PA 24-115—sHB 5235
General Law Committee

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

SUMMARY: This act effectively prohibits "synthetic cannabinoids" by requiring the Department of Consumer Protection (DCP) to classify them 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 act also redefines synthetic cannabinoids and prohibits cannabis establishments from selling them. Under the act, synthetic cannabinoids are prohibited in cannabis.

The act also redefines (1) "cannabis," "marijuana," and "cannabis-type substances" by removing the plant's seeds from prior 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 effect.

The act additionally makes the following unrelated changes, it:

1. expands the types of entities to which a cultivator may sell, transfer, or transport its cannabis;
2. allows edible cannabis products to be packaged for multiple servings in a specific way;
3. requires cannabis labeling and packaging information to comply with labeling requirements under both state and federal law, rather than either;
4. specifies that "financial interest" is what existing law prohibits certain government individuals with oversight over cannabis from having; and
5. specifies that state hemp laws do not prohibit hemp that is lawfully produced under federal law from being shipped or transported through the state.

Lastly, the act makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except the medical marijuana technical changes (§ 3) are effective October 1, 2024.

§ 1 — CANNABIS, MARIJUANA, AND CANNABIS-TYPE SUBSTANCES

The act narrows the statutory definition of "cannabis" and "marijuana" by removing from the definition (1) the seeds and (2) synthetic cannabinoids, including the prior exemption of certain synthetic cannabinoids. Under existing law, the terms "cannabis" and "marijuana" have the same meaning.

The act also makes conforming changes to the definition of "cannabis-type substances" by correspondingly deleting references to seeds.

§§ 1-2 & 6 — SYNTHETIC CANNABINOIDS

In addition to removing synthetic cannabinoids from the cannabis and marijuana definition, the act redefines this term by specifically excluding manufactured cannabinoids (see below) and making other minor technical changes. It also requires the DCP commissioner to designate synthetic cannabinoids as a schedule I drug under the state Controlled Substances Act's regulations, which subjects them to all state laws on controlled substances.

The act explicitly prohibits (1) synthetic cannabinoids in cannabis and (2) cannabis establishments from selling them. Existing law already prohibits manufacturer hemp products (i.e., generally 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 act 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 includes hexahydrocannabinol (HHC and HXC) and hydrox4phc (PHC), but does not include manufactured cannabinoids (see below).

Under prior law, "synthetic cannabinoid" meant 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 was produced artificially and not derived from an organic source that naturally contains cannabinoids, unless listed in another controlled substance schedule.

§ 1 — MANUFACTURED CANNABINOIDS

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

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

§ 4 — CULTIVATORS

The act expands the entities to which a cultivator may sell, transfer, or transport its cannabis by allowing a cultivator to do so to all cannabis establishments, rather

than just to dispensary facilities, hybrid retailers, retailers, food and beverage manufacturers, product manufacturers, and product packagers, as under prior law. By law, a "cannabis establishment" is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (one licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer or packager, delivery service, or transporter.

Under existing law, unchanged by the act, a cultivator may also sell, transfer, or transport its cannabis to cannabis testing laboratories and research programs.

§ 5 — EDIBLE CANNABIS PACKAGING & CANNABIS LABELING

Existing law requires the DCP commissioner to adopt various cannabis-related regulations, including those on specified packaging and labeling requirements. Under prior law, these regulations had to require edible cannabis products to be individually wrapped. Under the act, the regulations must instead allow these products to be packaged for multiple servings if each single standardized serving is easily discernable and is individually wrapped or physically demarked and delineated.

Additionally, under the act, these regulations must require all information needed to comply with labeling requirements imposed under both state and federal law, rather than either, as under prior law. (Existing law specifies certain applicable state and federal labeling laws that must be complied with.)

§ 7 — SOCIAL EQUITY COUNCIL PROHIBITED FINANCIAL INTERESTS

Under prior law, Social Equity Council members and employees and certain DCP employees with cannabis oversight could not, among other things, have any interest in cannabis purchases or sales made by authorized individuals.

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

§ 8 — TRANSPORTING HEMP THROUGH THE STATE

The act 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

Related Act

PA 24-76, has substantially similar provisions redefining certain terms,

allowing multiple-serving edibles, and allowing the transport of lawfully produced hemp through the state.