



House of Representatives

General Assembly

File No. 102

February Session, 2024

Substitute House Bill No. 5235

House of Representatives, March 25, 2024

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 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

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

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

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 the practitioner's presence, by the practitioner's authorized agent;
15 [, or] (B) the patient or research subject at the direction and in the
16 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, but does not include a common or contract carrier, public
21 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) "Controlled drugs" are those drugs which contain any quantity of
52 a substance which has been designated as subject to the federal
53 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 amended by this act, as
57 having a stimulant, depressant or hallucinogenic effect upon the higher
58 functions of the central nervous system and as having a tendency to
59 promote abuse or psychological or physiological dependence, or both.
60 Such controlled drugs are classifiable as amphetamine-type,
61 barbiturate-type, cannabis-type, cocaine-type, hallucinogenic,
62 morphine-type and other stimulant and depressant drugs. Specifically
63 excluded from controlled drugs and controlled substances are alcohol,
64 nicotine and caffeine.

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

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

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

78 (12) "Dentist" means a person authorized by law to practice dentistry
79 in this state.

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

85 (14) "Dispenser" means a practitioner who dispenses.

86 (15) "Distribute" means to deliver other than by administering or
87 dispensing a controlled substance.

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

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

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

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

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

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

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

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

174 (24) "Hospital", as used in sections 21a-243 to 21a-283, inclusive, as
175 amended by this act, means an institution for the care and treatment of

176 the sick and injured, approved by the Department of Public Health or
177 the Department of Mental Health and Addiction Services as proper to
178 be entrusted with the custody of controlled drugs and substances and
179 professional use of controlled drugs and substances under the direction
180 of a licensed practitioner.

181 (25) "Intern" means a person who holds a degree of doctor of
182 medicine or doctor of dental surgery or medicine and whose period of
183 service has been recorded with the Department of Public Health and
184 who has been accepted and is participating in training by a hospital or
185 institution in this state. Doctors meeting the foregoing requirements and
186 commonly designated as "residents" and "fellows" shall be regarded as
187 interns for purposes of this chapter.

188 (26) "Immediate precursor" means a substance which the
189 Commissioner of Consumer Protection has found to be, and by
190 regulation designates as being, the principal compound commonly used
191 or produced primarily for use, and which is an immediate chemical
192 intermediary used or likely to be used, in the manufacture of a
193 controlled substance, the control of which is necessary to prevent, curtail
194 or limit manufacture.

195 (27) "Laboratory" means a laboratory approved by the Department of
196 Consumer Protection as proper to be entrusted with the custody of
197 controlled substances and the use of controlled substances for scientific
198 and medical purposes and for purposes of instruction, research or
199 analysis.

200 (28) "Manufacture" means the production, preparation, cultivation,
201 growing, propagation, compounding, conversion or processing of a
202 controlled substance, either directly or indirectly by extraction from
203 substances of natural origin, or independently by means of chemical
204 synthesis, or by a combination of extraction and chemical synthesis, and
205 includes any packaging or repackaging of the substance or labeling or
206 relabeling of its container, except that this term does not include the
207 preparation or compounding of a controlled substance by an individual
208 for the individual's own use or the preparation, compounding,

209 packaging or labeling of a controlled substance: (A) By a practitioner as
210 an incident to the practitioner administering or dispensing of a
211 controlled substance in the course of such practitioner's professional
212 practice; [] or (B) by a practitioner, or by the practitioner's authorized
213 agent under such practitioner's supervision, for the purpose of, or as an
214 incident to, research, teaching or chemical analysis and not for sale.

215 (29) "Marijuana" means all parts of any plant, or species of the genus
216 cannabis or any infra specific taxon thereof, whether growing or not;
217 [the seeds thereof;] the resin extracted from any part of the plant; every
218 compound, manufacture, salt, derivative, mixture [] or preparation of
219 such plant, or its [seeds or] resin; [] any high-THC hemp product;
220 manufactured cannabinoids; [, synthetic cannabinoids, except as
221 provided in subparagraph (E) of this subdivision;] or cannabinon,
222 cannabiniol or cannabidiol and chemical compounds which are similar
223 to cannabinon, cannabiniol or cannabidiol in chemical structure or which
224 are similar thereto in physiological effect, which are controlled
225 substances under this chapter, except cannabidiol derived from hemp,
226 as defined in section 22-61l, that is not a high-THC hemp product.
227 "Marijuana" does not include: (A) The mature stalks of such plant, fiber
228 produced from such stalks, oil or cake made from the seeds of such
229 plant, any other compound, manufacture, salt, derivative, mixture or
230 preparation of such mature stalks, except the resin extracted from such
231 mature stalks or fiber, oil or cake; (B) the sterilized seed of such plant
232 which is incapable of germination; (C) hemp, as defined in section 22-
233 61l, (i) with a total THC concentration of not more than three-tenths per
234 cent on a dry-weight basis, and (ii) that is not a high-THC hemp product;
235 or (D) any substance approved by the federal Food and Drug
236 Administration or successor agency as a drug and reclassified in any
237 schedule of controlled substances or unscheduled by the federal Drug
238 Enforcement Administration or successor agency which is included in
239 the same schedule designated by the federal Drug Enforcement
240 Administration or successor agency. [; or (E) synthetic cannabinoids
241 which are controlled substances that are designated by the
242 Commissioner of Consumer Protection, by whatever official, common,
243 usual, chemical or trade name designation, as controlled substances and

244 are classified in the appropriate schedule in accordance with
245 subsections (i) and (j) of section 21a-243.]

246 (30) "Narcotic substance" means any of the following, whether
247 produced directly or indirectly by extraction from a substance of
248 vegetable origin, or independently by means of chemical synthesis, or
249 by a combination of extraction and chemical synthesis: (A) Morphine-
250 type: (i) Opium or opiate, or any salt, compound, derivative, or
251 preparation of opium or opiate which is similar to any such substance
252 in chemical structure or which is similar to any such substance in
253 physiological effect and which shows a like potential for abuse, which
254 is a controlled substance under this chapter unless modified; (ii) any
255 salt, compound, isomer, derivative, or preparation of any such
256 substance which is chemically equivalent or identical to any substance
257 referred to in clause (i) of this [subdivision] subparagraph, but not
258 including the isoquinoline alkaloids of opium; (iii) opium poppy or
259 poppy straw; or (iv) (I) fentanyl or any salt, compound, derivative or
260 preparation of fentanyl which is similar to any such substance in
261 chemical structure or which is similar to any such substance in
262 physiological effect and which shows a like potential for abuse, which
263 is a controlled substance under this chapter unless modified, or (II) any
264 salt, compound, isomer, derivative or preparation of any such substance
265 which is chemically equivalent or identical to any substance referred to
266 in subclause (I) of this clause; or (B) cocaine-type; coca leaves or any salt,
267 compound, derivative or preparation of coca leaves, or any salt,
268 compound, isomer, derivatives or preparation of any such substance
269 which is chemically equivalent or identical to any such substance or
270 which is similar to any such substance in physiological effect and which
271 shows a like potential for abuse, but not including decocainized coca
272 leaves or extractions of coca leaves which do not contain cocaine or
273 ecgonine.

274 (31) "Nurse" means a person performing nursing as defined in section
275 20-87a.

276 (32) "Official written order" means an order for controlled substances

277 written on a form provided by the bureau for that purpose under the
278 federal Controlled Substances Act.

279 (33) "Opiate" means any substance having an addiction-forming or
280 addiction-sustaining liability similar to morphine or being capable of
281 conversion into a drug having addiction-forming or addiction-
282 sustaining liability; it does not include, unless specifically designated as
283 controlled under this chapter, the dextrorotatory isomer of 3-methoxy-
284 n-methylmorphinan and its salts (dextro-methorphan) but shall include
285 its racemic and levorotatory forms.

286 (34) "Opium poppy" means the plant of the species *papaver*
287 *somniferum* L., except its seed.

288 (35) Repealed by P.A. 99-102, S. 51.

289 (36) "Other stimulant and depressant drugs" means controlled
290 substances other than amphetamine-type, barbiturate-type, cannabis-
291 type, cocaine-type, hallucinogenics and morphine-type which are found
292 to exert a stimulant and depressant effect upon the higher functions of
293 the central nervous system and which are found to have a potential for
294 abuse and are controlled substances under this chapter.

295 (37) "Person" includes any corporation, limited liability company,
296 association or partnership, or one or more individuals, government or
297 governmental subdivisions or agency, business trust, estate, trust, or
298 any other legal entity. Words importing the plural number may include
299 the singular; words importing the masculine gender may be applied to
300 females.

301 (38) "Pharmacist" means a person authorized by law to practice
302 pharmacy pursuant to section 20-590, 20-591, 20-592 or 20-593.

303 (39) "Pharmacy" means an establishment licensed pursuant to section
304 20-594.

305 (40) "Physician" means a person authorized by law to practice
306 medicine in this state pursuant to section 20-9.

307 (41) "Podiatrist" means a person authorized by law to practice
308 podiatry in this state.

309 (42) "Poppy straw" means all parts, except the seeds, of the opium
310 poppy, after mowing.

311 (43) "Practitioner" means: (A) A physician, dentist, veterinarian,
312 podiatrist, scientific investigator or other person licensed, registered or
313 otherwise permitted to distribute, dispense, conduct research with
314 respect to or to administer a controlled substance in the course of
315 professional practice or research in this state; and (B) a pharmacy,
316 hospital or other institution licensed, registered or otherwise permitted
317 to distribute, dispense, conduct research with respect to or to administer
318 a controlled substance in the course of professional practice or research
319 in this state.

320 (44) "Prescribe" means order or designate a remedy or any
321 preparation containing controlled substances.

322 (45) "Prescription" means a written, oral or electronic order for any
323 controlled substance or preparation from a licensed practitioner to a
324 pharmacist for a patient.

325 (46) "Production" includes the manufacture, planting, cultivation,
326 growing or harvesting of a controlled substance.

327 (47) "Registrant" means any person licensed by this state and
328 assigned a current federal Bureau of Narcotics and Dangerous Drug
329 Registry Number as provided under the federal Controlled Substances
330 Act.

331 (48) "Registry number" means the alphabetical or numerical
332 designation of identification assigned to a person by the federal Drug
333 Enforcement Administration, or other federal agency, which is
334 commonly known as the federal registry number.

335 (49) "Restricted drugs or substances" are the following substances
336 without limitation and for all purposes: *Datura stramonium*;

337 hyoscyamus niger; atropa belladonna, or the alkaloids atropine;
338 hyoscyamine; belladonnine; apatropine; or any mixture of these
339 alkaloids such as daturine, or the synthetic homatropine or any salts of
340 these alkaloids, except that any drug or preparation containing any of
341 the above-mentioned substances which is permitted by federal food and
342 drug laws to be sold or dispensed without a prescription or written
343 order shall not be a controlled substance; amyl nitrite; the following
344 volatile substances to the extent that said chemical substances or
345 compounds containing said chemical substances are sold, prescribed,
346 dispensed, compounded, possessed or controlled or delivered or
347 administered to another person with the purpose that said chemical
348 substances shall be breathed, inhaled, sniffed or drunk to induce a
349 stimulant, depressant or hallucinogenic effect upon the higher functions
350 of the central nervous system: Acetone; benzene; butyl alcohol; butyl
351 nitrate and its salts, isomers, esters, ethers or their salts; cyclohexanone;
352 dichlorodifluoromethane; ether; ethyl acetate; formaldehyde; hexane;
353 isopropanol; methanol; methyl cellosolve acetate; methyl ethyl ketone;
354 methyl isobutyl ketone; nitrous oxide; pentochlorophenol; toluene;
355 toluol; trichloroethane; trichloroethylene; 1,4 butanediol.

356 (50) "Sale" is any form of delivery which includes barter, exchange or
357 gift, or offer therefor, and each such transaction made by any person
358 whether as principal, proprietor, agent, servant or employee.

359 (51) "State", when applied to a part of the United States, includes any
360 state, district, commonwealth, territory or insular possession thereof,
361 and any area subject to the legal authority of the United States of
362 America.

363 (52) "State food, drug and cosmetic laws" means the Uniform Food,
364 Drug and Cosmetic Act, section 21a-91 et seq.

365 (53) "Ultimate user" means a person who lawfully possesses a
366 controlled substance for the person's own use or for the use of a member
367 of such person's household or for administering to an animal owned by
368 such person or by a member of such person's household.

369 (54) "Veterinarian" means a person authorized by law to practice
370 veterinary medicine in this state.

371 (55) "Wholesaler" means a distributor or a person who supplies
372 controlled substances that the person personally has not produced or
373 prepared to registrants.

374 (56) "Reasonable times" means the time or times any office, care-
375 giving institution, pharmacy, clinic, wholesaler, manufacturer,
376 laboratory, warehouse, establishment, store or place of business, vehicle
377 or other place is open for the normal affairs or business or the practice
378 activities usually conducted by the registrant.

379 (57) "Unit dose drug distribution system" means a drug distribution
380 system used in a hospital or chronic and convalescent nursing home in
381 which drugs are supplied in individually labeled unit of use packages,
382 each patient's supply of drugs is exchanged between the hospital
383 pharmacy and the drug administration area or, in the case of a chronic
384 and convalescent nursing home between a pharmacy and the drug
385 administration area, at least once each twenty-four hours and each
386 patient's medication supply for this period is stored within a patient-
387 specific container, all of which is conducted under the direction of a
388 pharmacist licensed in Connecticut and, in the case of a hospital, directly
389 involved in the provision and supervision of pharmaceutical services at
390 such hospital at least thirty-five hours each week.

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

394 (59) "THC" means tetrahydrocannabinol, including, but not limited
395 to, delta-7, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol
396 and delta-10-tetrahydrocannabinol, and any material, compound,
397 mixture or preparation which contain their salts, isomers and salts of
398 isomers, whenever the existence of such salts, isomers and salts of
399 isomers is possible within the specific chemical designation, regardless
400 of the source, except: (A) Dronabinol substituted in sesame oil and

401 encapsulated in a soft gelatin capsule in a federal Food and Drug
402 Administration or successor agency approved product; [] or (B) any
403 tetrahydrocannabinol product that has been approved by the federal
404 Food and Drug Administration or successor agency to have a medical
405 use and reclassified in any schedule of controlled substances or
406 unscheduled by the federal Drug Enforcement Administration or
407 successor agency.

408 (60) "Total THC" means the sum of the percentage by weight of
409 tetrahydrocannabinolic acid, multiplied by eight hundred seventy-
410 seven-thousandths, plus the percentage of weight of THC.

411 (61) "Manufactured cannabinoid" means cannabinoids [naturally
412 occurring from a source other than marijuana that are similar in
413 chemical structure or physiological effect to cannabinoids derived from
414 marijuana, as defined in section 21a-243, but are derived by a chemical
415 or biological process] created by converting one cannabinoid directly to
416 a different cannabinoid through: (A) Application of light or heat; (B)
417 decarboxylation of naturally occurring acidic forms of cannabinoids;
418 and (C) an alternate extraction or conversion process approved by the
419 Department of Consumer Protection and published on the department's
420 Internet web site.

421 (62) "Synthetic cannabinoid": [means] (A) Means any [material,
422 compound, mixture or preparation which contains any quantity of a
423 substance having a psychotropic response primarily by agonist activity
424 at cannabinoid-specific receptors affecting the central nervous system
425 that is produced artificially and not derived from an organic source
426 naturally containing cannabinoids, unless listed in another schedule
427 pursuant to section 21a-243] substance converted by a chemical process
428 to create a cannabinoid or cannabinoid-like substance that (i) has
429 structural features which allow interaction with at least one of the
430 known cannabinoid-specific receptors, or (ii) has any physiological or
431 psychotropic response on at least one cannabinoid-specific receptor; and
432 (B) excludes any cannabinoid that is (i) naturally produced, or (ii)
433 manufactured through (I) application of light or heat, or (II)

434 decarboxylation of naturally occurring acidic forms of cannabinoids.

435 (63) "High-THC hemp product" means a manufacturer hemp
436 product, as defined in section 22-61l, that has, or is advertised, labeled
437 or offered for sale as having, total THC that exceeds: (A) [for] For a hemp
438 edible, hemp topical or hemp transdermal patch (i) one milligram on a
439 per-serving basis, or (ii) five milligrams on a per-container basis; [] (B)
440 for a hemp tincture, including, but not limited to, oil intended for
441 ingestion by swallowing, buccal administration or sublingual
442 absorption, (i) one milligram on a per-serving basis, or (ii) twenty-five
443 milligrams on a per-container basis; [] (C) for a hemp concentrate or
444 extract, including, but not limited to, a vape oil, wax or shatter, twenty-
445 five milligrams on a per-container basis; [] or (D) for a manufacturer
446 hemp product not described in subparagraph (A), (B) or (C) of this
447 subdivision, (i) one milligram on a per-serving basis, (ii) five milligrams
448 on a per-container basis, or (iii) three-tenths per cent on a dry-weight
449 basis for cannabis flower or cannabis trim.

450 Sec. 2. Subsection (j) of section 21a-243 of the general statutes is
451 repealed and the following is substituted in lieu thereof (*Effective from*
452 *passage*):

453 (j) Notwithstanding the provisions of subsection (c) of this section,
454 the Commissioner of Consumer Protection shall designate the following
455 substances, by whatever official, common, usual, chemical or trade
456 name designation, as controlled substances in schedule I of the
457 controlled substances scheduling regulations:

458 (1) Mephedrone (4-methylmethcathinone); [and]

459 (2) Synthetic cannabinoids; and

460 [(2)] (3) MDPV (3,4-methylenedioxypropylone).

461 Sec. 3. Subparagraph (N) of subdivision (5) of subsection (b) of section
462 21a-421j of the 2024 supplement to the general statutes is repealed and
463 the following is substituted in lieu thereof (*Effective from passage*):

464 (N) A requirement that, prior to being sold and transferred to a
465 consumer, qualifying patient or caregiver, cannabis packaging be
466 clearly labeled, whether printed directly on such packaging or affixed
467 by way of a separate label, other than an extended content label, with:

468 (i) A unique identifier generated by a cannabis analytic tracking
469 system maintained by the department and used to track cannabis under
470 the policies and procedures issued, and final regulations adopted, by
471 the commissioner pursuant to this section; and

472 (ii) The following information concerning the cannabis contained in
473 such packaging, which shall be in legible English, black lettering, Times
474 New Roman font, flat regular typeface, on a contrasting background
475 and in uniform size of not less than one-tenth of one inch, based on a
476 capital letter "K", which information shall also be available on the
477 Internet web site of the cannabis establishment that sells and transfers
478 such cannabis:

479 (I) The name of such cannabis, as registered with the department
480 under the policies and procedures issued, and final regulations adopted,
481 by the commissioner pursuant to this section.

482 (II) The expiration date, which shall not account for any refrigeration
483 after such cannabis is sold and transferred to the consumer, qualifying
484 patient or caregiver.

485 (III) The net weight or volume, expressed in metric and imperial
486 units.

487 (IV) The standardized serving size, expressed in customary units, and
488 the number of servings included in such packaging, if applicable.

489 (V) Directions for use and storage.

490 (VI) Each active ingredient comprising at least one per cent of such
491 cannabis, including cannabinoids, isomers, esters, ethers and salts and
492 salts of isomers, esters and ethers, and all quantities thereof expressed
493 in metric units and as a percentage of volume.

494 (VII) A list of all known allergens, as identified by the federal Food
495 and Drug Administration, contained in such cannabis, or the denotation
496 "no known FDA identified allergens" if such cannabis does not contain
497 any allergen identified by the federal Food and Drug Administration.

498 (VIII) The following warning statement within, and outlined by, a red
499 box:

500 "This product is not FDA-approved, may be intoxicating, cause long-
501 term physical and mental health problems, and have delayed side
502 effects. It is illegal to operate a vehicle or machinery under the influence
503 of cannabis. Keep away from children."

504 (IX) At least one of the following warning statements, rotated
505 quarterly on an alternating basis:

506 "Warning: Frequent and prolonged use of cannabis can contribute to
507 mental health problems over time, including anxiety, depression,
508 stunted brain development and impaired memory."

509 "Warning: Consumption while pregnant or breastfeeding may be
510 harmful."

511 "Warning: Cannabis has intoxicating effects and may be habit-
512 forming and addictive."

513 "Warning: Consuming more than the recommended amount may
514 result in adverse effects requiring medical attention."

515 (X) All information necessary to comply with labeling requirements
516 imposed under the laws of this state [or] and federal law, including, but
517 not limited to, sections 21a-91 to 21a-120, inclusive, and 21a-151 to 21a-
518 159, inclusive, the Federal Food, Drug and Cosmetic Act, 21 USC 301 et
519 seq., as amended from time to time, and the federal Fair Packaging and
520 Labeling Act, 15 USC 1451 et seq., as amended from time to time, for
521 similar products that do not contain cannabis.

522 (XI) Such additional warning labels for certain cannabis products as

523 the commissioner may require and post on the department's Internet
524 web site.

525 Sec. 4. Section 21a-421aa of the general statutes is repealed and the
526 following is substituted in lieu thereof (*Effective from passage*):

527 (a) No cannabis retailer or hybrid retailer shall accept payment or
528 other form of compensation directly or indirectly from a cultivator,
529 micro-cultivator, producer, food and beverage manufacturer, product
530 manufacturer or product packager to carry a cannabis product or for
531 placement or promotion of such product in a retailer or hybrid retailer's
532 establishment or through other promotional initiatives. No retailer or
533 hybrid retailer shall enter into a contract with a cultivator, micro-
534 cultivator, producer, food and beverage manufacturer, product
535 manufacturer or product packager that requires or permits preferential
536 treatment, exclusivity or near exclusivity or limits a retailer or hybrid
537 retailer from purchasing from other cultivators, micro-cultivators,
538 producers, food and beverage manufacturers or product manufacturers
539 in any way.

540 (b) No cannabis establishment shall produce, manufacture or sell
541 cannabis that is intended for use or consumption by animals.

542 (c) A retailer or hybrid retailer shall not knowingly sell to a consumer
543 more than one ounce of cannabis or the equivalent amount of cannabis
544 products or combination of cannabis and cannabis products, as set forth
545 in subsection (i) of section 21a-279a, per day, except that a hybrid retailer
546 or dispensary facility may sell up to five ounces of cannabis or the
547 equivalent amount of cannabis products or combination of cannabis and
548 cannabis products to a qualifying patient or caregiver per day.
549 Notwithstanding the requirements of sections 4-168 to 4-172, inclusive,
550 to avoid cannabis supply shortages or address a public health and safety
551 concern, the commissioner may set temporary lower per-transaction
552 limits, which shall be published on the department's Internet web site.
553 Such limits shall become ineffective upon the commissioner's
554 determination that a supply shortage or public health and safety
555 concern no longer exists.

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

558 (e) No person issued a license or registration pursuant to RERACA
559 shall (1) assign or transfer such license or registration without the
560 commissioner's prior approval, or (2) sell, transfer or transport cannabis
561 to, or obtain cannabis from, a location outside of this state if such activity
562 would be in violation of federal law.

563 (f) Synthetic cannabinoids, as defined in section 21a-240, as amended
564 by this act, are prohibited in cannabis, and no synthetic cannabinoid
565 may be sold at any cannabis establishment.

566 Sec. 5. Subsection (a) of section 21a-421dd of the general statutes is
567 repealed and the following is substituted in lieu thereof (*Effective from*
568 *passage*):

569 (a) No member of the Social Equity Council and no employee of the
570 Social Equity Council or department who carries out the licensing,
571 inspection, investigation, enforcement or policy decisions authorized by
572 [RERACA] this chapter, and any regulations enacted pursuant thereto,
573 may, directly or indirectly, have any management or financial interest
574 in the cultivation, manufacture, sale, transportation, delivery or testing
575 of cannabis in this state, nor receive any commission or profit from nor
576 have any financial interest in purchases or sales made by [persons]
577 cannabis establishments that are licensed pursuant to this chapter and
578 authorized to make such purchases or sales pursuant to [RERACA] such
579 license. No provision of this section shall prevent any such member or
580 employee from purchasing and keeping in his or her possession, for his
581 or her personal use or the use of such member's or employee's family or
582 guests, any cannabis which may be purchased or kept by any person by
583 virtue of [RERACA] this chapter.

584 Sec. 6. Section 22-61m of the 2024 supplement to the general statutes
585 is repealed and the following is substituted in lieu thereof (*Effective from*
586 *passage*):

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

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

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

593 (1) A nonrefundable license application fee of seventy-five dollars;
594 and

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

597 (d) A license to manufacture issued by the Commissioner of
598 Consumer Protection pursuant to this section shall expire triennially on
599 June thirtieth. Such licenses shall not be transferable.

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

606 (f) (1) Any individual who manufactures in this state without
607 obtaining a license pursuant to this section or who manufactures in this
608 state after such entity's license is suspended or revoked shall be fined
609 two hundred fifty dollars in accordance with the provisions of section
610 51-164n.

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

616 (g) Nothing in this chapter or any regulations adopted pursuant to
617 this chapter shall be construed to apply to persons licensed pursuant to
618 section 21a-408i nor to require persons licensed pursuant to said section
619 to obtain a license pursuant to this chapter.

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

625 (i) (1) Each manufacturer shall follow the protocol in this subsection
626 for disposing of cannabis in the event that any hemp or hemp product
627 is deemed to exceed the prescribed THC concentration, as determined
628 by the Commissioner of Consumer Protection, or a manufacturer
629 licensee in possession of hemp or hemp products who desires to dispose
630 of obsolete, misbranded, excess or otherwise undesired product. Each
631 manufacturer licensee shall be responsible for all costs of disposal of
632 hemp samples and any hemp produced by such licensee that violates
633 the provisions of this section or any regulation adopted pursuant to this
634 section. Any cannabis that exceeds the prescribed THC concentration
635 allowable in hemp or hemp products shall be immediately embargoed
636 by such manufacturer and clearly labeled as adulterated by such
637 licensee and such licensee shall immediately notify both the Department
638 of Consumer Protection and the Department of Agriculture, in writing,
639 of such adulterated product. Such adulterated product shall be
640 destroyed and disposed of by the following method, as determined by
641 the Commissioner of Consumer Protection:

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

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

647 (2) Notwithstanding the provisions of subdivision (1) of this

648 subsection, upon written request of a manufacturer, the Commissioner
649 of Consumer Protection may permit such manufacturer to combine
650 different batches of raw hemp plant material to achieve a THC
651 concentration of 0.3 per cent on a dry weight basis, in lieu of embargo
652 or destruction.

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

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

658 (2) The manner of disposal or destruction;

659 (3) The batch or lot information and quantity of hemp or hemp
660 product disposed of or destroyed; and

661 (4) The signatures of the persons disposing of the hemp or hemp
662 products, the authorized representative of the Commissioner of
663 Consumer Protection and any other persons present during the
664 disposal.

665 (k) Any hemp intended to be manufactured by a manufacturer into a
666 manufacturer hemp product shall be tested by an independent testing
667 laboratory located in this state. A manufacturer licensee shall make
668 available samples, in an amount and type determined by the
669 Commissioner of Consumer Protection, of hemp for an independent
670 testing laboratory employee to select random samples. The independent
671 testing laboratory shall test each sample in accordance with the
672 laboratory testing standards established in policies, procedures and
673 regulations adopted by the commissioner pursuant to section 21a-421j,
674 as amended by this act.

675 (l) Once a batch of hemp, intended to be sold as a manufacturer hemp
676 product, has been homogenized for sample testing and eventual
677 packaging and sale, until the independent testing laboratory provides
678 the results from its tests and analysis, the manufacturer shall segregate

679 and withhold from use the entire batch of hemp that is intended for use
680 as a manufacturer hemp product, except the samples that have been
681 removed by the independent testing laboratory for testing. During this
682 period of segregation, the manufacturer licensee shall maintain the
683 hemp batch in a secure, cool and dry location, as prescribed by the
684 Commissioner of Consumer Protection, so as to prevent the hemp from
685 becoming adulterated. Such manufacturer shall not manufacture or sell
686 a manufacturer hemp product prior to the time that the independent
687 testing laboratory completes testing and analysis and provides such
688 results, in writing, to the manufacturer licensee who initiated such
689 testing.

690 (m) An independent testing laboratory shall immediately return or
691 dispose of any hemp or manufacturer hemp product upon the
692 completion of any testing, use or research. If an independent testing
693 laboratory disposes of hemp or manufacturer hemp products, the
694 laboratory shall dispose of such hemp in the following manner, as
695 determined by the Commissioner of Consumer Protection:

696 (1) By surrender, without compensation, of such hemp or
697 manufacturer hemp product to the Commissioner of Consumer
698 Protection who shall be responsible for the destruction and disposal of
699 such hemp or hemp product; or

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

702 (n) If a sample does not pass the microbiological, mycotoxin, heavy
703 metal or pesticide chemical residue test, based on the laboratory testing
704 standards established in policies, procedures and regulations adopted
705 by the Commissioner of Consumer Protection pursuant to section 21a-
706 421j, as amended by this act, the manufacturer licensee who sent such
707 batch for testing shall:

708 (1) Retest and reanalyze the hemp from which the sample was taken
709 by having an employee from the same laboratory randomly select
710 another sample from the same hemp batch. If the sample used to retest

711 or reanalyze such hemp yields satisfactory results for all testing
712 required under this section, an employee from a different laboratory
713 shall randomly select a different sample from the same hemp batch for
714 testing. If both samples yield satisfactory results for all testing required
715 under this section, the hemp batch from which the samples were taken
716 shall be released for manufacturing, processing and sale;

717 (2) If a remediation plan sufficient to ensure public health and safety
718 is submitted to and approved by the commissioner, remediate the hemp
719 batch from which the sample was taken and have a laboratory employee
720 randomly select a sample from such remediated hemp batch for testing.
721 If such randomly selected sample yields satisfactory results for any
722 testing required under this section, an employee from a different
723 laboratory shall randomly select a different sample from the same hemp
724 batch for testing. If both samples yield satisfactory results for all testing
725 required under this section, the hemp batch from which the samples
726 were taken may be released for manufacturing, processing or sale; or

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

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

736 (p) The independent testing laboratory shall file with the Department
737 of Consumer Protection an electronic copy of each laboratory test result
738 for any batch that does not pass the microbiological, mycotoxin, heavy
739 metal or pesticide chemical residue test, at the same time that it
740 transmits such results to the manufacturer licensee who requested such
741 testing. Each independent testing laboratory shall maintain the test
742 results of each tested batch for a period of three years and shall make
743 such results available to the Department of Consumer Protection upon

744 request.

745 (q) Manufacturers shall maintain records required by the federal act,
746 this section, any regulation adopted pursuant to this section and the
747 policies, procedures and regulations adopted by the Commissioner of
748 Consumer Protection pursuant to section 21a-421j, as amended by this
749 act. Each manufacturer shall make such records available to the
750 Department of Consumer Protection immediately upon request and in
751 electronic format, if available.

752 (r) The Commissioner of Consumer Protection may adopt
753 regulations, in accordance with the provisions of chapter 54, to
754 implement the provisions of this section including, but not limited to,
755 establishing sampling and testing procedures to ensure compliance
756 with this section, prescribing storage and disposal procedures for hemp,
757 marijuana and manufacturer hemp products that fail to pass
758 Department of Consumer Protection prescribed independent testing
759 laboratory testing standards and establishing advertising and labeling
760 requirements for manufacturer hemp products.

761 (s) Any claim of health impacts, medical effects or physical or mental
762 benefits shall be prohibited on any advertising for, labeling of or
763 marketing of manufacturer hemp products regardless of whether such
764 manufacturer hemp products were manufactured in this state or
765 another jurisdiction. Any violation of this subsection shall be deemed an
766 unfair or deceptive trade practice under subsection (a) of section 42-
767 110b.

768 (t) Not later than February 1, 2020, the Commissioners of Agriculture
769 and Consumer Protection shall submit a report, in accordance with
770 section 11-4a, to the joint standing committee of the general assembly
771 having cognizance of matters relating to the environment on the status
772 of the pilot program, the development of the state plan and any
773 regulations for such pilot program or state plan. Such report shall also
774 include any legislative recommendations, including, but not limited to,
775 any recommendations for requiring the registration of any
776 manufacturer hemp product offered for sale in this state.

777 (u) (1) Any person who sells manufacturer hemp products shall not
778 be required to be licensed, provided such person only engages in: (A)
779 The retail or wholesale sale of manufacturer hemp products in which no
780 further manufacturing of hemp occurs, provided such manufacturer
781 hemp products are acquired from a person authorized to manufacture
782 the manufacturer hemp products under the laws of this state or another
783 state, territory or possession of the United States or another sovereign
784 entity; (B) the acquisition of manufacturer hemp products for the sole
785 purpose of product distribution for resale; and (C) the retail sale of
786 manufacturer hemp products that is authorized under federal or state
787 law.

788 (2) The Commissioner of Consumer Protection or Commissioner of
789 Revenue Services may, pursuant to section 4-182, summarily suspend
790 any credential the Department of Consumer Protection or Department
791 of Revenue Services issued to any person who sells manufacturer hemp
792 products in violation of subdivision (1) of this subsection or subsections
793 (v) to (y), inclusive, of this section.

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

797 (w) No manufacturer hemp product offered for sale in this state, or
798 to a consumer in this state, shall be packaged, presented or advertised
799 in a manner that is likely to mislead a consumer by incorporating any
800 statement, brand, design, representation, picture, illustration or other
801 depiction that: (1) Bears a reasonable resemblance to trademarked or
802 characteristic packaging of (A) cannabis offered for sale (i) in this state
803 by a cannabis establishment licensed in this state, or (ii) on tribal land
804 by a tribal-credentialed cannabis entity, or (B) a commercially available
805 product other than a cannabis product, as defined in section 21a-420; or
806 (2) implies that the manufacturer hemp product (A) is a cannabis
807 product, as defined in section 21a-420, (B) contains a total THC
808 concentration greater than three-tenths per cent on a dry-weight basis,
809 or (C) is a high-THC hemp product, as defined in section 21a-240, as

810 amended by this act.

811 (x) No manufacturer hemp product that is a food, beverage, oil or
812 other product intended for human ingestion shall be distributed or sold
813 in this state unless such product is contained within a package, or a label
814 is affixed to such package, that includes:

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

818 (A) The name of such product;

819 (B) The name, address and telephone number of such product's
820 manufacturer, packer and distributor, as applicable;

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

823 (D) The concentration of cannabinoids present in such product,
824 including, but not limited to, total THC and any cannabinoids or active
825 ingredients comprising at least one per cent of such product;

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

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

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

831 (B) Products containing cannabinoids should be kept out of reach of
832 children; and

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

835 (4) If such product is intended to be inhaled, a clear and conspicuous
836 warning statement disclosing that smoking or vaporizing is hazardous

837 to human health.

838 (y) No manufacturer hemp product that is a topical, soap or cosmetic,
839 as defined in section 21a-92, shall be distributed or sold in this state
840 unless such product is contained within a package, or a label is affixed
841 to such package, that includes:

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

846 (A) The name of such product;

847 (B) The name, address and telephone number of such product's
848 manufacturer, packer and distributor, as applicable;

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

851 (D) The concentration of cannabinoids present in such batch,
852 including, but not limited to, total THC and any marketed cannabinoids;

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

854 (3) A clear and conspicuous statement disclosing the following:

855 "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY
856 OR EFFICACY."

857 (z) Any violation of subsections (u) to (y), inclusive, of this section
858 shall be deemed an unfair or deceptive trade practice under subsection
859 (a) of section 42-110b.

860 (aa) Not later than October 31, 2023, the Department of Emergency
861 Services and Public Protection shall, in consultation with the
862 Department of Consumer Protection, publish a training bulletin to
863 inform local law enforcement agencies and officers regarding the
864 investigation and enforcement standards concerning cannabis and high-

865 THC hemp products.

866 (bb) Notwithstanding any provision of the general statutes: (1) CBD
867 that is found in manufacturer hemp products shall not be considered a
868 controlled substance, as defined in section 21a-240, as amended by this
869 act, or legend drug, as defined in section 20-571; and (2) CBD derived
870 from hemp and contained in manufacturer hemp products shall not be
871 considered a controlled substance or adulterant.

872 (cc) Nothing in this section shall be construed to prohibit shipment or
873 transportation through this state of any hemp that is lawfully produced
874 under federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-240
Sec. 2	<i>from passage</i>	21a-243(j)
Sec. 3	<i>from passage</i>	21a-421j(b)(5)(N)
Sec. 4	<i>from passage</i>	21a-421aa
Sec. 5	<i>from passage</i>	21a-421dd(a)
Sec. 6	<i>from passage</i>	22-61m

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 25 \$	FY 26 \$
Department of Revenue Services	Various - Potential Revenue Loss	See Below	See Below

Note: Various=Various

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Revenue Loss	See Below	See Below

Explanation

The bill results in a potential state and municipal revenue loss from the applicable sales and excise taxes on cannabis by prohibiting the sale of synthetic cannabinoids at cannabis establishments. Any shift in sales to allowable cannabis products would limit the revenue loss from this bill.

This bill makes other various changes regarding cannabis regulations that have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5235*****AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CANNABIS REGULATION.*****SUMMARY**

This bill effectively prohibits “synthetic cannabinoids” by requiring the Department of Consumer Protection (DCP) to classify it as a schedule I controlled substance (i.e., a drug with no current accepted medical use and a high potential for abuse) and removing it from the statutory definition of “cannabis” and “marijuana.” The bill also redefines synthetic cannabinoids and prohibits cannabis establishments (see BACKGROUND) from selling them. Under the bill, synthetic cannabinoids are prohibited in cannabis.

The bill also redefines (1) “cannabis” and “marijuana” by removing the plant’s seeds from current law’s definition and (2) “manufactured cannabinoids” by specifying the process by which they are created rather than defining them based on their natural structure or the effect they have.

The bill also makes the following unrelated changes, it:

1. requires cannabis labeling and packaging information to comply with labeling requirements under both state and federal law, rather than either;
2. specifies that financial interest is what current law prohibits certain government individuals with oversight over cannabis from having; and
3. specifies that state hemp laws do not prohibit hemp that is

lawfully produced under federal law from being shipped or transported through the state.

The bill also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — CANNABIS AND MARIJUANA

The bill narrows the statutory definition of “cannabis” and “marijuana” by removing from the definition (1) the seeds and (2) synthetic cannabinoids, including in the exemptions.

Under current law, the terms “cannabis” and “marijuana” have the same meaning, which is all parts of a plant or species of the genus *cannabis*, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; high-THC hemp products, manufactured cannabinoids, and certain synthetic cannabinoids, except those not included below; or cannabimon, cannabimol, cannabidiol (CBD), and similar compounds unless derived from hemp, except CBD derived from hemp.

Cannabis and marijuana do not include the following:

1. a plant’s mature stalks; fiber made from the stalks; oil or cake made from the seeds; a compound, manufacture, salt, derivative, mixture, or preparation made from the stalks, except the extracted resin;
2. sterilized seeds incapable of germination;
3. hemp with a total THC concentration of up to 0.3% on a dry-weight basis that is not a high-THC product;
4. any substance the federal Food and Drug Administration approves as a drug and that is reclassified in any controlled substance schedule, or that the federal Drug Enforcement Administration unclassifies; or

5. synthetic cannabinoids that the DCP commissioner designates as controlled substances and classifies in the appropriate schedule through regulations.

§§ 1-2 & 4 — SYNTHETIC CANNABINOIDS

In addition to removing synthetic cannabinoids from the cannabis and marijuana definition, the bill redefines synthetic cannabinoids by specifically excluding manufactured cannabinoids (see below) and making other minor technical changes. It also requires the DCP commissioner to designate a synthetic cannabinoid as a schedule I drug under the state Controlled Substances Act's regulations.

The bill explicitly prohibits synthetic cannabinoids in cannabis and prohibits cannabis establishments from selling them. Existing law already prohibits manufactured hemp products (i.e., those intended for human ingestion, inhalation, absorption, or other internal consumption) containing synthetic cannabinoids from being offered for sale in Connecticut or to a Connecticut consumer (CGS § 22-61m(v)).

The bill redefines "synthetic cannabinoid" to mean any substance converted by a chemical process to create a cannabinoid or cannabinoid-like substance that has (1) structural features that allow interaction with at least one of the known cannabinoid-specific receptors or (2) any physiological or psychotropic response on at least one cannabinoid-specific receptor. It does not include any cannabinoid that is naturally produced or manufactured through the application of light or heat or decarboxylation of naturally occurring acidic forms of cannabinoids (e.g., manufactured cannabinoids, see below).

Under current law, "synthetic cannabinoid" means any material, compound, mixture, or preparation containing any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that is produced artificially and not derived from an organic source that naturally contains cannabinoids, unless listed in another controlled substance schedule.

§ 1 — MANUFACTURED CANNABINOIDS

The bill redefines “manufactured cannabinoids” to specify how they are created rather than basing the definition on their natural structure or the effect they have.

Under the bill, “manufactured cannabinoids” mean cannabinoids created by converting one cannabinoid directly to a different cannabinoid through (1) the application of light or heat, (2) decarboxylation of naturally occurring acidic forms of cannabinoids, and (3) an alternate extraction or conversion process that DCP approves and publishes on its website.

Under current law, manufactured cannabinoids are cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to marijuana-derived cannabinoids, but that are derived by a chemical or biological process.

§ 3 — CANNABIS LABELING

Under current law, the cannabis-related regulations that the DCP commissioner must adopt must include specified labeling and packaging requirements that include all information necessary to comply with labeling requirements imposed under state or federal law. Under the bill, the DCP requirements must comply with labeling requirements under both state and federal law, rather than either.

The laws that have specified labeling and packaging requirements include the state Uniform Food, Drug and Cosmetic Act (CGS §§ 21a-91 to 21a-120); state Bakeries, Food Manufacturing Establishments and Food Warehouses law (CGS §§ 21a-151 to 21a-159); federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.); and federal Fair Packaging and Labeling Act (15 U.S.C. § 1451 et seq.) for similar products that do not contain cannabis.

§ 5 — SOCIAL EQUITY COUNCIL FINANCIAL INTERESTS

Under current law, Social Equity Council members and employees

and certain DCP employees with cannabis oversight may not, among other things, have any interest in purchasing or selling cannabis made by individuals who are authorized to make them.

The bill (1) specifies that it is financial interest that is prohibited and (2) limits the prohibition to purchases or sales made by cannabis establishments rather than by all individuals.

§ 6 — TRANSPORTING HEMP THROUGH THE STATE

The bill specifies that nothing in the state hemp laws should be construed to prohibit any hemp shipment or transportation through the state if the hemp was lawfully produced under federal law.

Federal law explicitly prohibits states from prohibiting hemp or hemp products produced in keeping with federal law from being shipped or transported through the state (P.L. 115-334, § 10114(b)).

BACKGROUND

Cannabis Establishment

By law, a “cannabis establishment” is a producer; dispensary facility; cultivator; micro-cultivator; retailer; hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana); food and beverage manufacturer; product manufacturer or packager; delivery service; or transporter.

Related Bill

sHB 5150, § 27, favorably reported by the General Law Committee, has a substantially similar provision specifically allowing the transport of hemp through the state if it was lawfully produced under federal law.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 22 Nay 0 (03/07/2024)