of instruction, research or
214 analysis. [;]

215 (28) "Manufacture" means the production, preparation, cultivation,
216 growing, propagation, compounding, conversion or processing of a
217 controlled substance, either directly or indirectly by extraction from
218 substances of natural origin, or independently by means of chemical
219 synthesis, or by a combination of extraction and chemical synthesis, and
220 includes any packaging or repackaging of the substance or labeling or
221 relabeling of its container, except that this term does not include the
222 preparation or compounding of a controlled substance by an individual
223 for [his] the individual's own use or the preparation, compounding,
224 packaging or labeling of a controlled substance: (A) By a practitioner as
225 an incident to [his] the practitioner administering or dispensing of a
226 controlled substance in the course of [his] such practitioner's
227 professional practice, or (B) by a practitioner, or by [his] the
228 practitioner's authorized agent under [his] such practitioner's
229 supervision, for the purpose of, or as an incident to, research, teaching
230 or chemical analysis and not for sale. [;]

231 (29) "Marijuana" means all parts of any plant, or species of the genus
232 cannabis or any infra specific taxon thereof, whether growing or not; the
233 seeds thereof; the resin extracted from any part of the plant; every
234 compound, manufacture, salt, derivative, mixture, or preparation of
235 such plant, its seeds or resin, any [product made using hemp, as defined
236 in section 22-611, which exceeds three-tenths per cent total THC
237 concentration on a dry-weight basis] high-THC hemp product;
238 manufactured cannabinoids, synthetic cannabinoids, except as
239 provided in subparagraph (E) of this subdivision; or cannabimon,
240 cannabimol or cannabidiol and chemical compounds which are similar

241 to cannabimon, cannabimol or cannabidiol in chemical structure or which
242 are similar thereto in physiological effect, which are controlled
243 substances under this chapter, except cannabidiol derived from hemp,
244 as defined in section 22-61l, as amended by this act, with a total THC
245 concentration of not more than three-tenths per cent on a dry-weight
246 basis. "Marijuana" does not include: (A) The mature stalks of such plant,
247 fiber produced from such stalks, oil or cake made from the seeds of such
248 plant, any other compound, manufacture, salt, derivative, mixture or
249 preparation of such mature stalks, except the resin extracted from such
250 mature stalks or fiber, oil or cake; (B) the sterilized seed of such plant
251 which is incapable of germination; (C) hemp, as defined in section 22-
252 61l, as amended by this act, (i) with a total THC concentration of not
253 more than three-tenths per cent on a dry-weight basis, and (ii) that is not
254 a high-THC hemp product; (D) any substance approved by the federal
255 Food and Drug Administration or successor agency as a drug and
256 reclassified in any schedule of controlled substances or unscheduled by
257 the federal Drug Enforcement Administration or successor agency
258 which is included in the same schedule designated by the federal Drug
259 Enforcement Administration or successor agency; or (E) synthetic
260 cannabinoids which are controlled substances that are designated by the
261 Commissioner of Consumer Protection, by whatever official, common,
262 usual, chemical or trade name designation, as controlled substances and
263 are classified in the appropriate schedule in accordance with
264 subsections (i) and (j) of section 21a-243. [;]

265 (30) "Narcotic substance" means any of the following, whether
266 produced directly or indirectly by extraction from a substance of
267 vegetable origin, or independently by means of chemical synthesis, or
268 by a combination of extraction and chemical synthesis: (A) Morphine-
269 type: (i) Opium or opiate, or any salt, compound, derivative, or
270 preparation of opium or opiate which is similar to any such substance
271 in chemical structure or which is similar to any such substance in
272 physiological effect and which shows a like potential for abuse, which
273 is a controlled substance under this chapter unless modified; (ii) any
274 salt, compound, isomer, derivative, or preparation of any such
275 substance which is chemically equivalent or identical to any substance

276 referred to in clause (i) of this subdivision, but not including the
277 isoquinoline alkaloids of opium; (iii) opium poppy or poppy straw; or
278 (iv) (I) fentanyl or any salt, compound, derivative or preparation of
279 fentanyl which is similar to any such substance in chemical structure or
280 which is similar to any such substance in physiological effect and which
281 shows a like potential for abuse, which is a controlled substance under
282 this chapter unless modified, or (II) any salt, compound, isomer,
283 derivative or preparation of any such substance which is chemically
284 equivalent or identical to any substance referred to in subclause (I) of
285 this clause; or (B) cocaine-type; coca leaves or any salt, compound,
286 derivative or preparation of coca leaves, or any salt, compound, isomer,
287 derivatives or preparation of any such substance which is chemically
288 equivalent or identical to any such substance or which is similar to any
289 such substance in physiological effect and which shows a like potential
290 for abuse, but not including decocainized coca leaves or extractions of
291 coca leaves which do not contain cocaine or ecgonine. [;]

292 (31) "Nurse" means a person performing nursing as defined in section
293 20-87a. [;]

294 (32) "Official written order" means an order for controlled substances
295 written on a form provided by the bureau for that purpose under the
296 federal Controlled Substances Act. [;]

297 (33) "Opiate" means any substance having an addiction-forming or
298 addiction-sustaining liability similar to morphine or being capable of
299 conversion into a drug having addiction-forming or addiction-
300 sustaining liability; it does not include, unless specifically designated as
301 controlled under this chapter, the dextrorotatory isomer of 3-methoxy-
302 n-methylmorphinan and its salts (dextro-methorphan) but shall include
303 its racemic and levorotatory forms. [;]

304 (34) "Opium poppy" means the plant of the species *papaver*
305 *somniferum* L., except its seed. [;]

306 (35) Repealed by P.A. 99-102, S. 51. [;]

307 (36) "Other stimulant and depressant drugs" means controlled
308 substances other than amphetamine-type, barbiturate-type, cannabis-
309 type, cocaine-type, hallucinogenics and morphine-type which are found
310 to exert a stimulant and depressant effect upon the higher functions of
311 the central nervous system and which are found to have a potential for
312 abuse and are controlled substances under this chapter. [;]

313 (37) "Person" includes any corporation, limited liability company,
314 association or partnership, or one or more individuals, government or
315 governmental subdivisions or agency, business trust, estate, trust, or
316 any other legal entity. Words importing the plural number may include
317 the singular; words importing the masculine gender may be applied to
318 females. [;]

319 (38) "Pharmacist" means a person authorized by law to practice
320 pharmacy pursuant to section 20-590, 20-591, 20-592 or 20-593. [;]

321 (39) "Pharmacy" means an establishment licensed pursuant to section
322 20-594. [;]

323 (40) "Physician" means a person authorized by law to practice
324 medicine in this state pursuant to section 20-9. [;]

325 (41) "Podiatrist" means a person authorized by law to practice
326 podiatry in this state. [;]

327 (42) "Poppy straw" means all parts, except the seeds, of the opium
328 poppy, after mowing. [;]

329 (43) "Practitioner" means: (A) A physician, dentist, veterinarian,
330 podiatrist, scientific investigator or other person licensed, registered or
331 otherwise permitted to distribute, dispense, conduct research with
332 respect to or to administer a controlled substance in the course of
333 professional practice or research in this state; (B) a pharmacy, hospital
334 or other institution licensed, registered or otherwise permitted to
335 distribute, dispense, conduct research with respect to or to administer a
336 controlled substance in the course of professional practice or research in
337 this state. [;]

338 (44) "Prescribe" means order or designate a remedy or any
339 preparation containing controlled substances. [;]

340 (45) "Prescription" means a written, oral or electronic order for any
341 controlled substance or preparation from a licensed practitioner to a
342 pharmacist for a patient. [;]

343 (46) "Production" includes the manufacture, planting, cultivation,
344 growing or harvesting of a controlled substance. [;]

345 (47) "Registrant" means any person licensed by this state and
346 assigned a current federal Bureau of Narcotics and Dangerous Drug
347 Registry Number as provided under the federal Controlled Substances
348 Act. [;]

349 (48) "Registry number" means the alphabetical or numerical
350 designation of identification assigned to a person by the federal Drug
351 Enforcement Administration, or other federal agency, which is
352 commonly known as the federal registry number. [;]

353 (49) "Restricted drugs or substances" are the following substances
354 without limitation and for all purposes: *Datura stramonium*;
355 *hyoscyamus niger*; *atropa belladonna*, or the alkaloids *atropine*;
356 *hyoscyamine*; *belladonnine*; *apatropine*; or any mixture of these
357 alkaloids such as *daturine*, or the synthetic *homatropine* or any salts of
358 these alkaloids, except that any drug or preparation containing any of
359 the above-mentioned substances which is permitted by federal food and
360 drug laws to be sold or dispensed without a prescription or written
361 order shall not be a controlled substance; *amyl nitrite*; the following
362 volatile substances to the extent that said chemical substances or
363 compounds containing said chemical substances are sold, prescribed,
364 dispensed, compounded, possessed or controlled or delivered or
365 administered to another person with the purpose that said chemical
366 substances shall be breathed, inhaled, sniffed or drunk to induce a
367 stimulant, depressant or hallucinogenic effect upon the higher functions
368 of the central nervous system: *Acetone*; *benzene*; *butyl alcohol*; *butyl*
369 *nitrate* and its salts, isomers, esters, ethers or their salts; *cyclohexanone*;

370 dichlorodifluoromethane; ether; ethyl acetate; formaldehyde; hexane;
371 isopropanol; methanol; methyl cellosolve acetate; methyl ethyl ketone;
372 methyl isobutyl ketone; nitrous oxide; pentochlorophenol; toluene;
373 toluol; trichloroethane; trichloroethylene; 1,4 butanediol. [;]

374 (50) "Sale" is any form of delivery which includes barter, exchange or
375 gift, or offer therefor, and each such transaction made by any person
376 whether as principal, proprietor, agent, servant or employee. [;]

377 (51) "State", when applied to a part of the United States, includes any
378 state, district, commonwealth, territory or insular possession thereof,
379 and any area subject to the legal authority of the United States of
380 America. [;]

381 (52) "State food, drug and cosmetic laws" means the Uniform Food,
382 Drug and Cosmetic Act, section 21a-91 et seq. [;]

383 (53) "Ultimate user" means a person who lawfully possesses a
384 controlled substance for [his] the person's own use or for the use of a
385 member of [his] such person's household or for administering to an
386 animal owned by [him] such person or by a member of [his] such
387 person's household. [;]

388 (54) "Veterinarian" means a person authorized by law to practice
389 veterinary medicine in this state. [;]

390 (55) "Wholesaler" means a distributor or a person who supplies
391 controlled substances that [he himself] the person personally has not
392 produced or prepared to registrants. [as defined in subdivision (47) of
393 this section;]

394 (56) "Reasonable times" means the time or times any office, care-
395 giving institution, pharmacy, clinic, wholesaler, manufacturer,
396 laboratory, warehouse, establishment, store or place of business, vehicle
397 or other place is open for the normal affairs or business or the practice
398 activities usually conducted by the registrant. [;]

399 (57) "Unit dose drug distribution system" means a drug distribution

400 system used in a hospital or chronic and convalescent nursing home in
401 which drugs are supplied in individually labeled unit of use packages,
402 each patient's supply of drugs is exchanged between the hospital
403 pharmacy and the drug administration area or, in the case of a chronic
404 and convalescent nursing home between a pharmacy and the drug
405 administration area, at least once each twenty-four hours and each
406 patient's medication supply for this period is stored within a patient-
407 specific container, all of which is conducted under the direction of a
408 pharmacist licensed in Connecticut and, in the case of a hospital, directly
409 involved in the provision and supervision of pharmaceutical services at
410 such hospital at least thirty-five hours each week. [;]

411 (58) "Cocaine in a free-base form" means any substance which
412 contains cocaine, or any compound, isomer, derivative or preparation
413 thereof, in a nonsalt form.

414 (59) "THC" means tetrahydrocannabinol, including, but not limited
415 to, delta-7, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol
416 and delta-10-tetrahydrocannabinol, and any material, compound,
417 mixture or preparation which contain their salts, isomers and salts of
418 isomers, whenever the existence of such salts, isomers and salts of
419 isomers is possible within the specific chemical designation, regardless
420 of the source, except: (A) Dronabinol substituted in sesame oil and
421 encapsulated in a soft gelatin capsule in a federal Food and Drug
422 Administration or successor agency approved product, or (B) any
423 tetrahydrocannabinol product that has been approved by the federal
424 Food and Drug Administration or successor agency to have a medical
425 use and reclassified in any schedule of controlled substances or
426 unscheduled by the federal Drug Enforcement Administration or
427 successor agency.

428 (60) "Total THC" means the sum of the percentage by weight of
429 tetrahydrocannabinolic acid, multiplied by eight hundred seventy-
430 seven-thousandths, plus the percentage of weight of
431 tetrahydrocannabinol.

432 (61) "Manufactured cannabinoid" means cannabinoids naturally

433 occurring from a source other than marijuana that are similar in
434 chemical structure or physiological effect to cannabinoids derived from
435 marijuana, as defined in section 21a-243, but are derived by a chemical
436 or biological process.

437 (62) "Synthetic cannabinoid" means any material, compound, mixture
438 or preparation which contains any quantity of a substance having a
439 psychotropic response primarily by agonist activity at cannabinoid-
440 specific receptors affecting the central nervous system that is produced
441 artificially and not derived from an organic source naturally containing
442 cannabinoids, unless listed in another schedule pursuant to section 21a-
443 243.

444 Sec. 2. Section 21a-408 of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective October 1, 2023*):

446 As used in this section, sections 21a-408a to 21a-408o, inclusive, and
447 sections 21a-408r to 21a-408v, inclusive, as amended by this act, unless
448 the context otherwise requires:

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

451 (2) "Cannabis establishment" has the same meaning as provided in
452 section 21a-420, as amended by this act;

453 (3) "Cannabis testing laboratory" means a person who (A) is located
454 in this state, (B) is licensed by the department to analyze marijuana, and
455 (C) meets the licensure requirements established in section 21a-408r, as
456 amended by this act, and the regulations adopted pursuant to
457 subsection (d) of section 21a-408r, as amended by this act;

458 (4) "Cannabis testing laboratory employee" means a person who is
459 (A) employed at a cannabis testing laboratory, and (B) registered
460 pursuant to section 21a-408r, as amended by this act, and the regulations
461 adopted pursuant to subsection (d) of section 21a-408r, as amended by
462 this act;

463 [(3)] (5) "Cultivation" includes planting, propagating, cultivating,
464 growing and harvesting;

465 [(4)] (6) "Debilitating medical condition" means (A) cancer, glaucoma,
466 positive status for human immunodeficiency virus or acquired immune
467 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
468 the nervous tissue of the spinal cord with objective neurological
469 indication of intractable spasticity, epilepsy or uncontrolled intractable
470 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
471 posttraumatic stress disorder, irreversible spinal cord injury with
472 objective neurological indication of intractable spasticity, cerebral palsy,
473 cystic fibrosis or terminal illness requiring end-of-life care, except, if the
474 qualifying patient is under eighteen years of age, "debilitating medical
475 condition" means terminal illness requiring end-of-life care, irreversible
476 spinal cord injury with objective neurological indication of intractable
477 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
478 intractable seizure disorder, or (B) any medical condition, medical
479 treatment or disease approved for qualifying patients by the
480 Department of Consumer Protection and posted online pursuant to
481 section 21a-408l;

482 [(5)] (7) "Dispensary facility" means a place of business where
483 marijuana may be dispensed, sold or distributed in accordance with this
484 chapter and any regulations adopted thereunder to qualifying patients
485 and caregivers and for which the department has issued a dispensary
486 facility license pursuant to this chapter;

487 [(6)] (8) "Employee" has the same meaning as provided in section 21a-
488 420, as amended by this act;

489 [(7)] (9) "Institutional animal care and use committee" means a
490 committee that oversees an organization's animal program, facilities
491 and procedures to ensure compliance with federal policies, guidelines
492 and principles related to the care and use of animals in research;

493 [(8)] (10) "Institutional review board" means a specifically constituted
494 review body established or designated by an organization to protect the

495 rights and welfare of persons recruited to participate in biomedical,
496 behavioral or social science research;

497 [(9) "Laboratory" means a laboratory located in the state that is
498 licensed by the department to provide analysis of marijuana and that
499 meets the licensure requirements set forth in section 21a-246;

500 (10) "Laboratory employee" means a person who is registered as a
501 laboratory employee pursuant to section 21a-408r;]

502 (11) "Licensed dispensary" or "dispensary" means an individual who
503 is a licensed pharmacist employed by a dispensary facility or hybrid
504 retailer;

505 (12) "Producer" means a person who is licensed as a producer
506 pursuant to section 21a-408i;

507 (13) "Marijuana" means marijuana, as defined in section 21a-240, as
508 amended by this act;

509 (14) "Nurse" means a person who is licensed as a nurse under chapter
510 378;

511 (15) "Palliative use" means the acquisition, distribution, transfer,
512 possession, use or transportation of marijuana or paraphernalia relating
513 to marijuana, including the transfer of marijuana and paraphernalia
514 relating to marijuana from the patient's caregiver to the qualifying
515 patient, to alleviate a qualifying patient's symptoms of a debilitating
516 medical condition or the effects of such symptoms, but does not include
517 any such use of marijuana by any person other than the qualifying
518 patient;

519 (16) "Paraphernalia" means drug paraphernalia, as defined in section
520 21a-240, as amended by this act;

521 (17) "Physician" means a person who is licensed as a physician under
522 chapter 370;

523 (18) "Physician assistant" means a person who is licensed as a

524 physician assistant under chapter 370;

525 (19) "Caregiver" means a person, other than the qualifying patient
526 and the qualifying patient's physician, physician assistant or advanced
527 practice registered nurse, who is eighteen years of age or older and has
528 agreed to undertake responsibility for managing the well-being of the
529 qualifying patient with respect to the palliative use of marijuana,
530 provided (A) in the case of a qualifying patient (i) under eighteen years
531 of age and not an emancipated minor, or (ii) otherwise lacking legal
532 capacity, such person shall be a parent, guardian or person having legal
533 custody of such qualifying patient, and (B) in the case of a qualifying
534 patient eighteen years of age or older or an emancipated minor, the need
535 for such person shall be evaluated by the qualifying patient's physician,
536 physician assistant or advanced practice registered nurse and such need
537 shall be documented in the written certification;

538 (20) "Qualifying patient" means a person who: (A) Is a resident of
539 Connecticut, (B) has been diagnosed by a physician, physician assistant
540 or advanced practice registered nurse as having a debilitating medical
541 condition, and (C) (i) is eighteen years of age or older, (ii) is an
542 emancipated minor, or (iii) has written consent from a custodial parent,
543 guardian or other person having legal custody of such person that
544 indicates that such person has permission from such parent, guardian
545 or other person for the palliative use of marijuana for a debilitating
546 medical condition and that such parent, guardian or other person will
547 (I) serve as a caregiver for the qualifying patient, and (II) control the
548 acquisition and possession of marijuana and any related paraphernalia
549 for palliative use on behalf of such person. "Qualifying patient" does not
550 include an inmate confined in a correctional institution or facility under
551 the supervision of the Department of Correction;

552 (21) "Research program" means a study approved by the Department
553 of Consumer Protection in accordance with this chapter and undertaken
554 to increase information or knowledge regarding the growth or
555 processing of marijuana, or the medical attributes, dosage forms,
556 administration or use of marijuana to treat or alleviate symptoms of any

557 medical conditions or the effects of such symptoms;

558 (22) "Research program employee" means a person who (A) is
559 registered as a research program employee under section 21a-408t, or
560 (B) holds a temporary certificate of registration issued pursuant to
561 section 21a-408t;

562 (23) "Research program subject" means a person registered as a
563 research program subject pursuant to section 21a-408v;

564 (24) "Usable marijuana" means the dried leaves and flowers of the
565 marijuana plant, and any mixtures or preparations of such leaves and
566 flowers, that are appropriate for the palliative use of marijuana, but does
567 not include the seeds, stalks and roots of the marijuana plant; and

568 (25) "Written certification" means a written certification issued by a
569 physician, physician assistant or advanced practice registered nurse
570 pursuant to section 21a-408c.

571 Sec. 3. Subsection (a) of section 21a-408b of the general statutes is
572 repealed and the following is substituted in lieu thereof (*Effective from*
573 *passage*):

574 (a) No person may serve as a caregiver for a qualifying patient [(1)]
575 unless such qualifying patient has a valid registration certificate from
576 the Department of Consumer Protection pursuant to subsection (a) of
577 section 21a-408d. [, and (2) if such person has been convicted of a
578 violation of any law pertaining to the illegal manufacture, sale or
579 distribution of a controlled substance.] A caregiver may not be
580 responsible for the care of more than one qualifying patient at any time,
581 except that a caregiver may be responsible for the care of more than one
582 qualifying patient if the caregiver and each qualifying patient have a
583 parental, grandparental, guardianship, conservatorship, spousal or
584 sibling relationship.

585 Sec. 4. Subsection (a) of section 21a-408j of the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective October*
587 *1, 2023*):

588 (a) No dispensary facility or employee of the dispensary facility may:
589 (1) Acquire marijuana from a person other than a producer from a
590 cultivator, micro-cultivator, product manufacturer, food and beverage
591 manufacturer, product packager, or transporter, as such terms are
592 defined in section 21a-420, as amended by this act; (2) transfer or
593 transport marijuana to a person who is not (A) a qualifying patient
594 registered under section 21a-408d; (B) a caregiver of such qualifying
595 patient; (C) a hospice or other inpatient care facility licensed by the
596 Department of Public Health pursuant to chapter 368v that has a
597 protocol for the handling and distribution of marijuana that has been
598 approved by the Department of Consumer Protection; (D) a cannabis
599 testing laboratory; (E) an organization engaged in a research program;
600 (F) a delivery service, as defined in section 21a-420, as amended by this
601 act; or (G) a transporter, as defined in section 21a-420, as amended by
602 this act; or (3) obtain or transport marijuana outside of this state in
603 violation of state or federal law.

604 Sec. 5. Section 21a-408k of the general statutes is repealed and the
605 following is substituted in lieu thereof (*Effective October 1, 2023*):

606 (a) No producer or employee of the producer may: (1) Sell, deliver,
607 transport or distribute marijuana to a person who is not (A) a cannabis
608 establishment, (B) a cannabis testing laboratory, or (C) an organization
609 engaged in a research program, or (2) obtain or transport marijuana
610 outside of this state in violation of state or federal law.

611 (b) No licensed producer or employee of the producer acting within
612 the scope of [his or her] such employee's employment shall be subject to
613 arrest or prosecution or penalized in any manner, including, but not
614 limited to, being subject to any civil penalty, or denied any right or
615 privilege, including, but not limited to, being subject to any disciplinary
616 action by a professional licensing board, for cultivating marijuana or
617 selling, delivering, transferring, transporting or distributing marijuana
618 to a cannabis establishment, cannabis testing laboratory or research
619 program.

620 Sec. 6. Subsections (a) to (d), inclusive, of section 21a-408r of the

621 general statutes are repealed and the following is substituted in lieu
622 thereof (*Effective October 1, 2023*):

623 (a) No person may act as a cannabis testing laboratory or represent
624 that such person is a cannabis testing laboratory unless such person has
625 (1) obtained a license from the Commissioner of Consumer Protection
626 pursuant to this section, or (2) (A) been granted approval by the
627 Commissioner of Consumer Protection as of October 1, 2021, and (B)
628 submitted an application to the Commissioner of Consumer Protection
629 for licensure pursuant to this section in a form and manner prescribed
630 by the commissioner. Such person may continue to act as a cannabis
631 testing laboratory until such application for licensure under this section
632 is approved or denied by the Commissioner of Consumer Protection.
633 The fee to receive a provisional license as a cannabis testing laboratory
634 shall be five hundred dollars, and the fee to receive a final license, or
635 renewal of a final license, as a cannabis testing laboratory shall be one
636 thousand dollars.

637 (b) Except as provided in subsection (c) of this section, no person may
638 act as a cannabis testing laboratory employee or represent that such
639 person is a cannabis testing laboratory employee unless such person has
640 obtained a registration from the Commissioner of Consumer Protection
641 pursuant to this section.

642 (c) Prior to the effective date of regulations adopted under this
643 section, the Commissioner of Consumer Protection may issue a
644 temporary certificate of registration to a cannabis testing laboratory
645 employee. The commissioner shall prescribe the standards, procedures
646 and fees for obtaining a temporary certificate of registration as a
647 cannabis testing laboratory employee.

648 (d) The Commissioner of Consumer Protection shall adopt
649 regulations, in accordance with chapter 54, to (1) provide for the
650 licensure or registration of cannabis testing laboratories and cannabis
651 testing laboratory employees, (2) establish standards and procedures for
652 the revocation, suspension, summary suspension and nonrenewal of
653 cannabis testing laboratory licenses and cannabis testing laboratory

654 employee registrations, provided such standards and procedures are
655 consistent with the provisions of subsection (c) of section 4-182, (3)
656 establish a [license or] registration renewal fee for each [licensed
657 laboratory and] registered cannabis testing laboratory employee,
658 provided the aggregate amount of such [license, registration and
659 renewal] fees shall not be less than the amount necessary to cover the
660 direct and indirect cost of [licensing,] registering and regulating
661 [laboratories and] cannabis testing laboratory employees in accordance
662 with the provisions of this chapter, (4) establish procedures by which
663 cannabis testing laboratories shall accept marijuana samples from
664 caregivers, qualifying patients and consumers for testing, and [(4)] (5)
665 establish other licensing, registration, renewal and operational
666 standards deemed necessary by the commissioner. For the purposes of
667 this subsection, "consumer" has the same meaning as provided in
668 section 21a-420, as amended by this act.

669 Sec. 7. Section 21a-408s of the general statutes is repealed and the
670 following is substituted in lieu thereof (*Effective October 1, 2023*):

671 (a) No cannabis testing laboratory or cannabis testing laboratory
672 employee may (1) acquire marijuana from a person other than (A) a
673 cannabis establishment or an organization engaged in a research
674 program, or (B) a caregiver, a qualifying patient or a consumer, as
675 defined in section 21a-420, as amended by this act, providing a
676 marijuana sample under regulations adopted by the Commissioner of
677 Consumer Protection pursuant to subsection (d) of section 21a-408r, as
678 amended by this act, (2) deliver, transport or distribute marijuana to (A)
679 a person who is not a cannabis establishment from which the marijuana
680 was originally acquired by the cannabis testing laboratory or cannabis
681 testing laboratory employee, or (B) an organization not engaged in a
682 research program, or (3) obtain or transport marijuana outside of this
683 state in violation of state or federal law.

684 (b) (1) No cannabis testing laboratory employee acting within the
685 scope of [his or her] such cannabis testing employee's employment shall
686 be subject to arrest or prosecution, penalized in any manner, including,

687 but not limited to, being subject to any civil penalty, or denied any right
688 or privilege, including, but not limited to, being subject to any
689 disciplinary action by a professional licensing board, for acquiring,
690 possessing, delivering, transporting or distributing marijuana to a
691 cannabis establishment or an organization engaged in an approved
692 research program under the provisions of this chapter.

693 (2) No cannabis testing laboratory shall be subject to prosecution,
694 penalized in any manner, including, but not limited to, being subject to
695 any civil penalty or denied any right or privilege, for acquiring,
696 possessing, delivering, transporting or distributing marijuana to a
697 cannabis establishment or an organization engaged in an approved
698 research program under the provisions of this chapter.

699 (c) A cannabis testing laboratory shall be independent from all other
700 persons involved in the marijuana industry in Connecticut, which shall
701 mean that no person with a direct or indirect financial, managerial or
702 controlling interest in the cannabis testing laboratory shall have a direct
703 or indirect financial, managerial or controlling interest in a cannabis
704 establishment or any other entity that may benefit from the laboratory
705 test results for a cannabis or marijuana sample or product.

706 (d) A cannabis testing laboratory shall maintain all minimum security
707 and safeguard requirements for the storage of handling of controlled
708 substances as a laboratory that is licensed to provide analysis of
709 controlled substances pursuant to section 21a-246 and any regulations
710 adopted thereunder.

711 Sec. 8. Section 21a-408u of the general statutes is repealed and the
712 following is substituted in lieu thereof (*Effective October 1, 2023*):

713 (a) No research program or research program employee may (1)
714 acquire marijuana from a person other than a cannabis establishment or
715 cannabis testing laboratory, (2) deliver, transport or distribute
716 marijuana to a person who is not (A) a cannabis establishment, (B) a
717 cannabis testing laboratory, or (C) a research program subject, (3)
718 distribute or administer marijuana to an animal unless such animal is an

719 animal research subject, or (4) obtain or transport marijuana outside of
720 this state in violation of state or federal law.

721 (b) No research program employee acting within the scope of [his or
722 her] such research program employee's employment shall be subject to
723 arrest or prosecution, penalized in any manner, including, but not
724 limited to, being subject to any civil penalty, or denied any right or
725 privilege, including, but not limited to, being subject to any disciplinary
726 action by a professional licensing board, for acquiring, possessing,
727 delivering, transporting or distributing marijuana to a cannabis
728 establishment or cannabis testing laboratory, or a research program
729 subject or distributing or administering marijuana to an animal research
730 subject under the provisions of this chapter.

731 Sec. 9. Section 21a-420 of the general statutes is repealed and the
732 following is substituted in lieu thereof (*Effective October 1, 2023*):

733 As used in RERACA, unless the context otherwise requires:

734 (1) "Responsible and Equitable Regulation of Adult-Use Cannabis
735 Act" or "RERACA" means this section, sections 2-56j, 7-294kk, 7-294ll,
736 12-330ll to 12-330nn, inclusive, 14-227p, 21a-278b, 21a-278c, 21a-279c,
737 21a-279d, 21a-420a to [21a-420i] 21a-420j, inclusive, as amended by this
738 act, 21a-420l to 21a-421r, inclusive, 21a-421aa to 21a-421ff, inclusive, 21a-
739 421aaa to [21a-421ggg] 21a-421hhh, inclusive, 21a-422 to 21a-422c,
740 inclusive, 21a-422e to 21a-422g, inclusive, 21a-422j to 21a-422s, inclusive,
741 22-61n, 23-4b, 47a-9a, as amended by this act, 53-247a, 53a-213a, 53a-
742 213b, 54-33p, 54-56q, 54-56r, 54-125k and 54-142u, sections 23, 60, 63 to
743 65, inclusive, 124, 144 and 165 of public act 21-1 of the June special
744 session and the amendments in public act 21-1 of the June special session
745 to sections 7-148, 10-221, as amended by this act, 12-30a, 12-35b, 12-412,
746 12-650, 12-704d, 14-44k, 14-111e, 14-227a to 14-227c, inclusive, 14-227j,
747 15-140q, 15-140r, 18-100h, 19a-342, 19a-342a, 21a-267, as amended by
748 this act, 21a-277, as amended by this act, 21a-279, 21a-279a, 21a-408 to
749 21a-408f, inclusive, as amended by this act, 21a-408h to 21a-408p,
750 inclusive, 21a-408r to 21a-408v, inclusive, as amended by this act, 30-
751 89a, 31-40q, 32-39, 46b-120, 51-164n, 53-394, 53a-39c, 54-1m, 54-33g, 54-

752 41b, 54-56e, 54-56g, 54-56i, 54-56k, 54-56n, 54-63d, 54-66a [,] and 54-142e;
753 [, 21a-421hhh and 21a-420j;]

754 (2) "Backer" means any individual with a direct or indirect financial
755 interest in a cannabis establishment. "Backer" does not include an
756 individual with an investment interest in a cannabis establishment if (A)
757 the interest held by such individual and such individual's spouse,
758 parent or child, in the aggregate, does not exceed five per cent of the
759 total ownership or interest rights in such cannabis establishment, and
760 (B) such individual does not participate directly or indirectly in the
761 control, management or operation of the cannabis establishment;

762 (3) "Cannabis" means marijuana, as defined in section 21a-240, as
763 amended by this act;

764 (4) "Cannabis establishment" means a producer, dispensary facility,
765 cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage
766 manufacturer, product manufacturer, product packager, delivery
767 service or transporter;

768 (5) "Cannabis flower" means the flower, including abnormal and
769 immature flowers, of a plant of the genus cannabis that has been
770 harvested, dried and cured, and prior to any processing whereby the
771 flower material is transformed into a cannabis product. "Cannabis
772 flower" does not include (A) the leaves or stem of such plant, or (B)
773 hemp, as defined in section 22-61l, as amended by this act;

774 (6) "Cannabis testing laboratory" means a laboratory that (A) is
775 located in this state, (B) is licensed by the department to analyze
776 cannabis, and (C) meets the licensure requirements established in
777 section 21a-408r, as amended by this act, and the regulations adopted
778 pursuant to subsection (d) of section 21a-408r, as amended by this act;

779 (7) "Cannabis testing laboratory employee" means an individual who
780 is (A) employed at a cannabis testing laboratory, and (B) registered
781 pursuant to section 21a-408r, as amended by this act, and the regulations
782 adopted pursuant to subsection (d) of section 21a-408r, as amended by

783 this act;

784 [(6)] (8) "Cannabis trim" means all parts, including abnormal or
785 immature parts, of a plant of the genus cannabis, other than cannabis
786 flower, that have been harvested, dried and cured, and prior to any
787 processing whereby the plant material is transformed into a cannabis
788 product. "Cannabis trim" does not include hemp, as defined in section
789 22-611, as amended by this act;

790 [(7)] (9) "Cannabis product" means cannabis that is in the form of a
791 cannabis concentrate or a product that contains cannabis, which may be
792 combined with other ingredients, and is intended for use or
793 consumption. "Cannabis product" does not include the raw cannabis
794 plant;

795 [(8)] (10) "Cannabis concentrate" means any form of concentration,
796 including, but not limited to, extracts, oils, tinctures, shatter and waxes,
797 that is extracted from cannabis;

798 [(9) "Cannabis-type substances" have the same meaning as
799 "marijuana", as defined in section 21a-240;]

800 [(10)] (11) "Commissioner" means the Commissioner of Consumer
801 Protection and includes any designee of the commissioner;

802 [(11)] (12) "Consumer" means an individual who is twenty-one years
803 of age or older;

804 [(12)] (13) "Cultivation" has the same meaning as provided in section
805 21a-408, as amended by this act;

806 [(13)] (14) "Cultivator" means a person that is licensed to engage in
807 the cultivation, growing and propagation of the cannabis plant at an
808 establishment with not less than fifteen thousand square feet of grow
809 space;

810 [(14)] (15) "Delivery service" means a person that is licensed to deliver
811 cannabis from (A) micro-cultivators, retailers and hybrid retailers to

812 consumers and research program subjects, and (B) hybrid retailers and
813 dispensary facilities to qualifying patients, caregivers and research
814 program subjects, as defined in section 21a-408, as amended by this act,
815 or to hospices or other inpatient care facilities licensed by the
816 Department of Public Health pursuant to chapter 368v that have a
817 protocol for the handling and distribution of cannabis that has been
818 approved by the department, or a combination thereof;

819 [(15)] (16) "Department" means the Department of Consumer
820 Protection;

821 [(16)] (17) "Dispensary facility" means a place of business where
822 cannabis may be dispensed, sold or distributed in accordance with
823 chapter 420f and any regulations adopted thereunder, to qualifying
824 patients and caregivers, and to which the department has issued a
825 dispensary facility license under chapter 420f and any regulations
826 adopted thereunder;

827 [(17)] (18) "Disproportionately impacted area" means a United States
828 census tract in the state that has, as determined by the Social Equity
829 Council under section 21a-420d, as amended by this act, (A) a historical
830 conviction rate for drug-related offenses greater than one-tenth, or (B)
831 an unemployment rate greater than ten per cent;

832 [(18)] (19) "Disqualifying conviction" means a conviction within the
833 last ten years which has not been the subject of an absolute pardon
834 under the provisions of section 54-130a, or an equivalent pardon process
835 under the laws of another state or the federal government, for an offense
836 under (A) section 53a-276, 53a-277 or 53a-278; (B) section 53a-291, 53a-
837 292 or 53a-293; (C) section 53a-215; (D) section 53a-138 or 53a-139; (E)
838 section 53a-142a; (F) sections 53a-147 to 53a-162, inclusive; (G) sections
839 53a-125c to 53a-125f, inclusive; (H) section 53a-129b, 53a-129c or 53a-
840 129d; (I) subsection (b) of section 12-737; (J) section 53a-48 or 53a-49, if
841 the offense which is attempted or is an object of the conspiracy is an
842 offense under the statutes listed in subparagraphs (A) to (I), inclusive,
843 of this subdivision; or (K) the law of any other state or of the federal
844 government, if the offense on which such conviction is based is defined

845 by elements that substantially include the elements of an offense under
846 the statutes listed in subparagraphs (A) to (J), inclusive, of this
847 subdivision;

848 [(19)] (20) "Dispensary technician" means an individual who has had
849 an active pharmacy technician or dispensary technician registration in
850 this state within the past five years, is affiliated with a dispensary facility
851 or hybrid retailer and is registered with the department in accordance
852 with chapter 420f and any regulations adopted thereunder;

853 [(20)] (21) "Employee" means any person who is not a backer, but is a
854 member of the board of a company with an ownership interest in a
855 cannabis establishment, and any person employed by a cannabis
856 establishment or who otherwise has access to such establishment or the
857 vehicles used to transport cannabis, including, but not limited to, an
858 independent contractor who has routine access to the premises of such
859 establishment or to the cannabis handled by such establishment;

860 [(21)] (22) "Equity" and "equitable" means efforts, regulations,
861 policies, programs, standards, processes and any other functions of
862 government or principles of law and governance intended to: (A)
863 Identify and remedy past and present patterns of discrimination and
864 disparities of race, ethnicity, gender and sexual orientation; (B) ensure
865 that such patterns of discrimination and disparities, whether intentional
866 or unintentional, are neither reinforced nor perpetuated; and (C)
867 prevent the emergence and persistence of foreseeable future patterns of
868 discrimination or disparities of race, ethnicity, gender and sexual
869 orientation;

870 [(22)] (23) "Equity joint venture" means a business entity that is at
871 least fifty per cent owned and controlled by an individual or
872 individuals, or such applicant is an individual, who meets the criteria of
873 subparagraphs (A) and (B) of subdivision [(48)] (47) of this section;

874 [(23)] (24) "Extract" means the preparation, compounding, conversion
875 or processing of cannabis, either directly or indirectly by extraction or
876 independently by means of chemical synthesis, or by a combination of

877 extraction and chemical synthesis to produce a cannabis concentrate;

878 [(24)] (25) "Financial interest" means any right to, ownership, an
879 investment or a compensation arrangement with another person,
880 directly, through business, investment or family. "Financial interest"
881 does not include ownership of investment securities in a publicly-held
882 corporation that is traded on a national exchange or over-the-counter
883 market, provided the investment securities held by such person and
884 such person's spouse, parent or child, in the aggregate, do not exceed
885 one-half of one per cent of the total number of shares issued by the
886 corporation;

887 [(25)] (26) "Food and beverage manufacturer" means a person that is
888 licensed to own and operate a place of business that acquires cannabis
889 and creates food and beverages;

890 [(26)] (27) "Grow space" means the portion of a premises owned and
891 controlled by a producer, cultivator or micro-cultivator that is utilized
892 for the cultivation, growing or propagation of the cannabis plant, and
893 contains cannabis plants in an active stage of growth, measured starting
894 from the outermost wall of the room containing cannabis plants and
895 continuing around the outside of the room. "Grow space" does not
896 include space used to cure, process, store harvested cannabis or
897 manufacture cannabis once the cannabis has been harvested;

898 [(27)] (28) "Historical conviction count for drug-related offenses"
899 means, for a given area, the number of convictions of residents of such
900 area (A) for violations of sections 21a-267, as amended by this act, 21a-
901 277, as amended by this act, 21a-278, as amended by this act, 21a-279
902 and 21a-279a, and (B) who were arrested for such violations between
903 January 1, 1982, and December 31, 2020, inclusive, where such arrest
904 was recorded in databases maintained by the Department of Emergency
905 Services and Public Protection;

906 [(28)] (29) "Historical conviction rate for drug-related offenses"
907 means, for a given area, the historical conviction count for drug-related
908 offenses divided by the population of such area, as determined by the

909 five-year estimates of the most recent American Community Survey
910 conducted by the United States Census Bureau;

911 [(29)] (30) "Hybrid retailer" means a person that is licensed to
912 purchase cannabis and sell cannabis and medical marijuana products;

913 [(30)] (31) "Key employee" means an employee with the following
914 management position or an equivalent title within a cannabis
915 establishment: (A) President or chief officer, who is the top ranking
916 individual at the cannabis establishment and is responsible for all staff
917 and overall direction of business operations; (B) financial manager, who
918 is the individual who reports to the president or chief officer and who is
919 [generally] responsible for oversight of the financial operations of the
920 cannabis establishment, [including, but not limited to, revenue
921 generation,] which financial operations include one or more of the
922 following: (i) Revenue and expense management; (ii) distributions; [
923 (iii) tax compliance; [and] (iv) budget development; and (v) budget
924 management and implementation; or (C) compliance manager, who is
925 the individual who reports to the president or chief officer and who is
926 generally responsible for ensuring the cannabis establishment complies
927 with all laws, regulations and requirements related to the operation of
928 the cannabis establishment;

929 [(31)] (32) "Laboratory" means a laboratory located in the state that is
930 licensed by the department to provide analysis of cannabis that meets
931 the licensure requirements set forth in section 21a-246;

932 (32) "Laboratory employee" means an individual who is registered as
933 a laboratory employee pursuant to section 21a-408r;]

934 [(33)] (32) "Labor peace agreement" means an agreement between a
935 cannabis establishment and a bona fide labor organization under section
936 21a-421d pursuant to which the owners and management of the
937 cannabis establishment agree not to lock out employees and that
938 prohibits the bona fide labor organization from engaging in picketing,
939 work stoppages or boycotts against the cannabis establishment;

940 [(34)] (33) "Manufacture" means to add or incorporate cannabis into
941 other products or ingredients or create a cannabis product;

942 [(35)] (34) "Medical marijuana product" means cannabis that may be
943 exclusively sold to qualifying patients and caregivers by dispensary
944 facilities and hybrid retailers and which are designated by the
945 commissioner as reserved for sale to qualifying patients and caregivers
946 and published on the department's Internet web site;

947 [(36)] (35) "Micro-cultivator" means a person licensed to engage in the
948 cultivation, growing and propagation of the cannabis plant at an
949 establishment containing not less than two thousand square feet and not
950 more than ten thousand square feet of grow space, prior to any
951 expansion authorized by the commissioner;

952 [(37)] (36) "Municipality" means any town, city or borough,
953 consolidated town and city or consolidated town and borough;

954 [(38)] (37) "Paraphernalia" means drug paraphernalia, as defined in
955 section 21a-240, as amended by this act;

956 [(39)] (38) "Person" means an individual, partnership, limited liability
957 company, society, association, joint stock company, corporation, estate,
958 receiver, trustee, assignee, referee or any other legal entity and any other
959 person acting in a fiduciary or representative capacity, whether
960 appointed by a court or otherwise, and any combination thereof;

961 [(40)] (39) "Producer" means a person that is licensed as a producer
962 pursuant to section 21a-408i and any regulations adopted thereunder;

963 [(41)] (40) "Product manufacturer" means a person that is licensed to
964 obtain cannabis, extract and manufacture products exclusive to such
965 license type;

966 [(42)] (41) "Product packager" means a person that is licensed to
967 package and label cannabis;

968 [(43)] (42) "Qualifying patient" has the same meaning as provided in

969 section 21a-408, as amended by this act;

970 [(44)] (43) "Research program" has the same meaning as provided in
971 section 21a-408, as amended by this act;

972 [(45)] (44) "Retailer" means a person, excluding a dispensary facility
973 and hybrid retailer, that is licensed to purchase cannabis from
974 producers, cultivators, micro-cultivators, product manufacturers and
975 food and beverage manufacturers and to sell cannabis to consumers and
976 research programs;

977 [(46)] (45) "Sale" or "sell" has the same meaning as provided in section
978 21a-240, as amended by this act;

979 [(47)] (46) "Social Equity Council" or "council" means the council
980 established under section 21a-420d, as amended by this act;

981 [(48)] (47) "Social equity applicant" means a person that has applied
982 for a license for a cannabis establishment, where such applicant is at
983 least sixty-five per cent owned and controlled by an individual or
984 individuals, or such applicant is an individual, who:

985 (A) Had an average household income of less than three hundred per
986 cent of the state median household income over the three tax years
987 immediately preceding such individual's application; and

988 (B) (i) Was a resident of a disproportionately impacted area for not
989 less than five of the ten years immediately preceding the date of such
990 application; or

991 (ii) Was a resident of a disproportionately impacted area for not less
992 than nine years prior to attaining the age of eighteen;

993 [(49)] (48) "THC" has the same meaning as provided in section 21a-
994 240, as amended by this act;

995 [(50)] (49) "Third-party lottery operator" means a person, or a
996 constituent unit of the state system of higher education, that conducts
997 lotteries pursuant to section 21a-420g, as amended by this act, identifies

998 the cannabis establishment license applications for consideration
999 without performing any review of the applications that are identified
1000 for consideration, and that has no direct or indirect oversight of or
1001 investment in a cannabis establishment or a cannabis establishment
1002 applicant;

1003 [(51)] (50) "Transfer" means to transfer, change, give or otherwise
1004 dispose of control over or interest in;

1005 [(52)] (51) "Transport" means to physically move from one place to
1006 another;

1007 [(53)] (52) "Transporter" means a person licensed to transport
1008 cannabis between cannabis establishments, cannabis testing
1009 laboratories and research programs; and

1010 [(54)] (53) "Unemployment rate" means, in a given area, the number
1011 of people sixteen years of age or older who are in the civilian labor force
1012 and unemployed divided by the number of people sixteen years of age
1013 or older who are in the civilian labor force.

1014 Sec. 10. Section 21a-420e of the general statutes is repealed and the
1015 following is substituted in lieu thereof (*Effective from passage*):

1016 (a) Not later than thirty days after the date that the Social Equity
1017 Council identifies the criteria and the necessary supporting
1018 documentation for social equity applicants and posts such information
1019 on its Internet web site, the department may accept applications for the
1020 following cannabis establishment license types: (1) Retailer, (2) hybrid
1021 retailer, (3) cultivator, (4) micro-cultivator, (5) product manufacturer, (6)
1022 food and beverage manufacturer, (7) product packager, (8) delivery
1023 service, [and] (9) transporter, (10) dispensary facility, and (11) producer.
1024 Each application for licensure shall require the applicant to indicate
1025 whether the applicant wants to be considered for treatment as a social
1026 equity applicant.

1027 (b) On and after July 1, 2021, the department may accept applications
1028 from any dispensary facility to convert its license to a hybrid-retailer

1029 license and any producer for expanded authorization to engage in the
1030 adult use cannabis market under its license issued pursuant to section
1031 21a-408i.

1032 (c) Except as provided in subsection [(e)] (d) of this section, the
1033 following fees shall be paid by each applicant:

1034 (1) For a retailer license, the fee to enter the lottery shall be five
1035 hundred dollars, the fee to receive a provisional license shall be five
1036 thousand dollars and the fee to receive a final license or a renewal of a
1037 final license shall be twenty-five thousand dollars.

1038 (2) For a hybrid retailer license, the fee to enter the lottery shall be five
1039 hundred dollars, the fee to receive a provisional license shall be five
1040 thousand dollars and the fee to receive a final license or a renewal of a
1041 final license shall be twenty-five thousand dollars.

1042 (3) For a cultivator license, the fee to enter the lottery shall be one
1043 thousand dollars, the fee to receive a provisional license shall be twenty-
1044 five thousand dollars and the fee to receive a final license or a renewal
1045 of a final license shall be seventy-five thousand dollars.

1046 (4) For a micro-cultivator license, the fee to enter the lottery shall be
1047 two hundred fifty dollars, the fee to receive a provisional license shall
1048 be five hundred dollars and the fee to receive a final license or a renewal
1049 of a final license shall be one thousand dollars.

1050 (5) For a product manufacturer license, the fee to enter the lottery
1051 shall be seven hundred fifty dollars, the fee to receive a provisional
1052 license shall be five thousand dollars and the fee to receive a final license
1053 or a renewal of a final license shall be twenty-five thousand dollars.

1054 (6) For a food and beverage manufacturer license, the fee to enter the
1055 lottery shall be two hundred fifty dollars, the fee to receive a provisional
1056 license shall be one thousand dollars and the fee to receive a final license
1057 or a renewal of a final license shall be five thousand dollars.

1058 (7) For a product packager license, the fee to enter the lottery shall be

1059 five hundred dollars, the fee to receive a provisional license shall be five
1060 thousand dollars and the fee to receive a final license or a renewal of a
1061 final license shall be twenty-five thousand dollars.

1062 (8) For a delivery service or transporter license, the fee to enter the
1063 lottery shall be two hundred fifty dollars, the fee to receive a provisional
1064 license shall be one thousand dollars and the fee to receive a final license
1065 or a renewal of a final license shall be five thousand dollars.

1066 (9) For an initial or renewal of a backer license, the fee shall be one
1067 hundred dollars.

1068 (10) For an initial or renewal of a key employee license, the fee shall
1069 be one hundred dollars.

1070 (11) For an initial or renewal of a registration of an employee who is
1071 not a key employee, the fee shall be fifty dollars.

1072 (12) The license conversion fee for a dispensary facility to become a
1073 hybrid retailer shall be one million dollars, except as provided in section
1074 21a-420u, as amended by this act.

1075 (13) The license conversion fee for a producer to engage in the adult
1076 use cannabis market shall be three million dollars, except as provided in
1077 section 21a-420l.

1078 (d) For any dispensary facility that has become a hybrid retailer, the
1079 renewal fee shall be the same as the fee for a hybrid retailer set forth in
1080 subdivision (2) of subsection (c) of this section. For any producer, the
1081 renewal fee shall be the same as set forth in section 21a-408i. A social
1082 equity applicant shall pay fifty per cent of the amount of any of the fees
1083 specified in subsection (c) of this section for the first three renewal cycles
1084 of the applicable cannabis establishment license applied for, and the full
1085 amount thereafter, provided in the case of the fees set forth in
1086 subdivisions (12) and (13) of subsection (c) of this section, a social equity
1087 applicant shall pay the full amount of the fee.

1088 (e) For the fiscal year ending June 30, 2023, and thereafter, fees

1089 collected by the department under this section shall be paid to the State
1090 Treasurer and credited to the General Fund, except that the fees
1091 collected under subdivisions (12) and (13) of subsection (c) of this
1092 section shall be deposited in the Social Equity and Innovation Fund
1093 established under section 21a-420f.

1094 (f) For each license type:

1095 (1) Applicants shall apply on a form and in a manner prescribed by
1096 the commissioner, which form shall include a method for the applicant
1097 to request consideration as a social equity applicant; and

1098 (2) The department shall post on its Internet web site the application
1099 period, which shall specify the first and last date that the department
1100 will accept applications for that license type. The first date that the
1101 department shall accept applications shall be no sooner than thirty days
1102 after the date the Social Equity Council posts the criteria and supporting
1103 documentation necessary to qualify for consideration as a social equity
1104 applicant as set forth in section 21a-420g, as amended by this act. Only
1105 complete license applications received by the department during the
1106 application period shall be considered.

1107 (g) (1) No current or former state officer or employee, or employee of
1108 any other person who at any time had access to an application submitted
1109 to the department pursuant to this section, may disclose such
1110 application, or any information included in or submitted with such
1111 application, unless such disclosure is authorized under this subsection.

1112 (2) The commissioner may disclose the following information
1113 concerning an application submitted to the department pursuant to this
1114 section:

1115 (A) The applicant's name;

1116 (B) The license type for which such application was submitted;

1117 (C) The applicant's social equity designation, if any;

- 1118 (D) The applicant's address;
- 1119 (E) The name, electronic mail address and telephone number of the
1120 applicant's owner;
- 1121 (F) The ownership interest that an owner of a social equity applicant
1122 holds in such applicant, expressed as a percentage of all ownership
1123 interests in such applicant;
- 1124 (G) The name and address of the person who serves as the applicant's
1125 primary business contact;
- 1126 (H) The application number assigned to such application;
- 1127 (I) The date such application was submitted to the department;
- 1128 (J) Information concerning the applicant's formation, including, but
1129 not limited to, the applicant's business entity type, formation date and
1130 place, and business registration number as such number appears on the
1131 electronic business portal established by the Commercial Recording
1132 Division of the office of the Secretary of the State pursuant to section 3-
1133 99d; and
- 1134 (K) The name of all cannabis businesses associated with the applicant
1135 and listed on such application.
- 1136 (3) (A) In addition to the information described in subdivision (2) of
1137 this subsection, the commissioner may, in the commissioner's sole
1138 discretion, disclose any personal information or financial document
1139 associated with an application submitted to the department pursuant to
1140 this section to:
- 1141 (i) A federal, state or local government agency acting in the course of
1142 such agency's governmental functions, or a person acting on behalf of
1143 such agency in performing such functions;
- 1144 (ii) A college or university conducting research or assisting the state
1145 in reviewing such applications, provided such college or university
1146 agrees to not disclose any personally identifying information or

1147 confidential business information and to deidentify any personal or
1148 financial information such college or university receives from the
1149 department before releasing any report, study, survey or similar
1150 document concerning such information;

1151 (iii) An officer of the court in connection with an administrative,
1152 arbitral, civil or criminal proceeding in a court of competent jurisdiction
1153 or before a government agency or self-regulatory body, including, but
1154 not limited to, the service of process, an investigation performed in
1155 anticipation of litigation, an order issued by such court or the execution
1156 or enforcement of a judgment or order issued by such court, provided
1157 the person to whom the commissioner discloses such information or
1158 document is a party in interest to such proceeding;

1159 (iv) A state marshal in the course of performing such marshal's duties
1160 under section 6-38a; or

1161 (v) The applicant or the applicant's owner to confirm that any such
1162 information or document such applicant or owner submitted to the
1163 department in connection with such application is accurate.

1164 (B) Any personal information or financial document the
1165 commissioner discloses pursuant to subparagraph (A) of this
1166 subdivision shall remain confidential, and no person described in
1167 subparagraphs (A)(i) to (A)(iv), inclusive, of this subdivision shall
1168 further disseminate such information or document in a manner that
1169 would enable another person to identify any person referenced in, and
1170 related to, such information or document unless such disclosure is
1171 required under other applicable law.

1172 Sec. 11. Subsections (a) to (i), inclusive, of section 21a-420g of the
1173 general statutes are repealed and the following is substituted in lieu
1174 thereof (*Effective from passage*):

1175 (a) The Social Equity Council shall review the ownership information
1176 and any other information necessary to confirm that an applicant
1177 qualifies as a social equity applicant for all cannabis establishment

1178 license type applications submitted to the department and designated
1179 by the applicant as a social equity applicant. The Social Equity Council
1180 shall prescribe the documentation necessary for applicants to submit to
1181 establish that the ownership, residency and income requirements for
1182 social equity applicants are met. On or before September 1, 2021, the
1183 Social Equity Council shall post such necessary documentation
1184 requirements on its Internet web site to inform applicants of such
1185 requirements prior to the start of the application period.

1186 (b) Except as provided in section 21a-420o, prior to the first date that
1187 the department begins accepting applications for a license type, the
1188 department shall determine the maximum number of applications that
1189 shall be considered for such license type and post such information on
1190 its Internet web site. Fifty per cent of the maximum number of
1191 applications that shall be considered for each license type (1) shall be
1192 selected through a social equity lottery for such license type, and (2)
1193 shall be reserved by the department for social equity applicants. If, upon
1194 the close of the application period for a license type, the department
1195 receives more applications than the maximum number to be considered
1196 in total or to be reserved for social equity applicants as set forth in this
1197 subsection, [(b) of this section,] a third-party lottery operator shall
1198 conduct a lottery to identify applications for review by the department
1199 and the Social Equity Council.

1200 (c) (1) The third-party lottery operator shall:

1201 (A) Not be provided any application received after the close of the
1202 application period;

1203 (B) Give equal weight to every complete application submitted
1204 during the application period; and

1205 (C) Conduct multiple, separate geographic lotteries if required by the
1206 department.

1207 (2) For purposes of the lottery, the third-party lottery operator shall:

1208 (A) Conduct an independent social equity lottery and general lottery

1209 for each license type [and a separate lottery for social equity applicants
1210 of each license type] that results in each application being randomly
1211 ranked starting with one and continuing sequentially; and

1212 (B) Rank all applications in each lottery numerically according to the
1213 order in which they were drawn, including those that exceed the
1214 number to be considered, and identify for the department all
1215 applications to be considered. [which shall consist of the applications
1216 ranked numerically one to the maximum number set forth in accordance
1217 with subsection (b) of this section.]

1218 (d) (1) Upon receipt of an application for social equity consideration
1219 or, in the case where a social equity lottery is conducted, after such
1220 lottery applicants are selected, the department shall provide to the
1221 Social Equity Council the documentation received by the department
1222 during the application process that is required under subsection (a) of
1223 this section. No identifying information beyond what is necessary to
1224 establish social equity status shall be provided to the Social Equity
1225 Council. The Social Equity Council shall review the social equity
1226 applications to be considered as identified by the third-party lottery
1227 operator to determine whether the applicant meets the criteria for a
1228 social equity applicant. If the Social Equity Council determines that an
1229 applicant does not qualify as a social equity applicant, the application
1230 shall not be reviewed further for purposes of receiving a license
1231 designated for social equity applicants. The application shall be entered
1232 into the [other] general lottery for the applicable license type and may
1233 be reviewed further if selected through such lottery, provided the
1234 applicant pays the additional amount necessary to pay the full fee for
1235 entry into such lottery within five business days of being notified by the
1236 Social Equity Council that [it] such applicant does not qualify as a social
1237 equity applicant. Not later than thirty days after the Social Equity
1238 Council notifies an applicant [is notified of a denial of a license
1239 application under this subsection] of the Social Equity Council's
1240 determination that the applicant does not meet the criteria for a social
1241 equity applicant, the applicant may appeal [such denial] from such
1242 determination to the Superior Court in accordance with section 4-183.

1243 (2) Upon determination by the Social Equity Council that an
1244 application selected through the lottery process does not qualify for
1245 consideration as a social equity applicant, the department shall request
1246 that the third-party lottery operator identify the next-ranked application
1247 in the [applicable] social equity lottery. This process may continue until
1248 the Social Equity Council has identified for further consideration the
1249 number of applications set forth on the department's web site pursuant
1250 to subsection (b) of this section or [the lottery indicates that] until there
1251 are no [further] remaining social equity applications to be considered.

1252 (3) For each license type, the Social Equity Council shall identify for
1253 the department the social equity applications that qualify as social
1254 equity applicants and that should be reviewed by the department for
1255 purposes of awarding a provisional license.

1256 (4) Any application [subject to] entered into, but not selected through,
1257 the social equity lottery [process] shall not be reviewed as a social equity
1258 application, but shall be entered into the general lottery for the
1259 [remaining applications for the] applicable license type.

1260 (5) After receiving the list of selected social equity applications [from]
1261 reviewed and approved by the Social Equity Council, the department
1262 shall notify the third-party lottery operator, which shall then conduct
1263 [an] the independent general lottery for all remaining applicants for
1264 each license type, rank all general lottery applications numerically
1265 including those that exceed the number to be considered, and identify
1266 for the department all of the selected applications to be reviewed. The
1267 number of applications to be reviewed by the department shall consist
1268 of the applications ranked numerically one through the maximum
1269 number [set forth in accordance with subsection (b) of this section,
1270 provided that if fewer social equity applicants are identified pursuant
1271 to subdivision (3) of this subsection, the maximum number shall be the
1272 number] necessary to ensure that fifty per cent of the applications for
1273 each license type identified through the lottery process are [social equity
1274 applicants] selected from the social equity lottery and approved by the
1275 Social Equity Council.

1276 (6) The numerical rankings created by the third-party lottery operator
1277 shall be confidential and shall not be subject to disclosure under the
1278 Freedom of Information Act, as defined in section 1-200.

1279 (e) The department shall review each application to be considered, as
1280 identified by the third-party lottery operator or Social Equity Council,
1281 as applicable, to confirm [it] such application is complete and to
1282 determine whether any application: (1) Includes a backer with a
1283 disqualifying conviction; (2) [includes a backer that would result in
1284 common ownership in violation of] exceeds the cap set forth in section
1285 21a-420i; or (3) has a backer who individually or in connection with a
1286 cannabis business in another state or country has an administrative
1287 finding or judicial decision that may substantively compromise the
1288 integrity of the cannabis program, as determined by the department, or
1289 that precludes its participation in this state's cannabis program. For the
1290 purposes of this subsection, an application shall be deemed complete if
1291 each backer of the applicant completes such backer's background check
1292 submission not later than thirty days after the department sends notice
1293 disclosing that the department has selected such applicant for review.

1294 (f) No additional backers may be added to a cannabis establishment
1295 application between the time of lottery entry, or any initial application
1296 for a license, and when a final license is awarded to the cannabis
1297 establishment, except, if a backer of an applicant or provisional licensee
1298 dies, the applicant or provisional licensee may apply to the
1299 commissioner to replace the deceased backer, provided if such applicant
1300 is a social equity applicant, the Social Equity Council shall review
1301 ownership to ensure such replacement would not cause the applicant to
1302 no longer qualify as a social equity applicant. A backer may be removed
1303 from a cannabis establishment application selected through the general
1304 lottery at any time upon notice to the department.

1305 (g) If an applicant [or a single backer of an applicant] is disqualified
1306 on the basis of any of the criteria set forth in subsection (e) of this section,
1307 the entire application shall be denied, and such denial shall be a final
1308 decision of the department [, provided backers of the applicant entity

1309 named in the lottery application submission may be removed prior to
1310 submission of a final license application unless such removal would
1311 result in a social equity applicant no longer qualifying as a social equity
1312 applicant. If] unless the applicant removes [any backer] from such
1313 application all backers that would cause [the applicant to be denied
1314 based on subsection (e) of this section, then the applicant entity shall not
1315 be denied due to such backer's prior involvement if such backer is
1316 removed within thirty days of notice by the department of the
1317 disqualification of a backer] such denial not later than thirty days after
1318 the department sends notice to the applicant disclosing such denial. Any
1319 change to a social equity applicant shall be reviewed and approved by
1320 the Social Equity Council before such change is reviewed by the
1321 department. Not later than thirty days after [service of] the department
1322 sends notice [upon] to the applicant [of a] disclosing such denial, the
1323 applicant may appeal such denial to the Superior Court. [in accordance
1324 with section 4-183.]

1325 (h) For each application denied pursuant to subsection (e) of this
1326 section, the department may, within its discretion, request that the third-
1327 party lottery operator identify the next-ranked application in the
1328 applicable lottery. If the applicant that was denied was a social equity
1329 applicant, the next ranked social equity applicant shall first be reviewed
1330 by the Social Equity Council to confirm that the applicant qualifies as a
1331 social equity applicant prior to being further reviewed by the
1332 department. This process may continue until the department has
1333 identified for further consideration the number of applications
1334 equivalent to the maximum number set forth on its Internet web site
1335 pursuant to subsection (b) of this section. If the number of applications
1336 remaining is less than the maximum number posted on the
1337 department's Internet web site, the department shall award fewer
1338 licenses. To the extent the denials result in less than fifty per cent of
1339 applicants being social equity applicants, the department shall continue
1340 to review and issue provisional and final licenses for the remaining
1341 applications, but shall reopen the application period only for social
1342 equity applicants.

1343 (i) All applicants selected in the lottery and not denied shall be
1344 provided a provisional license application, which shall be submitted in
1345 a form and manner prescribed by the commissioner. [Applicants]
1346 Lottery applicants shall have sixty days from the date they receive their
1347 provisional application to complete the application. The right to apply
1348 for a provisional license is nontransferable. Upon receiving a
1349 provisional application from an applicant, the department shall review
1350 the application for completeness and to confirm that all information
1351 provided is acceptable and in compliance with this section and any
1352 regulations adopted under this section. If a provisional application does
1353 not meet the standards set forth in this section, the applicant shall not
1354 be provided a provisional license. A provisional license issued to a
1355 lottery applicant shall expire after fourteen months and shall not be
1356 renewed. Upon granting a provisional license, the department shall
1357 notify the applicant of the project labor agreement requirements of
1358 section 21a-421e. A provisional licensee may apply for a final license of
1359 the license type for which the licensee applied during the initial
1360 application period. A provisional license shall be nontransferable. If the
1361 provisional application does not meet the standards set forth in this
1362 section or is not completed within sixty days, the applicant shall not
1363 receive a provisional license. The decision of the department not to
1364 award a provisional license shall be final and may be appealed in
1365 accordance with section 4-183. Nothing in this section shall prevent a
1366 provisional applicant from submitting an application for a future
1367 lottery.

1368 Sec. 12. Subsection (e) of section 21a-420j of the general statutes is
1369 repealed and the following is substituted in lieu thereof (*Effective from*
1370 *passage*):

1371 (e) Equity joint ventures that are retailers or hybrid retailers that share
1372 a common cultivator or cultivator backer shall not be located within
1373 twenty miles of [another commonly owned equity joint venture] each
1374 other.

1375 Sec. 13. Subsection (f) of section 21a-420m of the general statutes is

1376 repealed and the following is substituted in lieu thereof (*Effective from*
1377 *passage*):

1378 (f) Equity joint ventures that are retailers or hybrid retailers that share
1379 a common producer or producer backer [and that are retailers or hybrid
1380 retailers] shall not be located within twenty miles of [another commonly
1381 owned equity joint venture] each other.

1382 Sec. 14. Subsection (b) of section 21a-420m of the general statutes is
1383 repealed and the following is substituted in lieu thereof (*Effective October*
1384 *1, 2023*):

1385 (b) The equity joint venture shall be in any cannabis establishment
1386 licensed business, other than a cultivator license, provided such equity
1387 joint venture is at least fifty per cent owned and controlled by an
1388 individual or individuals who meet, or the equity joint venture
1389 applicant is an individual who meets, the criteria established in
1390 subparagraphs (A) and (B) of subdivision [(48)] (47) of section 21a-420,
1391 as amended by this act.

1392 Sec. 15. Subsection (d) of section 21a-420n of the general statutes is
1393 repealed and the following is substituted in lieu thereof (*Effective October*
1394 *1, 2023*):

1395 (d) A cultivator may sell, transfer or transport its cannabis to a
1396 dispensary facility, hybrid retailer, retailer, food and beverage
1397 manufacturer, product manufacturer, research program, cannabis
1398 testing laboratory or product packager utilizing its own employees or a
1399 transporter. A cultivator shall not sell, transfer or deliver to consumers,
1400 qualifying patients or caregivers, directly or through a delivery service.

1401 Sec. 16. Subsection (e) of section 21a-420p of the general statutes is
1402 repealed and the following is substituted in lieu thereof (*Effective October*
1403 *1, 2023*):

1404 (e) A micro-cultivator may sell, transfer or transport its cannabis to a
1405 dispensary facility, hybrid retailer, retailer, delivery service, food and
1406 beverage manufacturer, product manufacturer, research program,

1407 cannabis testing laboratory or product packager, provided the cannabis
1408 is cultivated, grown and propagated at the micro-cultivator's licensed
1409 establishment and transported utilizing the micro-cultivator's own
1410 employees or a transporter. A micro-cultivator shall not gift or transfer
1411 cannabis or cannabis products at no cost to a consumer as part of a
1412 commercial transaction.

1413 Sec. 17. Subsection (b) of section 21a-420r of the general statutes is
1414 repealed and the following is substituted in lieu thereof (*Effective October*
1415 *1, 2023*):

1416 (b) A retailer may obtain cannabis from a cultivator, micro-cultivator,
1417 producer, product packager, food and beverage manufacturer, product
1418 manufacturer or transporter or an undeliverable return from a delivery
1419 service. A retailer may sell, transport or transfer cannabis or cannabis
1420 products to a delivery service, cannabis testing laboratory or research
1421 program. A retailer may sell cannabis to a consumer or research
1422 program. A retailer may not conduct sales of medical marijuana
1423 products nor offer discounts or other inducements to qualifying patients
1424 or caregivers. A retailer shall not gift or transfer cannabis at no cost to a
1425 consumer as part of a commercial transaction.

1426 Sec. 18. Subsection (f) of section 21a-420u of the general statutes is
1427 repealed and the following is substituted in lieu thereof (*Effective from*
1428 *passage*):

1429 (f) Equity joint ventures that are retailers or hybrid retailers that share
1430 a common [dispensary facility or] dispensary facility backer or owner,
1431 or hybrid retailer backer or owner, shall not be located within twenty
1432 miles of [another commonly owned equity joint venture] each other.

1433 Sec. 19. Subsections (b) to (d), inclusive, of section 21a-420u of the
1434 general statutes are repealed and the following is substituted in lieu
1435 thereof (*Effective October 1, 2023*):

1436 (b) Any equity joint venture created under this section shall be
1437 created for the development of a cannabis establishment, other than a

1438 cultivator, provided such equity joint venture is at least fifty per cent
1439 owned and controlled by an individual or individuals who meet, or the
1440 equity joint venture applicant is an individual who meets, the criteria
1441 established in subparagraphs (A) and (B) of subdivision [(48)] (47) of
1442 section 21a-420, as amended by this act.

1443 (c) An equity joint venture applicant shall submit an application to
1444 the Social Equity Council that may include, but need not be limited to,
1445 evidence of business formation, ownership allocation, terms of
1446 ownership and financing and proof of social equity status. The equity
1447 joint venture applicant shall submit to the Social Equity Council
1448 information including, but not limited to, the organizing documents of
1449 the entity that outline the ownership stake of each backer, initial backer
1450 investment and payout information to enable the council to determine
1451 the terms of ownership.

1452 (d) Upon receipt of written approval of the equity joint venture by
1453 the Social Equity Council, the equity joint venture applicant shall apply
1454 for a license from the department in the same form as required by all
1455 other licensees of the same license type and subject to the same fees as
1456 required by all other licensees of the same license type, except that such
1457 application shall not be subject to the lottery process.

1458 Sec. 20. Subsections (a) to (d), inclusive, of section 21a-421bb of the
1459 general statutes are repealed and the following is substituted in lieu
1460 thereof (*Effective October 1, 2023*):

1461 (a) No person, other than the holder of a cannabis establishment
1462 license issued [by this state] pursuant to this chapter or a person who
1463 provides professional services related to the purchase, sale or use of
1464 cannabis, shall advertise any cannabis or services related to cannabis in
1465 this state.

1466 (b) Except as provided in subsection (d) of this section, cannabis
1467 establishments shall not:

1468 (1) Advertise, including, but not limited to, through a business name

1469 or logo, cannabis, cannabis paraphernalia or goods or services related to
1470 cannabis:

1471 (A) In ways that target or are designed to appeal to individuals under
1472 twenty-one years of age, including, but not limited to, spokespersons or
1473 celebrities who appeal to individuals under the legal age to purchase
1474 cannabis or cannabis products, depictions of a person under twenty-five
1475 years of age consuming cannabis, or, the inclusion of objects, such as
1476 toys, characters or cartoon characters, suggesting the presence of a
1477 person under twenty-one years of age, or any other depiction designed
1478 in any manner to be appealing to a person under twenty-one years of
1479 age; or

1480 (B) By using any image, or any other visual representation, of the
1481 cannabis plant or any part of the cannabis plant, including, but not
1482 limited to, the leaf of the cannabis plant;

1483 (2) Engage in any advertising by means of any form of billboard
1484 within one thousand five hundred feet of an elementary or secondary
1485 school ground or a house of worship, recreation center or facility, child
1486 care center, playground, public park or library, or engage in any
1487 advertising by means of [an electronic or illuminated] a billboard
1488 between the hours of six o'clock a.m. and eleven o'clock p.m.;

1489 (3) Engage in advertising by means of any television, radio, Internet,
1490 mobile application, social media or other electronic communication,
1491 billboard or other outdoor signage, or print publication unless the
1492 cannabis establishment has reliable evidence that at least ninety per cent
1493 of the audience for the advertisement is reasonably expected to be
1494 twenty-one years of age or older;

1495 (4) Engage in advertising or marketing directed toward location-
1496 based devices, including, but not limited to, cellular phones, unless the
1497 marketing is a mobile device application installed on the device by the
1498 owner of the device who is twenty-one years of age or older and
1499 includes a permanent and easy opt-out feature and warnings that the
1500 use of cannabis is restricted to persons twenty-one years of age or older;

1501 (5) Advertise cannabis or cannabis products in a manner claiming or
1502 implying, or permit any employee of the cannabis establishment to
1503 claim or imply, that such products have curative or therapeutic effects,
1504 or that any other medical claim is true, or allow any employee to
1505 promote cannabis for a wellness purpose unless such claims are
1506 substantiated as set forth in regulations adopted under chapter 420f or
1507 verbally conveyed by a licensed pharmacist or other licensed medical
1508 practitioner in the course of business in, or while representing, a hybrid
1509 retail or dispensary facility;

1510 (6) Sponsor charitable, sports, musical, artistic, cultural, social or
1511 other similar events or advertising at, or in connection with, such an
1512 event unless the cannabis establishment has reliable evidence that (A)
1513 not more than ten per cent of the in-person audience at the event is
1514 reasonably expected to be under the legal age to purchase cannabis or
1515 cannabis products, and (B) not more than ten per cent of the audience
1516 that will watch, listen or participate in the event is expected to be under
1517 the legal age to purchase cannabis products;

1518 (7) Advertise cannabis, cannabis products or cannabis paraphernalia
1519 in any physical form visible to the public within five hundred feet of an
1520 elementary or secondary school ground or a recreation center or facility,
1521 child care center, playground, public park or library;

1522 (8) Cultivate cannabis or manufacture cannabis products for
1523 distribution outside of this state in violation of federal law, advertise in
1524 any way that encourages the transportation of cannabis across state lines
1525 or otherwise encourages illegal activity;

1526 (9) Except for dispensary facilities and hybrid retailers, exhibit within
1527 or upon the outside of the facility used in the operation of a cannabis
1528 establishment, or include in any advertisement, the word "dispensary"
1529 or any variation of such term or any other words, displays or symbols
1530 indicating that such store, shop or place of business is a dispensary;

1531 (10) Exhibit within or upon the outside of the premises subject to the
1532 cannabis establishment license, or include in any advertisement the

1533 words "drug store", "pharmacy", "apothecary", "drug", "drugs" or
1534 "medicine shop" or any combination of such terms or any other words,
1535 displays or symbols indicating that such store, shop or place of business
1536 is a pharmacy;

1537 (11) Advertise on or in public or private vehicles or at bus stops, taxi
1538 stands, transportation waiting areas, train stations, airports or other
1539 similar transportation venues including, but not limited to, vinyl-
1540 wrapped vehicles or signs or logos on transportation vehicles not
1541 owned by a cannabis establishment;

1542 (12) Display cannabis, cannabis products or any image, or any other
1543 visual representation, of the cannabis plant or any part of the cannabis
1544 plant, including, but not limited to, the leaf of the cannabis plant, so as
1545 to be clearly visible to a person from the exterior of the facility used in
1546 the operation of a cannabis establishment, or display signs or other
1547 printed material advertising any brand or any kind of cannabis or
1548 cannabis product, or including any image, or any other visual
1549 representation, of the cannabis plant or any part of the cannabis plant,
1550 including, but not limited to, the leaf of the cannabis plant, on the
1551 exterior of any facility used in the operation of a cannabis establishment;

1552 (13) Utilize radio or loudspeaker, in a vehicle or in or outside of a
1553 facility used in the operation of a cannabis establishment, for the
1554 purposes of advertising the sale of cannabis or cannabis products; or

1555 (14) Operate any web site advertising or depicting cannabis, cannabis
1556 products or cannabis paraphernalia unless such web site verifies that
1557 the entrants or users are twenty-one years of age or older.

1558 (c) Except as provided in subsection (d) of this section, any
1559 advertisements from a cannabis establishment shall contain the
1560 following warning: "Do not use cannabis if you are under twenty-one
1561 years of age. Keep cannabis out of the reach of children." In a print or
1562 visual medium, such warning shall be conspicuous, easily legible and
1563 shall take up not less than ten per cent of the advertisement space. In an
1564 audio medium, such warning shall be at the same speed as the rest of

1565 the advertisement and be easily intelligible.

1566 (d) Any outdoor signage, including, but not limited to, any
1567 monument sign, pylon sign or wayfinding sign, shall be deemed to
1568 satisfy the audience requirement established in subdivision (3) of
1569 subsection (b) of this section, be exempt from the distance requirement
1570 established in subdivision (7) of subsection (b) of this section and [shall]
1571 not be required to contain the warning required under subsection (c) of
1572 this section, if such outdoor signage:

1573 (1) Contains only the name and logo of the cannabis establishment;

1574 (2) Does not include any image, or any other visual representation, of
1575 the cannabis plant or any part of the cannabis plant, including, but not
1576 limited to, the leaf of the cannabis plant;

1577 (3) Is comprised of not more than three colors; and

1578 (4) Is located:

1579 (A) On the cannabis establishment's premises, regardless of whether
1580 such cannabis establishment leases or owns such premises; or

1581 (B) On any commercial property occupied by multiple tenants
1582 including such cannabis establishment.

1583 Sec. 21. Subsection (a) of section 47a-9a of the general statutes is
1584 repealed and the following is substituted in lieu thereof (*Effective October*
1585 *1, 2023*):

1586 (a) As used in this section, "tenant", "landlord" and "dwelling unit"
1587 have the same meanings as provided in section 47a-1. Except as
1588 provided in this section, a landlord or property manager may not refuse
1589 to rent to a prospective tenant or an existing tenant, or otherwise
1590 discriminate against a prospective tenant or an existing tenant, based on
1591 a past conviction for possession of [a cannabis-type substance] cannabis
1592 under section 21a-279a or for a past conviction for possession of four or
1593 fewer ounces of cannabis plant material, and any equivalencies and

1594 combinations thereof, pursuant to subsection (i) of section 21a-279a in
1595 any other jurisdiction.

1596 Sec. 22. Section 22-61l of the general statutes is repealed and the
1597 following is substituted in lieu thereof (*Effective October 1, 2023*):

1598 (a) For the purpose of this section and section 22-61m, as amended by
1599 this act, the following terms have the same meaning as provided in 7
1600 CFR 990.1, as amended from time to time: "Acceptable hemp THC level",
1601 "Agricultural marketing service", "Audit", "Cannabis", "Conviction",
1602 "Corrective action plan", "Culpable mental state greater than
1603 negligence", "Decarboxylated", "Decarboxylation", "Disposal", "Dry
1604 weight basis", "Gas chromatography", "Geospatial location", "Handle",
1605 "Liquid chromatography", "Immature plants", "Information sharing
1606 system", "Measurement of uncertainty", "Negligence",
1607 "Phytocannabinoid", "Postdecarboxylation", "Remediation", "Reverse
1608 distributor" and "Total THC". In addition, for the purpose of this section
1609 and section 22-61m, as amended by this act:

1610 (1) "Cannabidiol" or "CBD" means the nonpsychotropic compound by
1611 the same name;

1612 (2) "Certificate of analysis" means a certificate from a laboratory
1613 describing the results of the laboratory's testing of a sample;

1614 (3) "Commissioner" means the Commissioner of Agriculture, or the
1615 commissioner's designated agent;

1616 (4) "Cultivate" means to plant, grow, harvest, handle and store a plant
1617 or crop;

1618 (5) "Federal act" means the United States Agricultural Marketing Act
1619 of 1946, 7 USC 1639o et seq., as amended from time to time;

1620 (6) "Department" means the Department of Agriculture;

1621 (7) "Hemp" has the same meaning as provided in the federal act;

1622 (8) "Hemp products" means all manufacturer hemp products and

1623 producer hemp products;

1624 (9) "Independent testing laboratory" means a facility:

1625 (A) For which no person who has any direct or indirect financial or
1626 managerial interest in the laboratory and also has any direct or indirect
1627 interest in a facility that:

1628 (i) Produces, distributes, manufactures or sells hemp or hemp
1629 products, or marijuana in any state or territory of the United States; or

1630 (ii) Cultivates, processes, distributes, dispenses or sells marijuana;
1631 and

1632 (B) That is accredited as a laboratory in compliance with section 21a-
1633 408-59 of the regulations of Connecticut state agencies;

1634 (10) "Laboratory" means a laboratory that meets the requirements of
1635 7 CFR 990.3 and that is accredited as a testing laboratory to International
1636 Organization for Standardization (ISO) 17025 by a third-party
1637 accrediting body such as the American Association for Laboratory
1638 Accreditation or the Assured Calibration and Laboratory Accreditation
1639 Select Services;

1640 (11) "Law enforcement agency" means the Connecticut State Police,
1641 the United States Drug Enforcement Administration, the Department of
1642 Agriculture, the Department of Consumer Protection Drug Control
1643 Division or any other federal, state or local law enforcement agency or
1644 drug suppression unit;

1645 (12) "Licensee" means an individual or entity that possesses a license
1646 to produce or manufacture hemp or hemp products in this state;

1647 (13) "Manufacture" means the conversion of the hemp plant into a by-
1648 product by means of adding heat, solvents or any method of extraction
1649 that modifies the original composition of the plant for the purpose of
1650 creating a manufacturer hemp product for commercial or research
1651 purposes;

1652 (14) "Manufacturer" means a person in the state licensed by the
1653 Commissioner of Consumer Protection to manufacture, handle, store
1654 and market manufacturer hemp products pursuant to the provisions of
1655 section 22-61m, as amended by this act, and any regulation adopted
1656 pursuant to section 22-61m, as amended by this act;

1657 (15) "Marijuana" has the same meaning as provided in section 21a-
1658 240, as amended by this act;

1659 (16) "Market" or "marketing" means promoting, distributing or
1660 selling a hemp product within the state, in another state or outside of
1661 the United States and includes efforts to advertise and gather
1662 information about the needs or preferences of potential consumers or
1663 suppliers;

1664 (17) "On-site manager" means the individual designated by the
1665 producer license applicant or producer responsible for on-site
1666 management and operations of a licensed producer;

1667 (18) "Pesticide" has the same meaning as "pesticide chemical" as
1668 provided in section 21a-92;

1669 (19) "Lot" means a contiguous area in a field, greenhouse or indoor
1670 growing structure containing the same variety or strain of hemp
1671 throughout the area;

1672 (20) "Post-harvest sample" means a representative sample of the form
1673 of hemp taken from the harvested hemp from a particular lot's harvest
1674 that is collected in accordance with the procedures established by the
1675 commissioner;

1676 (21) "Pre-harvest sample" means a composite, representative portion
1677 from plants in a hemp lot, that is collected in accordance with the
1678 procedures established by the commissioner;

1679 (22) "Produce" means to cultivate hemp or create any producer hemp
1680 product;

1681 (23) "State plan" means a state plan, as described in the federal act and
1682 as authorized pursuant to this section;

1683 (24) "THC" means delta-9-tetrahydrocannabinol;

1684 (25) "Controlled Substances Act" or "CSA" means the Controlled
1685 Substances Act as codified in 21 USC 801 et seq.;

1686 (26) "Criminal history report" means the fingerprint-based state and
1687 national criminal history record information obtained in accordance
1688 with section 29-17a;

1689 (27) "Drug Enforcement Administration" or "DEA" means the United
1690 States Drug Enforcement Administration;

1691 (28) "Farm service agency" or "FSA" means an agency of the United
1692 States Department of Agriculture;

1693 (29) "Key participant" means a sole proprietor, a partner in
1694 partnership or a person with executive managerial control in an entity,
1695 including persons such as a chief executive officer, chief operating
1696 officer and chief financial officer;

1697 (30) "Manufacturer hemp product" means a commodity
1698 manufactured from the hemp plant, for commercial or research
1699 purposes, that is intended for human ingestion, inhalation, absorption
1700 or other internal consumption, that contains a THC concentration of not
1701 more than 0.3 per cent on a dry weight basis or per volume or weight of
1702 such manufacturer hemp product;

1703 (31) "Producer" means an individual or entity licensed by the
1704 commissioner to produce and market producer hemp products
1705 pursuant to the federal act, the state plan, the provisions of this section
1706 and the regulations adopted pursuant to this section;

1707 (32) "Producer hemp product" means any of the following produced
1708 in this state: Raw hemp product, fiber-based hemp product or animal
1709 hemp food product, and each of which contains a THC concentration of

1710 not more than 0.3 per cent on a dry weight basis or per volume or weight
1711 of such producer hemp product;

1712 (33) "USDA" means the United States Department of Agriculture;

1713 (34) "Entity" means a corporation, joint stock company, association,
1714 limited partnership, limited liability partnership, limited liability
1715 company, irrevocable trust, estate, charitable organization or other
1716 similar organization, including any such organization participating in
1717 the hemp production as a partner in a general partnership, a participant
1718 in a joint venture or a participant in a similar organization; and

1719 (35) "Homogenize" means to blend hemp into a mixture that has a
1720 uniform quality and content throughout such mixture.

1721 (b) The Commissioner of Agriculture shall establish and operate an
1722 agricultural pilot program, as defined in 7 USC 5940, as amended from
1723 time to time, for hemp research to enable the department, and its
1724 licensees, to study methods of producing and marketing hemp. All
1725 producer licensees licensed pursuant to this section shall be participants
1726 in the state agricultural pilot program for hemp research. Until such
1727 time as said commissioner adopts regulations, in accordance with the
1728 provisions of chapter 54, the Department of Agriculture shall utilize
1729 procedures and guidance policies that the commissioner deems to be
1730 consistent with the provisions of 7 USC 5940, as amended from time to
1731 time, provided such procedures and guidance policies shall, at a
1732 minimum, require: (1) The commissioner to certify and register any site
1733 used to grow hemp, (2) any person who produces hemp to produce
1734 plants that meet the definition of hemp and verify such, (3) the
1735 maintenance of records by any person who grows hemp and the
1736 availability of inspection of such records by the commissioner, and (4)
1737 verification of compliance with the definition of hemp by a laboratory,
1738 at the expense of any licensee. The provisions of this section shall take
1739 precedence over any such procedure or guidance policy. Participants in
1740 the state agricultural pilot program for hemp research shall be licensed
1741 in accordance with the provisions of this section. Such pilot program
1742 shall operate until the earlier of the date of a fully approved state plan

1743 under the federal act, as described in this section, or the date of repeal
1744 of the federal law permitting the state's agricultural pilot program for
1745 hemp research.

1746 (c) (1) The commissioner shall prepare a state plan in accordance with
1747 the federal act and 7 CFR 990.3, for approval by the Governor, in
1748 consultation with the office of the Chief State's Attorney and the
1749 Attorney General. The state plan, once approved by the Governor and
1750 the Attorney General, shall be submitted by the commissioner to the
1751 United States Secretary of Agriculture for [his or her] such secretary's
1752 approval. The commissioner shall have the authority to amend the state
1753 plan, in consultation with the Governor, the Attorney General and the
1754 office of the Chief State's Attorney, as necessary to comply with the
1755 federal act.

1756 (2) The commissioner shall operate the state plan, which shall
1757 include, at a minimum, the following requirements:

1758 (A) The sampling of hemp shall comply, at a minimum, with 7 CFR
1759 990.3 and be performed by an authorized sampling agent;

1760 (B) The testing of hemp shall comply, at a minimum, with 7 CFR
1761 990.3;

1762 (C) The control, remediation and disposal of noncompliant cannabis
1763 plants shall comply with 7 CFR 990.27 and 7 CFR 990.3;

1764 (D) The department shall comply with all recordkeeping and
1765 reporting requirements in the federal act, and 7 CFR 990.1 to 7 CFR
1766 990.71, inclusive;

1767 (E) The department shall comply with enforcement procedures in 7
1768 CFR 990.6;

1769 (F) The department shall conduct annual inspections of, at a
1770 minimum, a random sample of producers to verify that hemp is not
1771 produced in violation of the federal act, the state plan and the provisions
1772 of this section, and shall enforce any violation as provided for in the

1773 federal act and as defined in 7 CFR 990.6;

1774 (G) Producers shall report their required license, lot and hemp crop
1775 acreage information to FSA, in accordance with the requirements in 7
1776 CFR 990.7; and

1777 (H) Producers shall report to the commissioner the total acreage of
1778 hemp planted, harvested and, if applicable, disposed of or remediated,
1779 and such other information as the commissioner may require.

1780 (3) All sampling and testing of hemp shall be done using protocols
1781 that are at least as statistically valid as the USDA's published protocols
1782 for sampling and testing of hemp, which protocols shall be posted on
1783 the department's Internet web site. During a scheduled sample
1784 collection, the producer, or an authorized representative of the
1785 producer, shall be present at the lot. A producer shall not harvest the
1786 cannabis crop prior to the taking of samples. Samples of hemp plant
1787 material from one lot shall not be commingled with hemp plant material
1788 from other lots. Lots tested and not certified by a laboratory at or below
1789 the acceptable hemp THC level shall be handled, remediated and
1790 disposed of in accordance with the federal act, the provisions of this
1791 section and the state plan, as applicable.

1792 (4) The commissioner shall collect, maintain and provide to the
1793 USDA, on a timely basis, and not less than once per month, license status
1794 of each hemp producer, contact information for each hemp producer
1795 licensed in the state, including lot legal descriptions and locations, and
1796 any changes to such information. The commissioner shall also report to
1797 the USDA, on a timely basis, and not less than once per month, all
1798 required hemp test results and disposal information for all
1799 nonconforming hemp plants and plant material. Such information shall
1800 not include state and federal fingerprint-based records pursuant to
1801 section 29-17a.

1802 (d) The commissioner shall have the authority to enforce the federal
1803 act, as amended from time to time, the state plan, this section and any
1804 regulations adopted in accordance with the federal act and chapter 54

1805 for hemp production in the state. The commissioner shall have the
1806 authority to enforce the applicable standards for producer hemp
1807 products. The commissioner may consult, collaborate and enter into
1808 cooperative agreements with any federal or state agency, municipality
1809 or political subdivision of the state concerning application of the
1810 provisions of the federal act and the regulations adopted pursuant to the
1811 federal act, as may be necessary to carry out the provisions of this
1812 section.

1813 (e) Any person who produces hemp shall: (1) Be licensed by the
1814 commissioner; (2) comply with the federal act, the state plan, the
1815 provisions of this section and any regulation adopted pursuant to this
1816 section; and (3) transport hemp and hemp samples in a manner and with
1817 such documentation as required by the commissioner.

1818 (f) Any person who sells hemp products shall not be required to be
1819 licensed provided such person only engages in: (1) The retail or
1820 wholesale sale of hemp or hemp products in which no further
1821 producing or manufacturing of the hemp products occurs and the hemp
1822 products are acquired from a person authorized under the laws of this
1823 state or another state, territory or possession of the United States or
1824 another sovereign entity to possess and sell such hemp products; (2) the
1825 acquisition of hemp or hemp products for the sole purpose of product
1826 distribution for resale; or (3) the retail sale of hemp products that are
1827 otherwise authorized under federal or state law.

1828 (g) Any applicant for a license pursuant to this section shall meet each
1829 of the following requirements, as applicable:

1830 (1) Each applicant, whether an individual or an entity, shall submit
1831 an application for a license that consists, at a minimum, of the following:
1832 (A) The name, telephone number, electronic mail address, business
1833 address and address of any individual who is the applicant, the full
1834 name of any entity that is the applicant, including any applicable
1835 principal business location and the full name, title and electronic mail
1836 address of each key participant; (B) the name and address of each lot for
1837 the hemp cultivation or producing location; (C) the geospatial location

1838 of each lot by means of global positioning system coordinates and legal
1839 description of each lot used for the hemp cultivation; (D) the acreage
1840 size of each lot where the hemp will be cultivated; (E) written consent
1841 allowing the commissioner to conduct both scheduled and random
1842 inspections of and around the premises on which the hemp is to be
1843 cultivated, harvested, stored and produced; (F) the applicant's employer
1844 identification number or the applicant's Social Security number if an
1845 employer identification number is not available; and (G) any other
1846 information as may be required by the commissioner;

1847 (2) Each individual who is an applicant and each key participant of
1848 any entity applying for a producer license, or renewal thereof, shall
1849 submit to state and national fingerprint-based criminal history records
1850 checks conducted in accordance with section 29-17a, at [his or her] such
1851 individual's own expense;

1852 (3) No individual, including any key participant of any entity, who
1853 has been convicted of any state or federal felony, related to a controlled
1854 substance, shall be eligible to obtain or hold a producer license for ten
1855 years from the date of the conviction, provided such restriction shall not
1856 apply to any individual who lawfully grew hemp with a license,
1857 registration or authorization under any state pilot program authorized
1858 by section 7606 of the Agricultural Act of 2014 before December 20, 2018.
1859 Any individual or entity that materially falsifies any information in an
1860 application pursuant to this section shall be ineligible to obtain a
1861 producer license; and

1862 (4) Each individual or entity who is required by this section to obtain
1863 a producer license shall pay for all costs of sampling, testing, retesting
1864 and resampling any samples at a laboratory for the purpose of
1865 determining the THC concentration level of any cannabis under their
1866 control, or in their possession. Each individual or entity who is required
1867 by this section to obtain a producer license shall pay for all costs of
1868 disposal of all noncompliant cannabis plants under their control, or in
1869 their possession.

1870 (h) Any producer license issued by the commissioner shall expire on

1871 the third following December thirty-first and may be renewed during
1872 the preceding month of October. Such licenses shall not be transferable.

1873 (i) The following fees shall apply for each producer license and
1874 inspection:

1875 (1) A nonrefundable license application fee of fifty dollars, provided
1876 any constituent unit of higher education, state agency or department
1877 shall be exempt from such application fee if such production is for
1878 research purposes;

1879 (2) A nonrefundable triennial producer license fee of four hundred
1880 fifty dollars for up to one acre of planned hemp plantings and thirty
1881 dollars per each additional acre of planned hemp plantings rounded to
1882 the nearest acre, except no license fee charged shall exceed three
1883 thousand dollars, provided any constituent unit of higher education,
1884 state agency or department shall be exempt from such license fee if such
1885 production is for research purposes; and

1886 (3) In the event that resampling by the commissioner is required due
1887 to a test result that shows a violation of any provision of this section or
1888 any regulation adopted pursuant to this section, the licensee shall pay
1889 an inspection fee of fifty dollars. Such fee shall be paid prior to the
1890 inspection and collection of the sample to be used for resampling.

1891 (j) After receipt and review of an application for producer licensure,
1892 the commissioner may grant a triennial license upon a finding that the
1893 applicant meets the applicable requirements. Each producer licensee
1894 shall notify the commissioner of any changes to their application
1895 information, not later than fifteen days after such change. While the
1896 pilot program is in effect, the commissioner may grant a conditional
1897 approval of a producer license, pending receipt of the criminal history
1898 records check required by this section. The commissioner shall assign
1899 each producer with a license or authorization identifier in a format
1900 consistent with 7 CFR 990.3.

1901 (k) Whenever an inspection or investigation conducted by the

1902 commissioner pursuant to this title reveals any violation of the state
1903 plan, this section or any regulation adopted thereunder, the producer
1904 license applicant or respondent, as applicable, shall be notified, in
1905 writing, of such violation and any corrective action to be taken and the
1906 time period within which such corrective action shall be taken. Any such
1907 producer license applicant or respondent may request a hearing,
1908 conducted in accordance with chapter 54, on any such notification. Any
1909 notification issued pursuant to this section shall be made by certified
1910 mail, return receipt requested to the producer license applicant or
1911 respondent's last known address, by in-hand service by the
1912 commissioner or designated agent of the commissioner, electronic mail
1913 service with the consent of the recipient, or by service in accordance
1914 with chapter 896. The commissioner shall report all producer violations
1915 made with a culpable mental state greater than negligence to the United
1916 States Attorney General and the State's Attorney for the judicial district
1917 in which the producer violation occurred.

1918 (l) Nothing in this section shall be construed to limit the
1919 commissioner's authority to issue a cease and desist order pursuant to
1920 section 22-4d, or an emergency order, in order to respond to a condition
1921 that may present a public health hazard, or issue orders necessary to
1922 effectuate the purposes of this section, including, but not limited to,
1923 orders for the embargo, partial destruction, destruction and release of
1924 hemp or hemp products. Any cease and desist order or an emergency
1925 order shall become effective upon service of such order by the
1926 commissioner. Following service of any such order, subsequent
1927 proceedings shall proceed in accordance with the provisions of section
1928 22-4d and the rules of practice for such agency. Any embargo, partial
1929 destruction, destruction or release order issued pursuant to this section
1930 shall be served by certified mail, return receipt requested to the
1931 respondent's last known address, by in-hand service by the
1932 commissioner or designated agent of the commissioner, or by service in
1933 accordance with chapter 896.

1934 (m) Following a hearing conducted in accordance with chapter 54,
1935 the commissioner may impose an administrative civil penalty, not to

1936 exceed two thousand five hundred dollars per violation, and suspend,
1937 revoke or place conditions upon any producer licensee who violates the
1938 provisions of this section or any regulation adopted pursuant to this
1939 section.

1940 (n) (1) Any individual who produces hemp in this state without
1941 obtaining a license pursuant to this section, or who produces hemp in
1942 this state after having a license suspended or revoked shall have
1943 committed an infraction.

1944 (2) Any entity that produces hemp in this state without obtaining a
1945 license pursuant to this section, produces hemp in violation of this
1946 section or produces hemp in this state after having a license suspended
1947 or revoked may be fined not more than two thousand five hundred
1948 dollars per violation, after a hearing conducted in accordance with
1949 chapter 54.

1950 (o) (1) Any negligent violation, as described in the federal act, of this
1951 section or the state plan shall be subject to enforcement in accordance
1952 with the federal act, and the state plan for negligent violations.

1953 (2) For any negligent violation, a producer shall be required to correct
1954 such negligent violation, by means of a corrective action plan approved
1955 by the commissioner. Each corrective action plan shall include, at a
1956 minimum, a reasonable completion deadline for correction of the
1957 negligent violation, periodic reporting to the commissioner for at least
1958 two years and compliance with the state plan.

1959 (3) Any producer that negligently violates the state plan shall not, as
1960 a result of such negligent violation, be referred by the commissioner for
1961 any criminal enforcement action by the federal, state or local
1962 government.

1963 (4) Any producer that negligently violates the state plan three times
1964 during any five-year period shall be ineligible to produce hemp for a
1965 period of five years beginning on the date of the third violation.

1966 (5) The commissioner shall conduct an inspection to determine if the

1967 corrective action plan for a producer who commits any such negligent
1968 violation was properly implemented.

1969 (p) Any person aggrieved by an order issued pursuant to this section
1970 may appeal to the commissioner in accordance with the provisions of
1971 chapter 54. Such appeal shall be made in writing to the commissioner
1972 and received not later than fifteen days after the date of the order. If no
1973 appeal is made pursuant to this subsection the order shall be final.

1974 (q) (1) All documents submitted under this section shall be subject to
1975 disclosure in accordance with chapter 14, except: (A) Information
1976 depicting or describing (i) the test results of any producer, (ii) the
1977 location of any hemp growing, harvesting, processing or storage
1978 location, or (iii) hemp producer location security schematics; and (B) the
1979 results of any criminal history records check.

1980 (2) Notwithstanding the provisions of subdivision (1) of this
1981 subsection, all documents and records submitted or maintained
1982 pursuant to this section shall be disclosed to any law enforcement
1983 agency upon request of such law enforcement agency.

1984 (r) The commissioner may inspect and shall have access to the
1985 buildings, equipment, supplies, vehicles, records, real property and
1986 other information that the commissioner deems necessary to carry out
1987 the commissioner's duties pursuant to this section from any person
1988 participating in producing, handling, storing, marketing or researching
1989 hemp.

1990 (s) All licensees pursuant to this section shall maintain records
1991 required by the federal act, the state plan, this section and any regulation
1992 adopted pursuant to this section. Each licensee shall make such records
1993 available to the department immediately upon request of the
1994 commissioner and in electronic format, if available.

1995 (t) The commissioner may adopt regulations, in accordance with the
1996 provisions of chapter 54, to implement the provisions of this section
1997 including, but not limited to, the labeling of producer hemp products.

1998 [(u) Notwithstanding any provision of the general statutes: (1)
1999 Marijuana does not include hemp or hemp products; (2) THC that does
2000 not exceed 0.3 per cent by dry weight and that is found in hemp shall
2001 not be considered to be THC that constitutes a controlled substance; (3)
2002 hemp-derived cannabidiols, including CBD, shall not constitute
2003 controlled substances or adulterants solely on the basis of containing
2004 CBD; and (4) hemp products that contain one or more hemp-derived
2005 cannabidiols, such as CBD, intended for ingestion shall be considered
2006 foods, not controlled substances or adulterated products solely on the
2007 basis of the containing hemp-derived cannabidiols.]

2008 [(v)] (u) Whenever the commissioner believes or has reasonable cause
2009 to believe that the actions of a licensee or any employee of a producer
2010 licensee are in violation of the federal act, the state plan, or any state law
2011 concerning the growing, cultivation, handling, transporting or
2012 possession of marijuana, the commissioner shall notify the Department
2013 of Emergency Services and Public Protection and the Division of State
2014 Police.

2015 Sec. 23. Section 22-61m of the general statutes is repealed and the
2016 following is substituted in lieu thereof (*Effective October 1, 2023*):

2017 (a) No person shall manufacture in the state without a license to
2018 manufacture issued by the Commissioner of Consumer Protection.

2019 (b) Each applicant for a manufacturer license shall submit an
2020 application on a form and in a manner prescribed by the Commissioner
2021 of Consumer Protection.

2022 (c) The following fees shall apply for a license to manufacture:

2023 (1) A nonrefundable license application fee of seventy-five dollars;
2024 and

2025 (2) A nonrefundable licensing fee of three hundred seventy-five
2026 dollars for a license to manufacture hemp.

2027 (d) A license to manufacture issued by the Commissioner of

2028 Consumer Protection pursuant to this section shall expire triennially on
2029 June thirtieth. Such licenses shall not be transferable.

2030 (e) In accordance with a hearing held pursuant to chapter 54, the
2031 Commissioner of Consumer Protection may deny, suspend or revoke a
2032 manufacturer license, issue fines of not more than two thousand five
2033 hundred dollars per violation and place conditions upon a
2034 manufacturer licensee who violates the provisions of this section and
2035 any regulation adopted pursuant to this section.

2036 (f) (1) Any individual who manufactures in this state without
2037 obtaining a license pursuant to this section or who manufactures in this
2038 state after such entity's license is suspended or revoked shall be fined
2039 two hundred fifty dollars in accordance with the provisions of section
2040 51-164n.

2041 (2) Any entity who manufactures in this state without obtaining a
2042 license pursuant to this section, or who manufactures in this state after
2043 having a license suspended, shall be fined not more than two thousand
2044 five hundred dollars per violation after a hearing conducted in
2045 accordance with the provisions of chapter 54.

2046 (g) Nothing in this chapter or any regulations adopted pursuant to
2047 this chapter shall be construed to apply to persons licensed pursuant to
2048 section 21a-408i nor to require persons licensed pursuant to said section
2049 to obtain a license pursuant to this chapter.

2050 (h) The Commissioner of Consumer Protection may inspect and shall
2051 have access to the buildings, equipment, supplies, vehicles, records, real
2052 property and other information of any manufacturer applicant or
2053 licensee that the commissioner deems necessary to carry out the
2054 commissioner's duties pursuant to this section.

2055 (i) (1) Each manufacturer shall follow the protocol in this subsection
2056 for disposing of cannabis in the event that any hemp or hemp product
2057 is deemed to exceed the prescribed THC concentration, as determined
2058 by the Commissioner of Consumer Protection, or a manufacturer

2059 licensee in possession of hemp or hemp products who desires to dispose
2060 of obsolete, misbranded, excess or otherwise undesired product. Each
2061 manufacturer licensee shall be responsible for all costs of disposal of
2062 hemp samples and any hemp produced by such licensee that violates
2063 the provisions of this section or any regulation adopted pursuant to this
2064 section. Any cannabis that exceeds the prescribed THC concentration
2065 allowable in hemp or hemp products shall be immediately embargoed
2066 by such manufacturer and clearly labeled as adulterated by such
2067 licensee and such licensee shall immediately notify both the Department
2068 of Consumer Protection and the Department of Agriculture, in writing,
2069 of such adulterated product. Such adulterated product shall be
2070 destroyed and disposed of by the following method, as determined by
2071 the Commissioner of Consumer Protection:

2072 (A) Surrender, without compensation, of such hemp or hemp product
2073 to the Commissioner of Consumer Protection who shall be responsible
2074 for the destruction and disposal of such adulterated product; or

2075 (B) By disposal in a manner prescribed by the Commissioner of
2076 Consumer Protection.

2077 (2) Notwithstanding the provisions of subdivision (1) of this
2078 subsection, upon written request of a manufacturer, the Commissioner
2079 of Consumer Protection may permit such manufacturer to combine
2080 different batches of raw hemp plant material to achieve a THC
2081 concentration of 0.3 per cent on a dry weight basis, in lieu of embargo
2082 or destruction.

2083 (j) The manufacturer or manufacturer's authorized designee
2084 disposing of the hemp or hemp products shall maintain and make
2085 available to the Commissioner of Consumer Protection a record of each
2086 such disposal or destruction of product indicating:

2087 (1) The date, time and location of disposal or destruction;

2088 (2) The manner of disposal or destruction;

2089 (3) The batch or lot information and quantity of hemp or hemp

2090 product disposed of or destroyed; and

2091 (4) The signatures of the persons disposing of the hemp or hemp
2092 products, the authorized representative of the Commissioner of
2093 Consumer Protection and any other persons present during the
2094 disposal.

2095 (k) Any hemp intended to be manufactured by a manufacturer into a
2096 manufacturer hemp product shall be tested by an independent testing
2097 laboratory located in this state. A manufacturer licensee shall make
2098 available samples, in an amount and type determined by the
2099 Commissioner of Consumer Protection, of hemp for an independent
2100 testing laboratory employee to select random samples. The independent
2101 testing laboratory shall test each sample [for microbiological
2102 contaminants, mycotoxins, heavy metals and pesticide chemical
2103 residue, and for purposes of conducting an active ingredient analysis, if
2104 applicable, as determined by the Commissioner of Consumer
2105 Protection] in accordance with the laboratory testing standards
2106 established in policies, procedures and regulations adopted by the
2107 commissioner pursuant to section 21a-421j.

2108 (l) Once a batch of hemp, intended to be sold as a manufacturer hemp
2109 product, has been homogenized for sample testing and eventual
2110 packaging and sale, until the independent testing laboratory provides
2111 the results from its tests and analysis, the manufacturer [licensee] shall
2112 segregate and withhold from use the entire batch of hemp that is
2113 intended for use as a manufacturer hemp product, except the samples
2114 that have been removed by the independent testing laboratory for
2115 testing. During this period of segregation, the manufacturer licensee
2116 shall maintain the hemp batch in a secure, cool and dry location, as
2117 prescribed by the Commissioner of Consumer Protection, so as to
2118 prevent the hemp from becoming adulterated. Such manufacturer shall
2119 not manufacture or sell a manufacturer hemp product prior to the time
2120 that the independent testing laboratory completes testing and analysis
2121 and provides such results, in writing, to the manufacturer licensee who
2122 initiated such testing.

2123 (m) An independent testing laboratory shall immediately return or
2124 dispose of any hemp or manufacturer hemp product upon the
2125 completion of any testing, use or research. If an independent testing
2126 laboratory disposes of hemp or manufacturer hemp products, the
2127 laboratory shall dispose of such hemp in the following manner, as
2128 determined by the Commissioner of Consumer Protection:

2129 (1) By surrender, without compensation, of such hemp or
2130 manufacturer hemp product to the Commissioner of Consumer
2131 Protection who shall be responsible for the destruction and disposal of
2132 such hemp or hemp product; or

2133 (2) By disposal in a manner prescribed by the Commissioner of
2134 Consumer Protection.

2135 (n) If a sample does not pass the microbiological, mycotoxin, heavy
2136 metal or pesticide chemical residue test, based on the laboratory testing
2137 standards [prescribed by the Commissioner of Consumer Protection
2138 and published on the Internet web site of the Department of Consumer
2139 Protection] established in policies, procedures and regulations adopted
2140 by the Commissioner of Consumer Protection pursuant to section 21a-
2141 421j, the manufacturer licensee who sent such batch for testing shall:

2142 (1) Retest and reanalyze the hemp from which the sample was taken
2143 by having an employee from the same laboratory randomly select
2144 another sample from the same hemp batch. If the sample used to retest
2145 or reanalyze such hemp yields satisfactory results for all testing
2146 required under this section, an employee from a different laboratory
2147 shall randomly select a different sample from the same hemp batch for
2148 testing. If both samples yield satisfactory results for all testing required
2149 under this section, the hemp batch from which the samples were taken
2150 shall be released for manufacturing, processing and sale;

2151 (2) If a remediation plan sufficient to ensure public health and safety
2152 is submitted to and approved by the commissioner, remediate the hemp
2153 batch from which the sample was taken and have a laboratory employee
2154 randomly select a sample from such remediated hemp batch for testing.

2155 If such randomly selected sample yields satisfactory results for any
2156 testing required under this section, an employee from a different
2157 laboratory shall randomly select a different sample from the same hemp
2158 batch for testing. If both samples yield satisfactory results for all testing
2159 required under this section, the hemp batch from which the samples
2160 were taken may be released for manufacturing, processing or sale; or

2161 (3) If the manufacturer does not retest or remediate, or if any
2162 subsequent laboratory testing does not yield satisfactory results for any
2163 testing required under this section, dispose of the entire batch from
2164 which the sample was taken in accordance with procedures established
2165 by the Commissioner of Consumer Protection pursuant to subdivision
2166 (1) of subsection (i) of this section.

2167 (o) If a sample passes the microbiological, mycotoxin, heavy metal
2168 and pesticide chemical residue test, the independent testing laboratory
2169 shall release the entire batch for manufacturing, processing or sale.

2170 (p) The independent testing laboratory shall file with the Department
2171 of Consumer Protection an electronic copy of each laboratory test result
2172 for any batch that does not pass the microbiological, mycotoxin, heavy
2173 metal or pesticide chemical residue test, at the same time that it
2174 transmits such results to the manufacturer licensee who requested such
2175 testing. Each independent testing laboratory shall maintain the test
2176 results of each tested batch for a period of three years and shall make
2177 such results available to the Department of Consumer Protection upon
2178 request.

2179 (q) [Manufacturer licensees] Manufacturers shall maintain records
2180 required by the federal act, this section and any regulation adopted
2181 pursuant to this section. Each manufacturer [licensee] shall make such
2182 records available to the Department of Consumer Protection
2183 immediately upon request and in electronic format, if available.

2184 (r) The Commissioner of Consumer Protection may adopt
2185 regulations, in accordance with the provisions of chapter 54, to
2186 implement the provisions of this section including, but not limited to,

2187 establishing sampling and testing procedures to ensure compliance
2188 with this section, prescribing storage and disposal procedures for hemp,
2189 marijuana and manufacturer hemp products that fail to pass
2190 Department of Consumer Protection prescribed independent testing
2191 laboratory testing standards and establishing advertising and labeling
2192 requirements for manufacturer hemp products.

2193 (s) Any claim of health impacts, medical effects or physical or mental
2194 benefits shall be prohibited on any advertising for, labeling of or
2195 marketing of manufacturer hemp products regardless of whether such
2196 manufacturer hemp products were manufactured in this state or
2197 another jurisdiction. Any violation of this subsection shall be deemed an
2198 unfair or deceptive trade practice under [chapter 735a] subsection (a) of
2199 section 42-110b.

2200 (t) Not later than February 1, 2020, the Commissioners of Agriculture
2201 and Consumer Protection shall submit a report, in accordance with
2202 section 11-4a, to the joint standing committee of the general assembly
2203 having cognizance of matters relating to the environment on the status
2204 of the pilot program, the development of the state plan and any
2205 regulations for such pilot program or state plan. Additionally such
2206 report shall include any legislative recommendations, including, but not
2207 limited to, any recommendations for requiring the registration of any
2208 manufacturer hemp product offered for sale in this state.

2209 (u) (1) Any person who sells manufacturer hemp products shall not
2210 be required to be licensed, provided such person only engages in: [(1)]
2211 (A) The retail or wholesale sale of manufacturer hemp products in
2212 which no further manufacturing of hemp occurs, provided such
2213 manufacturer hemp products are acquired from a person authorized to
2214 manufacture the manufacturer hemp products under the laws of this
2215 state or another state, territory or possession of the United States or
2216 another sovereign entity; [(2)] (B) the acquisition of manufacturer hemp
2217 products for the sole purpose of product distribution for resale; [or (3)]
2218 and (C) the retail sale of manufacturer hemp products that is [otherwise]
2219 authorized under federal or state law.

2220 (2) The Commissioner of Consumer Protection or Commissioner of
2221 Revenue Services may, pursuant to section 4-182, summarily suspend
2222 any credential the Department of Consumer Protection or Department
2223 of Revenue Services issued to any person who sells manufacturer hemp
2224 products in violation of subdivision (1) of this subsection.

2225 (v) No manufacturer hemp product offered for sale in this state, or to
2226 a consumer in this state, shall contain any synthetic cannabinoid, as
2227 defined in section 21a-240, as amended by this act.

2228 (w) No manufacturer hemp product offered for sale in this state, or
2229 to a consumer in this state, shall be packaged, presented or advertised
2230 in a manner that is likely to mislead a consumer by incorporating any
2231 statement, brand, design, representation, picture, illustration or other
2232 depiction that: (1) Bears a reasonable resemblance to trademarked or
2233 characteristic packaging of (A) cannabis offered for sale (i) in this state
2234 by a cannabis establishment licensed in this state, or (ii) on tribal land
2235 by a tribal-credentialed cannabis entity, or (B) a commercially available
2236 product other than a cannabis product, as defined in section 21a-420, as
2237 amended by this act; or (2) implies that the manufacturer hemp product
2238 (A) is a cannabis product, as defined in section 21a-420, as amended by
2239 this act, (B) contains a total THC concentration greater than three-tenths
2240 per cent on a dry-weight basis, or (C) is a high-THC hemp product, as
2241 defined in section 21a-240, as amended by this act.

2242 (x) No manufactured hemp product that is a food, beverage, oil or
2243 other product intended for human ingestion shall be distributed or sold
2244 in this state unless such product is contained within a package, or a label
2245 is affixed to such package, that includes:

2246 (1) A scannable barcode, Internet web site address or quick response
2247 code that is linked to the certificate of analysis of the final form product
2248 batch by an independent testing laboratory and discloses:

2249 (A) The name of such product;

2250 (B) The name, address and telephone number of such product's

2251 manufacturer, packer or distributor;

2252 (C) The batch number, which shall match the batch number on such
2253 package or label; and

2254 (D) The concentration of cannabinoids present in such product,
2255 including, but not limited to, total THC and any marketed cannabinoids
2256 or ingredients, which the Department of Consumer Protection shall
2257 establish in (i) policies and procedures, or (ii) regulations adopted
2258 pursuant to chapter 54;

2259 (2) The expiration or best by date for such product, if applicable;

2260 (3) A clear and conspicuous statement disclosing that:

2261 (A) Children, or those who are pregnant or breastfeeding, should
2262 avoid using such product prior to consulting with a health care
2263 professional concerning such product's safety;

2264 (B) Products containing cannabinoids should be kept out of reach of
2265 children; and

2266 (C) The federal Food and Drug Administration has not evaluated
2267 such product for safety or efficacy; and

2268 (4) If such product is intended to be inhaled, a clear and conspicuous
2269 warning statement disclosing that smoking or vaporizing is hazardous
2270 to human health.

2271 (y) No manufactured hemp product that is a topical, soap or cosmetic,
2272 as defined in section 21a-92, shall be distributed or sold in this state
2273 unless such product is contained within a package, or a label is affixed
2274 to such package, that includes:

2275 (1) A scannable barcode, Internet web site address or quick response
2276 code that is linked to the certificate of analysis of the final form extract
2277 or final form product batch by an independent testing laboratory and
2278 discloses:

- 2279 (A) The name of such product;
- 2280 (B) The name, address and telephone number of such product's
2281 manufacturer, packer or distributor;
- 2282 (C) The batch number, which shall match the batch number on such
2283 package or label; and
- 2284 (D) The concentration of cannabinoids present in such batch,
2285 including, but not limited to, total THC and any marketed cannabinoids;
- 2286 (2) The expiration or best by date for such product, if applicable; and
- 2287 (3) The following statement:
- 2288 "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY
2289 OR EFFICACY.".
- 2290 (z) Any violation of subsections (u) to (y), inclusive, of this section
2291 shall be deemed an unfair or deceptive trade practice under subsection
2292 (a) of section 42-110b.
- 2293 (aa) Not later than December 31, 2023, and at least annually
2294 thereafter, the Department of Emergency Services and Public Protection
2295 shall, in conjunction with the Department of Consumer Protection,
2296 conduct a training session for local law enforcement agencies and
2297 officers and publish a training bulletin to inform local law enforcement
2298 agencies and officers regarding the investigation and enforcement
2299 standards concerning cannabis and high-THC hemp products.
- 2300 [(v)] (bb) Notwithstanding any provision of the general statutes: (1)
2301 [Marijuana does not include manufacturer hemp products; (2)] CBD
2302 that is found in manufacturer hemp products shall not be considered a
2303 controlled substance, as defined in section 21a-240, as amended by this
2304 act, or legend drug, as defined in section 20-571; and [(3) cannabinoids]
2305 (2) CBD derived from hemp and contained in manufacturer hemp
2306 products shall not be considered [controlled substances or adulterants]
2307 a controlled substance or adulterant.

2308 Sec. 24. Subsection (a) of section 10-19 of the general statutes is
2309 repealed and the following is substituted in lieu thereof (*Effective October*
2310 *1, 2023*):

2311 (a) The knowledge, skills and attitudes required to understand and
2312 avoid the effects of alcohol, of nicotine or tobacco and of drugs, as
2313 defined in [subdivision (17) of] section 21a-240, as amended by this act,
2314 on health, character, citizenship and personality development shall be
2315 taught every academic year to pupils in all grades in the public schools;
2316 and, in teaching such subjects, textbooks and such other materials as are
2317 necessary shall be used. Annually, at such time and in such manner as
2318 the Commissioner of Education shall request, each local and regional
2319 board of education shall attest to the State Board of Education that all
2320 pupils enrolled in its schools have been taught such subjects pursuant
2321 to this subsection and in accordance with a planned, ongoing and
2322 systematic program of instruction. The content and scheduling of
2323 instruction shall be within the discretion of the local or regional board
2324 of education. Institutions of higher education approved by the State
2325 Board of Education to train teachers shall give instruction on the
2326 subjects prescribed in this section and concerning the best methods of
2327 teaching the same. The State Board of Education and the Board of
2328 Regents for Higher Education in consultation with the Commissioner of
2329 Mental Health and Addiction Services and the Commissioner of Public
2330 Health shall develop health education or other programs for elementary
2331 and secondary schools and for the training of teachers, administrators
2332 and guidance personnel with reference to understanding and avoiding
2333 the effects of nicotine or tobacco, alcohol and drugs.

2334 Sec. 25. Subsection (a) of section 10-220a of the general statutes is
2335 repealed and the following is substituted in lieu thereof (*Effective October*
2336 *1, 2023*):

2337 (a) Each local or regional board of education shall provide an in-
2338 service training program for its teachers, administrators and pupil
2339 personnel who hold the initial educator, provisional educator or
2340 professional educator certificate. Such program shall provide such

2341 teachers, administrators and pupil personnel with information on (1)
2342 the nature and the relationship of alcohol and drugs, as defined in
2343 [subdivision (17) of] section 21a-240, as amended by this act, to health
2344 and personality development, and procedures for discouraging their
2345 abuse, (2) health and mental health risk reduction education that
2346 includes, but need not be limited to, the prevention of risk-taking
2347 behavior by children and the relationship of such behavior to substance
2348 abuse, pregnancy, sexually transmitted diseases, including HIV-
2349 infection and AIDS, as defined in section 19a-581, violence, teen dating
2350 violence, domestic violence and child abuse, (3) school violence
2351 prevention, conflict resolution, the prevention of and response to youth
2352 suicide and the identification and prevention of and response to
2353 bullying, as defined in subsection (a) of section 10-222d, except that
2354 those boards of education that implement any evidence-based model
2355 approach that is approved by the Department of Education and is
2356 consistent with subsection (c) of section 10-145a, sections 10-222d, 10-
2357 222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3
2358 of public act 08-160, shall not be required to provide in-service training
2359 on the identification and prevention of and response to bullying, (4)
2360 cardiopulmonary resuscitation and other emergency life saving
2361 procedures, (5) the requirements and obligations of a mandated
2362 reporter, (6) the detection and recognition of, and evidence-based
2363 structured literacy interventions for, students with dyslexia, as defined
2364 in section 10-3d, (7) culturally responsive pedagogy and practice,
2365 including, but not limited to, the video training module relating to
2366 implicit bias and anti-bias in the hiring process in accordance with the
2367 provisions of section 10-156hh, and (8) the principles and practices of
2368 social-emotional learning and restorative practices. Each local or
2369 regional board of education may allow any paraprofessional or
2370 noncertified employee to participate, on a voluntary basis, in any in-
2371 service training program provided pursuant to this section.

2372 Sec. 26. Subsection (e) of section 10-221 of the general statutes is
2373 repealed and the following is substituted in lieu thereof (*Effective October*
2374 *1, 2023*):

2375 (e) Each local and regional board of education shall develop, adopt
2376 and implement policies and procedures in conformity with section 10-
2377 154a for (1) dealing with the use, sale or possession of alcohol or
2378 controlled drugs, as defined in [subdivision (8) of] section 21a-240, as
2379 amended by this act, by public school students on school property,
2380 including a process for coordination with, and referral of such students
2381 to, appropriate agencies, and (2) cooperating with law enforcement
2382 officials. On and after January 1, 2022, no such policies and procedures
2383 shall result in a student facing greater discipline, punishment or
2384 sanction for use, sale or possession of cannabis than a student would
2385 face for the use, sale or possession of alcohol.

2386 Sec. 27. Subsections (a) to (e), inclusive, of section 10-233d of the
2387 general statutes are repealed and the following is substituted in lieu
2388 thereof (*Effective October 1, 2023*):

2389 (a) (1) Any local or regional board of education, at a meeting at which
2390 three or more members of such board are present, or the impartial
2391 hearing board established pursuant to subsection (b) of this section, may
2392 expel, subject to the provisions of this subsection, any pupil in grades
2393 three to twelve, inclusive, whose conduct on school grounds or at a
2394 school-sponsored activity is violative of a publicized policy of such
2395 board and is seriously disruptive of the educational process or
2396 endangers persons or property or whose conduct off school grounds is
2397 violative of such policy and is seriously disruptive of the educational
2398 process, provided a majority of the board members sitting in the
2399 expulsion hearing vote to expel and that at least three affirmative votes
2400 for expulsion are cast. In making a determination as to whether conduct
2401 is seriously disruptive of the educational process, the board of education
2402 or impartial hearing board may consider, but such consideration shall
2403 not be limited to: (A) Whether the incident occurred within close
2404 proximity of a school; (B) whether other students from the school were
2405 involved or whether there was any gang involvement; (C) whether the
2406 conduct involved violence, threats of violence or the unlawful use of a
2407 weapon, as defined in section 29-38, and whether any injuries occurred;
2408 and (D) whether the conduct involved the use of alcohol.

2409 (2) Expulsion proceedings pursuant to this section, except as
2410 provided in subsection (i) of this section, shall be required for any pupil
2411 in grades kindergarten to twelve, inclusive, whenever there is reason to
2412 believe that any pupil (A) on school grounds or at a school-sponsored
2413 activity, was in possession of a firearm, as defined in 18 USC 921, as
2414 amended from time to time, or deadly weapon, dangerous instrument
2415 or martial arts weapon, as defined in section 53a-3, (B) off school
2416 grounds, did possess such a firearm in violation of section 29-35 or did
2417 possess and use such a firearm, instrument or weapon in the
2418 commission of a crime under chapter 952, or (C) on or off school
2419 grounds, offered for sale or distribution a controlled substance, as
2420 defined in [subdivision (9) of] section 21a-240, as amended by this act,
2421 whose manufacture, distribution, sale, prescription, dispensing,
2422 transporting or possessing with intent to sell or dispense, offering, or
2423 administering is subject to criminal penalties under sections 21a-277, as
2424 amended by this act, and 21a-278, as amended by this act. Such a pupil
2425 shall be expelled for one calendar year if the local or regional board of
2426 education or impartial hearing board finds that the pupil did so possess
2427 or so possess and use, as appropriate, such a firearm, instrument or
2428 weapon or did so offer for sale or distribution such a controlled
2429 substance, provided the board of education or the hearing board may
2430 modify the period of expulsion for a pupil on a case-by-case basis, and
2431 as provided for in subdivision (2) of subsection (c) of this section.

2432 (3) Unless an emergency exists, no pupil shall be expelled without a
2433 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive, and
2434 section 4-181a, provided whenever such pupil is a minor, the notice
2435 required by section 4-177 and section 4-180 shall also be given to the
2436 parents or guardian of the pupil at least five business days before such
2437 hearing. If an emergency exists, such hearing shall be held as soon after
2438 the expulsion as possible. The notice shall include information
2439 concerning the parent's or guardian's and the pupil's legal rights and
2440 concerning legal services provided free of charge or at a reduced rate
2441 that are available locally and how to access such services. An attorney
2442 or other advocate may represent any pupil subject to expulsion
2443 proceedings. The parent or guardian of the pupil shall have the right to

2444 have the expulsion hearing postponed for up to one week to allow time
2445 to obtain representation, except that if an emergency exists, such hearing
2446 shall be held as soon after the expulsion as possible.

2447 (b) For purposes of conducting expulsion hearings as required by
2448 subsection (a) of this section, any local or regional board of education or
2449 any two or more of such boards in cooperation may establish an
2450 impartial hearing board of one or more persons. No member of any such
2451 board or boards shall be a member of the hearing board. The hearing
2452 board shall have the authority to conduct the expulsion hearing and
2453 render a final decision in accordance with the provisions of sections 4-
2454 176e to 4-180a, inclusive, and section 4-181a.

2455 (c) (1) In determining the length of an expulsion and the nature of the
2456 alternative educational opportunity to be offered under subsection (d)
2457 of this section, the local or regional board of education, or the impartial
2458 hearing board established pursuant to subsection (b) of this section, may
2459 receive and consider evidence of past disciplinary problems that have
2460 led to removal from a classroom, suspension or expulsion of such pupil.

2461 (2) For any pupil expelled for the first time pursuant to this section
2462 and who has never been suspended pursuant to section 10-233c, except
2463 for a pupil who has been expelled based on possession of a firearm or
2464 deadly weapon as described in subsection (a) of this section, the local or
2465 regional board of education may shorten the length of or waive the
2466 expulsion period if the pupil successfully completes a board-specified
2467 program and meets any other conditions required by the board. Such
2468 board-specified program shall not require the pupil or the parent or
2469 guardian of the pupil to pay for participation in the program.

2470 (d) No local or regional board of education is required to offer an
2471 alternative educational opportunity, except in accordance with this
2472 section. Any pupil under sixteen years of age who is expelled shall be
2473 offered an alternative educational opportunity, which shall be (1)
2474 alternative education, as defined by section 10-74j, with an
2475 individualized learning plan, if such board provides such alternative
2476 education, or (2) in accordance with the standards adopted by the State

2477 Board of Education, pursuant to section 10-233o, during the period of
2478 expulsion, provided any parent or guardian of such pupil who does not
2479 choose to have [his or her] such parent's or guardian's child enrolled in
2480 an alternative educational opportunity shall not be subject to the
2481 provisions of section 10-184. Any pupil expelled for the first time who
2482 is between the ages of sixteen and eighteen and who wishes to continue
2483 [his or her] such pupil's education shall be offered such an alternative
2484 educational opportunity if [he or she] such pupil complies with
2485 conditions established by [his or her] such pupil's local or regional board
2486 of education. Such alternative educational opportunity may include, but
2487 shall not be limited to, the placement of a pupil who is at least seventeen
2488 years of age in an adult education program pursuant to section 10-69.
2489 Any pupil participating in any such adult education program during a
2490 period of expulsion shall not be required to withdraw from school under
2491 section 10-184. A local or regional board of education shall count the
2492 expulsion of a pupil when [he] the pupil was under sixteen years of age
2493 for purposes of determining whether an alternative educational
2494 opportunity is required for such pupil when [he] such pupil is between
2495 the ages of sixteen and eighteen. A local or regional board of education
2496 may offer an alternative educational opportunity to a pupil for whom
2497 such alternative educational opportunity is not required pursuant to
2498 this section.

2499 (e) If a pupil is expelled pursuant to this section for possession of a
2500 firearm, as defined in 18 USC 921, as amended from time to time, or
2501 deadly weapon, dangerous instrument or martial arts weapon, as
2502 defined in section 53a-3, the board of education shall report the violation
2503 to the local police department or in the case of a student enrolled in a
2504 technical education and career school to the state police. If a pupil is
2505 expelled pursuant to this section for the sale or distribution of a
2506 controlled substance, as defined in [subdivision (9) of] section 21a-240,
2507 as amended by this act, whose manufacture, distribution, sale,
2508 prescription, dispensing, transporting or possessing with the intent to
2509 sell or dispense, offering, or administration is subject to criminal
2510 penalties under sections 21a-277, as amended by this act, and 21a-278,
2511 as amended by this act, the board of education shall refer the pupil to

2512 an appropriate state or local agency for rehabilitation, intervention or
2513 job training, or any combination thereof, and inform the agency of its
2514 action.

2515 Sec. 28. Section 10a-18 of the general statutes is repealed and the
2516 following is substituted in lieu thereof (*Effective October 1, 2023*):

2517 On and after September 1, 1974, all state institutions of higher
2518 education shall offer a program of information concerning drugs, as
2519 defined in [subdivision (17) of] section 21a-240, as amended by this act,
2520 and alcohol and instruction in the use and the relationships of such
2521 drugs and alcohol to health and personality development, and in
2522 procedures for discouraging their abuse, which programs shall be
2523 coordinated with those developed under section 10-19, as amended by
2524 this act.

2525 Sec. 29. Subdivision (4) of subsection (a) of section 10a-55c of the
2526 general statutes is repealed and the following is substituted in lieu
2527 thereof (*Effective October 1, 2023*):

2528 (4) A statement of policy regarding the possession, use and sale of
2529 alcoholic beverages and controlled substances, as defined in
2530 [subdivision (9) of] section 21a-240, as amended by this act;

2531 Sec. 30. Subsection (b) of section 20-34 of the general statutes is
2532 repealed and the following is substituted in lieu thereof (*Effective October*
2533 *1, 2023*):

2534 (b) For purposes of subsection (a) of this section, "natural substances"
2535 means substances that are not narcotic substances, as defined in
2536 [subdivision (30) of] section 21a-240, as amended by this act, do not
2537 require the written or oral prescription of a licensed practitioner to be
2538 dispensed and are only administered orally.

2539 Sec. 31. Subsection (a) of section 21a-248 of the general statutes is
2540 repealed and the following is substituted in lieu thereof (*Effective October*
2541 *1, 2023*):

2542 (a) A licensed manufacturer or wholesaler may sell and dispense
2543 controlled drugs to any of the following-named persons, but in the case
2544 of schedule II drugs only on an official written order or electronically
2545 through the Drug Enforcement Agency's Controlled Substance
2546 Ordering System: (1) To a manufacturer, wholesaler or pharmacist; (2)
2547 to a physician, dentist or veterinarian; (3) to a person in charge of a
2548 hospital, incorporated college or scientific institution, but only for use
2549 by or in that hospital, incorporated college or scientific institution for
2550 medical or scientific purposes; (4) to a person in charge of a laboratory,
2551 but only for use in that laboratory for scientific and medical purposes;
2552 and (5) to any registrant as defined in [subdivision (47) of] section 21a-
2553 240, as amended by this act.

2554 Sec. 32. Section 21a-263 of the general statutes is repealed and the
2555 following is substituted in lieu thereof (*Effective October 1, 2023*):

2556 The Commissioner of Consumer Protection may receive, take into
2557 custody or destroy any drug paraphernalia as defined in subdivision
2558 [(20)] (19) of section 21a-240, as amended by this act. Said commissioner
2559 shall keep a full and complete record of all drug paraphernalia received
2560 and disposed of, showing the exact kinds, quantities and forms of such
2561 drug paraphernalia, the persons from whom received, by whose
2562 authority received and destroyed, and the dates of the receipt or
2563 destruction. Drug paraphernalia held by law enforcement agencies or
2564 court officials as evidence in criminal proceedings, or drug
2565 paraphernalia seized or held as contraband shall be destroyed upon the
2566 order of the court by the seizing authority or delivered to the
2567 Commissioner of Consumer Protection as soon as possible upon
2568 termination of the proceedings or resolution of the case.

2569 Sec. 33. Subsection (a) of section 21a-267 of the general statutes is
2570 repealed and the following is substituted in lieu thereof (*Effective October*
2571 *1, 2023*):

2572 (a) No person shall use or possess with intent to use drug
2573 paraphernalia, as defined in subdivision [(20)] (19) of section 21a-240, as
2574 amended by this act, to plant, propagate, cultivate, grow, harvest,

2575 manufacture, compound, convert, produce, process, prepare, test,
2576 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
2577 otherwise introduce into the human body, any controlled substance, as
2578 defined in [subdivision (9) of] section 21a-240, as amended by this act,
2579 other than cannabis. Any person who violates any provision of this
2580 subsection shall be guilty of a class C misdemeanor.

2581 Sec. 34. Section 21a-270 of the general statutes is repealed and the
2582 following is substituted in lieu thereof (*Effective October 1, 2023*):

2583 In determining whether any object or material listed in subdivision
2584 [(20)] (19) of section 21a-240, as amended by this act, shall be deemed
2585 "drug paraphernalia", a court or other authority shall, in addition to all
2586 other logically relevant factors, consider the following:

2587 (1) Statements by an owner or by anyone in control of the object
2588 concerning its use;

2589 (2) The proximity of the object to any controlled substances;

2590 (3) The existence of any residue of controlled substances on the object;

2591 (4) Evidence of the intent of an owner, or of anyone in control of the
2592 object, to deliver it to persons whom he knows, or should reasonably
2593 know, intend to use the object to facilitate a violation of this section,
2594 subdivision [(20)] (19) of section 21a-240, as amended by this act, and
2595 sections 21a-263, as amended by this act, 21a-267, as amended by this
2596 act, and 21a-271, as amended by this act;

2597 (5) Instructions, oral or written, provided with the object concerning
2598 its use with a controlled substance;

2599 (6) Descriptive materials accompanying the object which explain or
2600 depict its use with a controlled substance;

2601 (7) National and local advertising concerning its use;

2602 (8) The manner in which the object is displayed for sale;

2603 (9) Whether the owner, or anyone in control of the object, is a
2604 legitimate supplier of like or related items to the community, such as a
2605 licensed distributor or dealer of tobacco products;

2606 (10) Evidence of the ratio of sales of the object to the total sales of the
2607 business enterprise;

2608 (11) The existence and scope of legitimate uses for the object in the
2609 community;

2610 (12) Expert testimony concerning its use.

2611 Sec. 35. Section 21a-271 of the general statutes is repealed and the
2612 following is substituted in lieu thereof (*Effective October 1, 2023*):

2613 If any section, part, clause or phrase in subdivision [(20)] (19) of
2614 section 21a-240, as amended by this act, section 21a-263, as amended by
2615 this act, 21a-267, as amended by this act, 21a-270, as amended by this
2616 act, or this section, is for any reason held to be invalid or
2617 unconstitutional, sections, parts, clauses and phrases in said sections not
2618 held to be invalid or unconstitutional shall not be affected and shall
2619 remain in full force and effect.

2620 Sec. 36. Subsection (c) of section 21a-277 of the general statutes is
2621 repealed and the following is substituted in lieu thereof (*Effective October*
2622 *1, 2023*):

2623 (c) No person may knowingly possess drug paraphernalia in a drug
2624 factory situation as defined by subdivision [(20)] (19) of section 21a-240,
2625 as amended by this act, for the unlawful mixing, compounding or
2626 otherwise preparing any controlled substance for purposes of violation
2627 of this chapter.

2628 Sec. 37. Subdivision (1) of subsection (b) of section 21a-278 of the
2629 general statutes is repealed and the following is substituted in lieu
2630 thereof (*Effective October 1, 2023*):

2631 (b) (1) No person may manufacture, distribute, sell, prescribe,

2632 dispense, compound, transport with the intent to sell or dispense,
2633 possess with the intent to sell or dispense, offer, give or administer to
2634 another person, except as authorized in this chapter or chapter 420f, (A)
2635 a narcotic substance, (B) a hallucinogenic substance, (C) an
2636 amphetamine-type substance, or (D) one kilogram or more of [a
2637 cannabis-type substance] marijuana. The provisions of this subdivision
2638 shall not apply to a person who is, at the time of the commission of the
2639 offense, a drug-dependent person.

2640 Sec. 38. Subsection (k) of section 21a-420d of the general statutes is
2641 repealed and the following is substituted in lieu thereof (*Effective October*
2642 *1, 2023*):

2643 (k) The council shall develop criteria for evaluating the ownership
2644 and control of any equity joint venture created under section 21a-420m,
2645 as amended by this act, 21a-420u, as amended by this act, or section 21a-
2646 420j, as amended by this act, and shall review and approve or deny in
2647 writing such equity joint venture prior to such equity joint venture being
2648 licensed under section 21a-420m, as amended by this act, 21a-420u, as
2649 amended by this act, or section 21a-420j, as amended by this act. After
2650 developing criteria for social equity plans as described in subdivision
2651 (5) of subsection (h) of this section, the council shall review and approve
2652 or deny in writing any such plan submitted by a cannabis establishment
2653 as part of its final license application. The council shall not approve any
2654 equity joint venture applicant which shares with an equity joint venture
2655 any individual owner who meets the criteria established in
2656 subparagraphs (A) and (B) of subdivision [(48)] (47) of section 21a-420,
2657 as amended by this act.

2658 Sec. 39. Subsection (a) of section 54-142v of the general statutes is
2659 repealed and the following is substituted in lieu thereof (*Effective October*
2660 *1, 2023*):

2661 (a) (1) Any person who has been convicted in any court in this state
2662 (A) (i) on October 1, 2015, or thereafter, and prior to July 1, 2021, or (ii)
2663 prior to January 1, 2000, of a violation of section 21a-279 for possession
2664 of [a cannabis-type substance] cannabis and the amount possessed was

2665 less than or equal to four ounces of such substance, (B) prior to July 1,
2666 2021, of a violation of subsection (a) of section 21a-267, as amended by
2667 this act, for use or possession with intent to use of drug paraphernalia
2668 to store, contain or conceal, or to ingest, inhale or otherwise introduce
2669 into the human body cannabis, or (C) prior to July 1, 2021, of a violation
2670 of subsection (b) of section 21a-277 for manufacturing, distributing,
2671 selling, prescribing, compounding, transporting with the intent to sell
2672 or dispense, possessing with the intent to sell or dispense, offering,
2673 giving or administering to another person [a cannabis-type substance]
2674 cannabis and the amount involved was less than or equal to four ounces
2675 or six plants grown inside such person's own primary residence for
2676 personal use may file a petition with the Superior Court at the location
2677 in which such conviction was effected, or with the Superior Court at the
2678 location having custody of the records of such conviction or if such
2679 conviction was in the Court of Common Pleas, Circuit Court, municipal
2680 court or by a trial justice, in the Superior Court where venue would
2681 currently exist for criminal prosecution, for an order of erasure.

2682 (2) As part of such petition, such person shall include a copy of the
2683 arrest record or an affidavit supporting such person's petition that, in
2684 the case of a violation of section 21a-279, such person possessed four
2685 ounces or less of [a cannabis-type substance] cannabis for which such
2686 person was convicted, in the case of a violation of subsection (a) of
2687 section 21a-267, as amended by this act, such person used or possessed
2688 with intent to use such drug paraphernalia only to store, contain or
2689 conceal, or to ingest, inhale or otherwise introduce into the human body
2690 cannabis or in the case of a violation of subsection (b) of section 21a-277,
2691 such person manufactured, distributed, sold, prescribed, compounded,
2692 transported with the intent to sell or dispense, possessed with the intent
2693 to sell or dispense, offered, gave or administered to another person less
2694 than or equal to four ounces of [a cannabis-type substance] marijuana or
2695 six cannabis plants grown inside such person's own primary residence
2696 for personal use.

2697 (3) If such petition is in order, the Superior Court shall direct all police
2698 and court records and records of the state's or prosecuting attorney

2699 pertaining to such offense to be erased pursuant to the provisions of
2700 section 54-142a.

2701 (4) No fee may be charged in any court with respect to any petition
2702 under this subsection.

2703 Sec. 40. Section 38a-492 of the general statutes is repealed and the
2704 following is substituted in lieu thereof (*Effective October 1, 2023*):

2705 No individual health insurance policy providing coverage of the type
2706 specified in subdivisions (1), (2), (4), (6), (10) and (11) of section 38a-469
2707 shall be delivered, issued for delivery or renewed in this state, or
2708 amended to substantially alter or change benefits or coverage, on or
2709 after July 1, 1975, unless persons covered under such policy will be
2710 eligible for benefits for expenses of emergency medical care arising from
2711 accidental ingestion or consumption of a controlled drug, as defined by
2712 [subdivision (8) of] section 21a-240, as amended by this act, which are at
2713 least equal to the following minimum requirements: (1) In the case of
2714 benefits based upon confinement as an inpatient in a hospital, whether
2715 or not operated by the state, the period of confinement for which
2716 benefits shall be payable shall be at least thirty days in any calendar
2717 year. (2) For covered expenses incurred by the insured while other than
2718 an inpatient in a hospital, benefits shall be available for such expenses
2719 during any calendar year up to a maximum of five hundred dollars. For
2720 purposes of this section, the term "covered expenses" means the
2721 reasonable charges for treatment deemed necessary under generally
2722 accepted medical standards.

2723 Sec. 41. Section 38a-518 of the general statutes is repealed and the
2724 following is substituted in lieu thereof (*Effective October 1, 2023*):

2725 No group health insurance policy providing coverage of the type
2726 specified in subdivisions (1), (2), (4), (6) and (11) of section 38a-469 shall
2727 be delivered, issued for delivery or renewed in this state, or amended to
2728 substantially alter or change benefits or coverage, on or after July 1, 1975,
2729 unless persons covered under such policy will be eligible for benefits for
2730 expenses of emergency medical care arising from accidental ingestion

2731 or consumption of a controlled drug, as defined by [subdivision (8) of]
2732 section 21a-240, as amended by this act, which are at least equal to the
2733 following minimum requirements: (1) In the case of benefits based upon
2734 confinement as an inpatient in a hospital, whether or not operated by
2735 the state, the period of confinement for which benefits shall be payable
2736 shall be at least thirty days in any calendar year. (2) For covered
2737 expenses incurred by the insured while other than an inpatient in a
2738 hospital, benefits shall be available for such expenses during any
2739 calendar year up to a maximum of five hundred dollars. For purposes
2740 of this section, the term "covered expenses" means the reasonable
2741 charges for treatment deemed necessary under generally accepted
2742 medical standards.

2743 Sec. 42. Subdivision (6) of subsection (a) of section 53a-18 of the
2744 general statutes is repealed and the following is substituted in lieu
2745 thereof (*Effective October 1, 2023*):

2746 (6) A teacher or other person entrusted with the care and supervision
2747 of a minor for school purposes may use reasonable physical force upon
2748 such minor when and to the extent such teacher or other person
2749 reasonably believes such force to be necessary to (A) protect [himself or
2750 herself] such teacher, other person or others from immediate physical
2751 injury, (B) obtain possession of a dangerous instrument or controlled
2752 substance, as defined in [subdivision (9) of] section 21a-240, as amended
2753 by this act, upon or within the control of such minor, (C) protect
2754 property from physical damage, or (D) restrain such minor or remove
2755 such minor to another area, to maintain order.

2756 Sec. 43. Subsections (c) to (g), inclusive, of section 54-36a of the
2757 general statutes are repealed and the following is substituted in lieu
2758 thereof (*Effective October 1, 2023*):

2759 (c) Unless such seized property is stolen property and is ordered
2760 returned pursuant to subsection (b) of this section or unless such seized
2761 property is adjudicated a nuisance in accordance with section 54-33g, or
2762 unless the court finds that such property shall be forfeited or is
2763 contraband, or finds that such property is a controlled drug [, a] or

2764 controlled substance as defined in section 21a-240, as amended by this
2765 act, or drug paraphernalia as defined in subdivision [(8), (9) or (20)] (19)
2766 of section 21a-240, as amended by this act, it shall, at the final disposition
2767 of the criminal action or as soon thereafter as is practical, or, if there is
2768 no criminal action, at any time upon motion of the prosecuting official
2769 of such court, order the return of such property to its owner within six
2770 months upon proper claim therefor.

2771 (d) When the court orders the return of the seized property to the
2772 owner, the order shall provide that if the seized property is not claimed
2773 by the owner within six months, the property shall be destroyed or be
2774 given to a charitable or educational institution or to a governmental
2775 agency or institution, except that (1) if such property is money it shall
2776 be remitted to the state and shall be deposited in the General Fund or
2777 (2) if such property is a valuable prize it shall be disposed of by public
2778 auction or private sale in which case the proceeds shall become the
2779 property of the state and shall be deposited in the General Fund;
2780 provided any person who has a bona fide mortgage, assignment of lease
2781 or rent, lien or security interest in such property shall have the same
2782 right to the proceeds as [he] such person had in the property prior to the
2783 sale.

2784 (e) If such seized property is adjudicated a nuisance or if the court
2785 finds that such property shall be forfeited or is contraband other than a
2786 controlled drug [, a] or controlled substance as defined in section 21a-
2787 240, as amended by this act, or drug paraphernalia as defined in
2788 subdivision [(8), (9) or (20)] (19) of section 21a-240, as amended by this
2789 act, the court shall order that such property be destroyed or be given to
2790 a charitable or educational institution or to a governmental agency or
2791 institution, except that (1) if such property is money, the court shall
2792 order that it be remitted to the state and be deposited in the General
2793 Fund, or (2) if such property is a valuable prize, the court shall order
2794 that it be disposed of by public auction or private sale in which case the
2795 proceeds shall become the property of the state and shall be deposited
2796 in the General Fund; provided any person who has a bona fide
2797 mortgage, assignment of lease or rent, lien or security interest in such

2798 property shall have the same right to the proceeds as [he] such person
2799 had in the property prior to sale.

2800 (f) If the court finds that such seized property is fireworks as defined
2801 in section 29-356, the court shall order the forfeiture and destruction of
2802 such property. Any secondary evidence of the identity, description or
2803 value of such property shall be admissible in evidence against the
2804 defendant in the trial of the case. A photograph of the fireworks and a
2805 sworn affidavit describing such fireworks shall be sufficient evidence of
2806 the identity of the fireworks. The fact that the evidence is secondary in
2807 nature may be shown to affect the weight of such evidence, but not to
2808 affect its admissibility.

2809 (g) If the court finds that such seized property is a controlled drug [,
2810 a] or controlled substance as defined in section 21a-240, as amended by
2811 this act, or drug paraphernalia as defined in subdivision [(8), (9) or (20)]
2812 (19) of section 21a-240, as amended by this act, the court shall order the
2813 forfeiture and destruction of such property or order it delivered to the
2814 Commissioner of Consumer Protection pursuant to section 54-36g, as
2815 amended by this act.

2816 Sec. 44. Subsection (a) of section 54-36g of the general statutes is
2817 repealed and the following is substituted in lieu thereof (*Effective October*
2818 *1, 2023*):

2819 (a) At any time after the seizure of a controlled drug or a controlled
2820 substance [.] as defined in [subdivision (8) or (9) of] section 21a-240, as
2821 amended by this act, or drug paraphernalia [.] as defined in subdivision
2822 [(20)] (19) of section 21a-240, as amended by this act, in connection with
2823 a criminal arrest or pursuant to a search warrant without an arrest, the
2824 prosecuting official of the court for the geographical area in which the
2825 criminal offense is alleged to have been committed may petition the
2826 court for destruction of such controlled drug, controlled substance or
2827 drug paraphernalia. After notice, by certified or registered mail to the
2828 defendant and [his] the defendant's attorney, and hearing on the
2829 petition, the court may order the forfeiture and destruction of such
2830 controlled drug, controlled substance or drug paraphernalia, under

2831 procedures and to the extent determined by the court, or order it
2832 delivered to the Commissioner of Consumer Protection as soon as
2833 possible. Such order shall be in writing and shall provide for the analysis
2834 of representative samples of such controlled drug, controlled substance
2835 or drug paraphernalia. The results of such analysis shall be recorded on
2836 a certificate signed by the person making the analysis, witnessed and
2837 acknowledged pursuant to section 1-29. Such certificate shall be prima
2838 facie evidence of the composition and quality of such controlled drug,
2839 controlled substance or drug paraphernalia.

2840 Sec. 45. Subdivision (1) of subsection (a) of section 54-36h of the
2841 general statutes is repealed and the following is substituted in lieu
2842 thereof (*Effective October 1, 2023*):

2843 (1) All moneys used, or intended for use, in the procurement,
2844 manufacture, compounding, processing, delivery or distribution of any
2845 controlled substance, as defined in [subdivision (9) of] section 21a-240,
2846 as amended by this act;

2847 Sec. 46. Section 21a-421b of the general statutes is repealed and the
2848 following is substituted in lieu thereof (*Effective October 1, 2023*):

2849 (a) For the purposes of this section:

2850 (1) "Applicant" means an entity applying for an initial or renewal
2851 cannabis establishment or cannabis testing laboratory license;

2852 (2) "Entity" means an association, company, corporation,
2853 organization, partnership, sole proprietorship or trust;

2854 (3) "Executive managerial control" means, with respect to an
2855 individual, the authority or power to direct or influence the direction or
2856 operation of an applicant through agreement, board membership,
2857 contract or voting power;

2858 (4) "Manager" means an individual who is not a key employee and
2859 has (A) an ownership interest in an applicant, and (B) executive
2860 managerial control of an applicant;

2861 (5) "Owner" means an individual who has more than a five per cent
2862 ownership interest in an applicant; and

2863 (6) "Ownership interest" means the possession of equity in the assets,
2864 capital, profits or stock of an applicant.

2865 [(a) On and after July 1, 2021, the] (b) The commissioner shall require
2866 [all individuals listed on an application for a cannabis establishment
2867 license, laboratory or research program license, or key employee license
2868 to submit to] that a fingerprint-based state and national criminal history
2869 records [checks before such license is issued. The criminal history
2870 records checks required pursuant to this subsection shall] check be
2871 conducted in accordance with section 29-17a [. Upon renewal, the] for
2872 each key employee, manager and owner of an applicant. The
2873 commissioner may require [all individuals listed on an application for a
2874 cannabis establishment license, laboratory or research program license,
2875 or key employee license to be fingerprinted and] such key employees,
2876 managers and owners to submit to a state and national criminal history
2877 records check conducted in accordance with section 29-17a before [such
2878 renewal] issuing a license [is issued] renewal.

2879 (c) A key employee, manager or owner shall be denied a license in
2880 the event that the key employee's background check reveals a
2881 disqualifying conviction.

2882 [(b)] (d) The department shall charge the applicant a fee equal to the
2883 amount charged to the department to conduct a state and national
2884 criminal history records check of the applicant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	21a-240
Sec. 2	October 1, 2023	21a-408
Sec. 3	from passage	21a-408b(a)
Sec. 4	October 1, 2023	21a-408j(a)
Sec. 5	October 1, 2023	21a-408k
Sec. 6	October 1, 2023	21a-408r(a) to (d)

Sec. 7	October 1, 2023	21a-408s
Sec. 8	October 1, 2023	21a-408u
Sec. 9	October 1, 2023	21a-420
Sec. 10	from passage	21a-420e
Sec. 11	from passage	21a-420g(a) to (i)
Sec. 12	from passage	21a-420j(e)
Sec. 13	from passage	21a-420m(f)
Sec. 14	October 1, 2023	21a-420m(b)
Sec. 15	October 1, 2023	21a-420n(d)
Sec. 16	October 1, 2023	21a-420p(e)
Sec. 17	October 1, 2023	21a-420r(b)
Sec. 18	from passage	21a-420u(f)
Sec. 19	October 1, 2023	21a-420u(b) to (d)
Sec. 20	October 1, 2023	21a-421bb(a) to (d)
Sec. 21	October 1, 2023	47a-9a(a)
Sec. 22	October 1, 2023	22-61l
Sec. 23	October 1, 2023	22-61m
Sec. 24	October 1, 2023	10-19(a)
Sec. 25	October 1, 2023	10-220a(a)
Sec. 26	October 1, 2023	10-221(e)
Sec. 27	October 1, 2023	10-233d(a) to (e)
Sec. 28	October 1, 2023	10a-18
Sec. 29	October 1, 2023	10a-55c(a)(4)
Sec. 30	October 1, 2023	20-34(b)
Sec. 31	October 1, 2023	21a-248(a)
Sec. 32	October 1, 2023	21a-263
Sec. 33	October 1, 2023	21a-267(a)
Sec. 34	October 1, 2023	21a-270
Sec. 35	October 1, 2023	21a-271
Sec. 36	October 1, 2023	21a-277(c)
Sec. 37	October 1, 2023	21a-278(b)(1)
Sec. 38	October 1, 2023	21a-420d(k)
Sec. 39	October 1, 2023	54-142v(a)
Sec. 40	October 1, 2023	38a-492
Sec. 41	October 1, 2023	38a-518
Sec. 42	October 1, 2023	53a-18(a)(6)
Sec. 43	October 1, 2023	54-36a(c) to (g)
Sec. 44	October 1, 2023	54-36g(a)
Sec. 45	October 1, 2023	54-36h(a)(1)
Sec. 46	October 1, 2023	21a-421b

Statement of Legislative Commissioners:

In Section 1(3), "[include] mean" was changed to "include" for clarity and consistency; Section 9(1) was rewritten for consistency with standard drafting conventions and accuracy; in Section 9(31)(B)(iv), "or" was changed to "and" for consistency with standard drafting conventions; in Section 10(g)(3)(A)(ii), "agrees not to disclose" was changed to "agrees to not disclose" and "to" was inserted before "deidentify" for clarity; in Section 11(d)(1) and (4), "[the] that" was changed to "the applicable" for consistency with standard drafting conventions; in Section 11(g), "from such application" was added before "all backers" for clarity; in Section 23(n)(2), "for testing" was added after "batch" for clarity; in Section 23(aa), "officers, and publish a training bulletin, informing" was changed to "officers and publish a training bulletin to inform" for clarity; in Section 39(a)(1)(C) and (2), "as amended by this act" was deleted for consistency with standard drafting conventions; in Section 46(a)(3), "in the case of" was changed to "with respect to" for clarity; and in Section 46(b), "such" was added before "key" for consistency.

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes concerning cannabis regulation resulting in the potential revenue gain described below.

Section 6 establishes a cannabis testing laboratory provisional license for \$500 and a cannabis testing laboratory license for \$1,000 resulting in a potential revenue gain to the state to the extent licenses are applied for.

Section 23 requires the Department of Emergency Services and Public Protection (DESPP) to conduct cannabis training for local law enforcement resulting in no fiscal impact because DESPP has the expertise to meet the requirements of the bill.

The bill also makes various clarifying, technical, and minor changes to cannabis statutes which are not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses applied for and inflation.

OLR Bill Analysis**sHB 6697****AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CANNABIS REGULATION.**

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§ 11 — SOCIAL EQUITY LOTTERY

Allows social equity applicants to remove backers subject to Social Equity Council approval and makes minor changes to provisions on lottery rankings and application completeness

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§ 20 — ADVERTISEMENTS

Allows certain professional services to advertise cannabis or cannabis-related services; expands the billboard prohibition of advertising between certain hours to all billboards; and exempts certain outdoor business signs from the prohibition on advertising near certain buildings

§ 23 — MANUFACTURER HEMP

Requires manufacturer hemp to be tested in accordance with the laboratory testing standards; allows manufacturers to have a sample retested; allows the DCP commissioner to summarily suspend credentials for certain unauthorized sales; requires certain warnings and disclosures on manufacturer hemp; makes it a CUTPA violation to violate certain manufacturer hemp provisions

SUMMARY

This bill makes various changes to the laws around adult-use cannabis, hemp, and medical marijuana. Among other things, it:

1. establishes a “high-THC hemp product” and classifies it as marijuana or cannabis, thus subjecting it to the various licensing and regulatory requirements (e.g., must be sold only by licensed establishments, tested, and sold only to those age 21 or older

- except under the medical marijuana program);
2. differentiates between laboratories for controlled substances and hemp from those for cannabis (i.e., marijuana);
 3. expands who may serve as a medical marijuana caregiver by allowing those with certain controlled substances convictions to serve and allowing those with a grandparent or spousal relationship with a patient to care for more than one qualifying patient at a time;
 4. makes various changes to the adult-cannabis application, lottery, and equity joint venture provisions, such as specifying the confidentiality and permissible disclosures of application materials;
 5. allows certain professional services to advertise cannabis or cannabis-related services and expands the billboard advertising prohibition between certain hours to all billboards, not just electronic or illuminated ones;
 6. requires manufacturer hemp to have certain warnings and disclosures on the packaging and allows manufacturer hemp that fails a laboratory test to be retested before disposal; and
 7. makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2023, except the provisions on caregivers, Department of Consumer Protection (DCP) applications and the Social Equity lottery, and equity joint ventures are effective upon passage.

§§ 1 & 22-23 — HIGH-TETRAHYDROCANNABINOL (THC) HEMP PRODUCT

Establishes the category of “high-THC hemp product” and classifies it as marijuana or cannabis, thus subjecting it to various licensing and regulatory requirements; requires

DESPP to conduct trainings for local police on investigation and enforcement standards for cannabis and high-THC hemp products

The bill establishes the category of “high-THC hemp product” and classifies it as marijuana or cannabis, thus subjecting it to various licensing and regulatory requirements (e.g., must be sold only by licensed establishments, tested, and sold only to those age 21 or older except under the medical marijuana program).

Under the bill, a “high-THC hemp product” is a manufacturer hemp product that has a THC concentration or serving size limit, or is advertised, labeled, or offered for sale as having such a limit, that exceeds the following:

1. for a hemp edible, topical, or transdermal patch: (a) one milligram on a per-serving basis or (b) five milligrams on a per-container basis;
2. for a hemp tincture, including oil intended for ingestion by swallowing or sublingual absorption: (a) one milligram on a per-serving basis or (b) 25 milligrams on a per-container basis;
3. for a hemp concentrate or extract, including a vape oil, wax, or shatter: 25 milligrams on a per-container basis; or
4. for a manufacturer hemp product not described above: (a) one milligram on a per-serving basis, (b) five milligrams on a per-container basis, or (c) 0.3% on a dry-weight basis.

The bill also modifies the marijuana and cannabis definitions to replace hemp products that exceed 0.3% total THC concentration on a dry-weight basis with high-THC hemp products. Correspondingly, the bill removes the current exemption stating that marijuana does not include manufacturer hemp products.

Police Training

The bill requires, by December 31, 2023, and annually after that, the Department of Emergency Services and Public Protection (DESPP), in conjunction with DCP, to conduct training sessions for local law

enforcement agencies and officers, and publish a training bulletin, informing them of the investigation and enforcement standards concerning cannabis and high-THC hemp products.

§§ 1, 21, 37 & 39 — CANNABIS-TYPE SUBSTANCES

Replaces references to “cannabis-type substances” with “cannabis” or “marijuana,” thus consolidating conflicting definitions of the former term

Current law provides two somewhat different definitions of “cannabis-type substance,” one in the primary controlled substances statutes and another in the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA). In RERACA, the term is the same as the “cannabis” and “marijuana” definitions.

The bill eliminates references to “cannabis-type substances” and substitutes it with either “cannabis” or “marijuana,” thus applying RERACA’s definition to a broader range of statutes, such as the illegal manufacture or sale of one kilogram or more of marijuana (§ 37). By doing so, the bill specifies that, as with other laws on marijuana or cannabis, the terms do not include (1) any substance the federal Food and Drug Administration (FDA) approves as a drug and that is reclassified in any controlled substance schedule, or that the federal Drug Enforcement Administration unschedules and (2) synthetic cannabinoids that the DCP commissioner designates as controlled substances and classifies in the appropriate schedule through regulations.

§§ 1-2, 4-9, 15-17 & 46 — CANNABIS TESTING LABORATORY

Differentiates between laboratories for controlled substances and hemp from those for cannabis and establishes statutory license fees for these laboratories; requires DCP to adopt regulations for them to test marijuana samples from certain individuals

The bill differentiates between laboratories for controlled substances and hemp from those for cannabis (i.e., marijuana) by renaming the latter as “cannabis testing laboratories.” It makes corresponding changes for laboratory employees to rename them as cannabis testing laboratory employees. The bill also makes various minor, technical, and

conforming changes to effectuate these new names.

The bill specifies that a cannabis testing laboratory may be owned by an individual, any legal entity, any other person acting in a fiduciary or representative capacity (whether court appointed or otherwise), or any combination of these.

License Fees

The bill also establishes a provisional license for a cannabis testing laboratory, which has a \$500 fee and a final license and renewal fee of \$1,000. Under current regulations, a medical marijuana laboratory has a license and renewal fee of \$200 (Conn. Agencies Regs., § 21a-408-29).

Regulations

Existing law requires the DCP commissioner to adopt regulations on certain laboratory standards. The bill also requires her to adopt regulations setting procedures for cannabis testing laboratories to accept marijuana samples from caregivers, qualifying patients, and consumers (i.e., someone at least age 21) for testing.

Correspondingly, the bill allows a cannabis testing laboratory or employee to acquire marijuana from these people provided the sample is acquired under the regulations.

§ 3 — MEDICAL MARIJUANA PATIENT CAREGIVERS

Expands who may serve as a caregiver for a medical marijuana patient by allowing people with certain controlled substances convictions to serve and allowing caregivers with a grandparent or spousal relationship to care for more than one qualifying patient at a time

The bill expands who may serve as a caregiver for a medical marijuana qualifying patient by allowing those who have been convicted of a violation of any law related to the illegal manufacture, sale, or distribution of controlled substances to serve in this role. Current law prohibits them from serving.

The bill also allows caregivers with a grandparent or spousal relationship with the patient to care for more than one qualifying patient

at a time. Existing law already allows those with a parental, guardianship, conservatorship, or sibling relationship to do so. By law, a caregiver is someone at least age 18, other than the patient or the patient's health care professional (e.g., physician), who is responsible for managing the patient's well-being with respect to medical marijuana use (CGS § 21a-408).

§§ 9 & 46 — KEY EMPLOYEES

Updates the scope of duties of a cannabis establishment's financial manager; limits criminal history checks to key employees, managers, and owners of a cannabis establishment or cannabis laboratory

Financial Manager

Under current law, a cannabis establishment's financial manager is a key employee who is generally responsible for overseeing a cannabis establishment's financial operations, including various tasks (e.g., revenue generation). The bill redefines the scope of the manager's duty by specifying that the financial operations under this person's oversight include one or more of the following: (1) revenue and expense management; (2) distributions; (3) tax compliance; (4) budget development; or (5) budget management and implementation. Current law specifies a generally similar, but non-exclusive, list of financial operations (e.g., current law includes revenue generation rather than revenue and expense management).

By law, key employees must be at least age 21 and have a DCP license.

Criminal Background Check

Under current law, the DCP commissioner must generally require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to submit to fingerprint-based state and national criminal history checks before issuing the initial license. The bill limits this background check requirement to key employees, managers, and owners of applicants for a cannabis establishment or cannabis testing laboratory license. Similar to current law, it allows the commissioner to require background checks for renewal applications.

By law, DCP must charge the applicant a fee equal to the amount the department is charged to do these checks.

Under the bill, an “owner” is an individual with more than 5% ownership interest in an applicant. A “manager” is an individual who is not a key employee and has an ownership interest in, and executive control of, an applicant. “Executive managerial control” is the authority or power to direct or influence the applicant’s direction or operation through agreement, board membership, contract, or voting power.

Under the bill, a key employee, manager, or owner must be denied a license if the key employee’s background check reveals a disqualifying conviction. By law, a disqualifying conviction is a conviction in the last 10 years of certain offenses (e.g., certain fraud-related crimes).

By law, the commissioner is allowed to accept a third-party local and national criminal background check submitted by an applicant for a backer or key employee license or renewal instead of a fingerprint-based national criminal history records check. A “backer” is an individual with a direct or indirect financial interest in a cannabis establishment.

§ 10 — DCP APPLICATION

Allows DCP to accept dispensary facility and producer applications after the Social Equity Council identifies certain criteria; generally prohibits those with access to cannabis establishment applications and related materials from disclosing certain information, subject to certain exceptions

Dispensary Facility and Producer Applications

Current law allows DCP to accept applications for certain cannabis licenses within 30 days after the Social Equity Council identifies the criteria for social equity applicants. The bill expands the list of allowable applications to include dispensary facilities and producers. As under existing law, applicants must indicate whether they want to be considered for treatment as a social equity applicant.

Application Information Disclosure

The bill generally prohibits current or former state officers or employees, or employees of anyone who had access to a submitted application, to disclose the application or any information included in

or submitted with it.

Under the bill, the commissioner may disclose the following information about a submitted application:

1. the applicant's name, address, and social equity designation, if any;
2. the license type for which the application was submitted;
3. the applicant owner's name, e-mail address, and telephone number;
4. the ownership interest that an owner of a social equity applicant holds in the applicant, expressed as a percentage of all ownership interests in the applicant;
5. the name and address of the person serving as the applicant's primary business contact;
6. the application number assigned to the application;
7. the date the application was submitted to DCP;
8. information on the applicant's formation, including the applicant's business entity type, formation date and place, and business registration number as it appears on the Secretary of the State's electronic business portal; and
9. the name of all cannabis businesses associated with the applicant and listed on the application.

In addition to the information described above, the commissioner may, in her sole discretion, disclose any personal information or financial document associated with a submitted application to:

1. a federal, state, or local government agency acting in the course of its governmental functions, or a person acting on behalf of the agency in performing these functions;

2. a college or university conducting research or assisting the state in reviewing the applications, if the college or university agrees not to disclose any personally identifying information or confidential business information and deidentifies any personal or financial information it receives from DCP before releasing any related report, study, survey, or similar document;
3. a court officer in connection with an administrative, arbitration, civil, or criminal proceeding in a court or before a government agency or self-regulatory body, including serving process, performing an investigation in anticipation of litigation, an order or the execution or enforcement of a court judgment or order, provided the person given the information or document is a party in interest to the proceeding;
4. a state marshal while performing his or her duties; or
5. the applicant or the applicant's owner to confirm the accuracy of any information or document the applicant or owner submitted to DCP in connection with the application.

Under the bill, any personal information or financial document the commissioner discloses must remain confidential. In addition, the bill prohibits anyone receiving this information or documentation from the commissioner from further distributing it in a way that allows another person to identify any person referenced in, and related to, the information or document, unless this disclosure is required under other applicable law.

§ 11 — SOCIAL EQUITY LOTTERY

Allows social equity applicants to remove backers subject to Social Equity Council approval and makes minor changes to provisions on lottery rankings and application completeness

Rankings

The bill eliminates a duplicative requirement that the third-party lottery operator rank applications numerically from one to the maximum number DCP sets. As under existing law, the operator must

still rank all applications numerically in the order they were drawn, including those that exceed the number to be considered.

Application Completeness

By law, DCP must review each application to be considered, as the third-party operator or council identifies, to confirm it is complete. For these purposes, the bill deems an application complete if each backer of the applicant completes the backer's background check submission within 30 days after DCP sends notice disclosing that the department has selected the applicant for review.

Determination of Ownership Cap

In addition to determining completeness, current law requires the council to determine whether any application includes a backer that would result in a common ownership violation of having two or more licenses in the same license type or category. The bill expands this determination to include whether the lottery applicant has two or more licenses or includes a backer with managerial control over two such licenses. By law, the following are considered to be the same license category: (1) a dispensary facility, retailer, and hybrid retailer license and (2) producer, cultivator, and micro-cultivator license.

Backer Removal

Under current law, an applicant can remove a backer before the application is submitted for a final license, unless the removal would result in a social equity applicant no longer qualifying as a social equity applicant. The bill allows (1) social equity applicant removals as long as any change to a social equity applicant is reviewed and approved by the Social Equity Council before being reviewed by DCP and (2) backers to be removed from a cannabis establishment application selected through the general lottery at any time with notice to DCP.

§§ 12-13, 18 & 19 — EQUITY JOINT VENTURES

Prohibits equity joint ventures that are retailers or hybrid retailers that share certain common owners from being located within 20 miles from one another; specifies that equity joint ventures created by converting dispensary facilities are not subject to the lottery

Location Limitation

Current law prohibits equity joint ventures that share a common producer or backer or dispensary facility or backer or owner from being located within 20 miles of another commonly owned equity joint venture.

The bill instead prohibits equity joint ventures that are retailers or hybrid retailers from being located within 20 miles of each other if they share a (1) common cultivator or backer, (2) dispensary facility or owner, or (3) hybrid retailer or owner. Existing law already prohibits this for equity joint ventures with a common producer or backer.

Lottery Exemption

Under existing law, upon the Social Equity Council's written approval, equity joint venture applications created by a disproportionately impacted area cultivator or producer expanding its license are not subject to the lottery (CGS §§ 21a-420j & -420m). The bill specifies that this exemption also applies to dispensary facilities converting to hybrid retailers who create an equity joint venture.

§ 20 — ADVERTISEMENTS

Allows certain professional services to advertise cannabis or cannabis-related services; expands the billboard prohibition of advertising between certain hours to all billboards; and exempts certain outdoor business signs from the prohibition on advertising near certain buildings

Professional Services

Current law allows only cannabis establishments to advertise any cannabis or cannabis-related services in Connecticut. The bill also allows a person who provides professional services related to cannabis purchases, sales, or use to advertise cannabis or cannabis-related services.

Billboards

Current law prohibits advertising by means of an electronic or illuminated billboard between the hours of 6:00 a.m. and 11:00 p.m. The bill expands this prohibition to include all billboards, not just electronic or illuminated ones.

Outdoor Sign Exemption

Current law exempts certain outdoor business signs posted at a cannabis establishment from the law's (1) required warning against underage use and (2) audience requirement (i.e., ascertaining that at least 90% of the audience is expected to be at least age 21). The bill additionally exempts these signs from the law's prohibition on advertising cannabis or cannabis products or paraphernalia in any physical form visible to the public within 500 feet from certain buildings (i.e., elementary or secondary school grounds, recreation centers or facilities, child care centers, playgrounds, public parks, and libraries).

§ 23 — MANUFACTURER HEMP

Requires manufacturer hemp to be tested in accordance with the laboratory testing standards; allows manufacturers to have a sample retested; allows the DCP commissioner to summarily suspend credentials for certain unauthorized sales; requires certain warnings and disclosures on manufacturer hemp; makes it a CUTPA violation to violate certain manufacturer hemp provisions

Laboratory Standards

By law, manufacturer hemp must be tested by an independent testing laboratory in Connecticut. Current law requires that the laboratory test each sample for microbiological contaminants, mycotoxins, heavy metals, and pesticide chemical residue, and for purposes of conducting an active ingredient analysis, if applicable, as determined by the DCP commissioner. The bill instead requires the samples to be tested according to the laboratory testing standards set in the policies, procedures, and regulations the commissioner adopts.

By law, the DCP commissioner must adopt regulations, policies, and procedures on various cannabis issues, including laboratory standards (CGS § 21a-421j).

Retesting

Currently, if a tested sample fails certain tests the manufacturer must dispose of the entire batch from which it was taken. The bill instead allows manufacturers to have the sample retested and reanalyzed and, if the results are satisfactory, use the hemp batch for manufacturing, processing, and sale.

Under the bill, if a sample does not pass the microbiological,

mycotoxin, heavy metal, or pesticide chemical test the manufacturer licensee, if it chooses not to dispose of the batch at this stage, must (1) retest and reanalyze the hemp from which the sample was taken or (2) remediate the batch through a DCP-approved remediation plan sufficient to ensure public health and safety. For retesting, the manufacturer must:

1. have an employee from the same laboratory randomly select another sample from the same hemp batch; and
2. if the sample used to retest or reanalyze the hemp yields satisfactory results for all required testing, an employee from a different laboratory must randomly select a different sample from the same hemp batch for testing. If both samples yield satisfactory results for all required testing the hemp batch from which the samples were taken must be released for manufacturing, processing, and sale.

For remediation plans, the manufacturer can have any laboratory test the remediated sample and then a different laboratory perform the final testing under substantially similar procedures as retesting.

Under the bill, if the manufacturer does not retest, remediate, or pass subsequent laboratory testing then, as under current law, it must dispose of the entire batch from which the sample was taken following DCP-established procedures.

Advertising Restrictions

Current law prohibits any claim of health impacts, medical effects, or physical or mental benefits on any advertising for, labeling of, or marketing of manufacturer hemp products. The bill specifies this applies regardless of whether the products were manufactured in Connecticut or elsewhere. By law, a violation is deemed a violation of the Connecticut Unfair Trade Practices Act (CUTPA).

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue

regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

Suspension

By law, manufacturer hemp product sellers do not need to be licensed if they only engage in the following activities:

1. retail or wholesale sale of manufacturer hemp products that require no further hemp manufacturing and that are obtained from someone authorized by law in Connecticut or another jurisdiction to manufacture hemp;
2. acquire manufacturer hemp products only for resale; or
3. retail sale of manufacturer hemp products that are authorized under federal or state law.

The bill allows the DCP or Department of Revenue Services commissioner to summarily suspend any credential their respective department issues to anyone selling manufacturer hemp products in violation of the provision above. The suspension must be done in accordance with the Uniform Administrative Procedure Act's procedures for licensing matters.

The bill also makes a violation of this provision and those below a CUTPA violation.

Synthetic Cannabinoids

The bill prohibits manufacturer hemp products containing synthetic cannabinoids from being offered for sale in Connecticut or to a

Connecticut consumer.

Packaging and Labeling

Under the bill, no manufacturer hemp product offered for sale in Connecticut or to a Connecticut consumer, may be packaged, presented, or advertised in a way that is likely to mislead a consumer by incorporating any statement, brand, design, representation, picture, illustration, or other depiction that:

1. bears a reasonable resemblance to trademarked or characteristic packaging of (a) cannabis offered for sale by a licensed Connecticut cannabis establishment or on tribal land by a tribal credentialed cannabis entity, or (b) a commercially available product other than a cannabis product; or
2. implies that the product (a) is a cannabis product, (b) contains a total THC concentration greater than 0.3% on a dry-weight basis, or (c) is a high-THC hemp product.

Food or Other Product for Human Ingestion. The bill prohibits manufactured hemp products that are a food, beverage, oil, or other product intended for human ingestion to be distributed or sold in Connecticut unless the package or package label contains the following:

1. a scannable barcode, website address, or quick response code that is linked to the certificate of analysis of the final form product batch by an independent testing laboratory and discloses certain information about the product (see below);
2. the product's expiration or best by date, if applicable;
3. a clear and conspicuous statement disclosing certain warnings (see below); and
4. if the product is intended to be inhaled, a clear and conspicuous warning that smoking or vaporizing is hazardous to human health.

The electronic notice must disclose the:

1. product's name;
2. product's manufacturer, packer, or distributor's name, address, and telephone number;
3. batch number, which must match the batch number on the package or label; and
4. concentration of cannabinoids in the product, including total THC and any marketed cannabinoids or ingredients, which DCP must establish in policies and procedures or regulations.

The warnings must be that:

1. children or those who are pregnant or breastfeeding should avoid using the product before consulting with a health care professional about the product's safety;
2. products containing cannabinoids should be kept out of reach of children; and
3. the FDA has not evaluated the product for safety or efficacy.

Cosmetics. The bill prohibits manufactured hemp products that are topical, soap, or cosmetic from being distributed or sold in Connecticut unless the product has within the package or on a label affixed to the package:

1. a substantially similar electronic notice as required for food (see above);
2. the product's expiration or best by date, if applicable; and
3. the following statement: "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY OR EFFICACY.".

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 21 Nay 1 (03/07/2023)