House of Representatives

File No. 649

General Assembly

February Session, 2024 ***(Reprint of File No. 102)***

Substitute House Bill No. 5235
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 2024

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:

Section 1. Section 21a-240 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

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

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

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

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

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

hemp, as defined in 7 USC 1639o, as amended from time to time. Included are cannabinon, cannabinol, cannabidiol and chemical compounds which are similar to cannabinon, cannabinol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp, as defined in section 22-61*l*.

(8) "Controlled drugs" are those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to section 21a-243, as amended by this act, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs and controlled substances are alcohol, nicotine and caffeine.

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

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

(11) "Deliver or delivery" means the actual, constructive or attempted

transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

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

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

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

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

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

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

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

Psychiatric Association.

(19) "Drug-dependent person" means a person who has a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the "Diagnostic and Statistical Manual of Mental Disorders" of the American Psychiatric Association.

(20) (A) "Drug paraphernalia" means equipment, products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or ingesting, inhaling or otherwise introducing into the human body, any controlled substance contrary to the provisions of this chapter, including, but not limited to: (i) Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance can be derived; (ii) kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances; (iii) isomerization devices used or intended for use in increasing the potency of any species of plant that is a controlled substance; (iv) testing equipment used, intended for use or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances; (v) dilutents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled substances; (vi) separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; (vii) capsules and other containers used, intended for use or designed for use in packaging small quantities of controlled substances; (viii) containers and other objects used, intended for use or designed for use in storing or concealing controlled substances; and (ix) objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish **[**,**]** or hashish oil into the human body,

including, but not limited to, wooden, acrylic, glass, stone, plastic or ceramic pipes with screens, permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips; miniature cocaine spoons and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes and chillers. "Drug paraphernalia" does not include a product used by a manufacturer licensed pursuant to this chapter for the activities permitted under the license or by an individual to test any substance prior to injection, inhalation or ingestion of the substance to prevent accidental overdose by injection, inhalation or ingestion of the substance, provided the licensed manufacturer or individual is not using the product to engage in the unlicensed manufacturing or distribution of controlled substances. As used in this subdivision, "roach clip" means an object used to hold burning material, including, but not limited to, a marijuana cigarette, that has become too small or too short to be held between the fingers.

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

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

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

(23) "Hallucinogenic substances" are psychodysleptic substances, other than cannabis-type substances, which assert a confusional or disorganizing effect upon mental processes or behavior and mimic acute psychotic disturbances. Exemplary of such drugs are mescaline,

peyote, psilocyn and d-lysergic acid diethylamide, which are controlled substances under this chapter unless modified.

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

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

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

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

(28) "Manufacture" means the production, preparation, cultivation, growing, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical

synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a controlled substance: (A) By a practitioner as an incident to the practitioner administering or dispensing of a controlled substance in the course of such practitioner's professional practice; **[**,**]** or (B) by a practitioner, or by the practitioner's authorized agent under such practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(29) "Marijuana" means all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; **[**the seeds thereof;**]** the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture **[**,**]** or preparation of such plant, or its **[**seeds or**]** resin; **[**,**]** any high-THC hemp product; manufactured cannabinoids; **[**, synthetic cannabinoids, except as provided in subparagraph (E) of this subdivision;**]** or cannabinon, cannabinol or cannabidiol and chemical compounds which are similar to cannabinon, cannabinol or cannabidiol in chemical structure or which are similar thereto in physiological effect, which are controlled substances under this chapter, except cannabidiol derived from hemp, as defined in section 22-61*l*, that is not a high-THC hemp product. "Marijuana" does not include: (A) The mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted from such mature stalks or fiber, oil or cake; (B) the **[**sterilized**]** seed of such plant; **[**which is incapable of germination;**]** (C) hemp, as defined in section 22-61*l*, (i) with a total THC concentration of not more than three-tenths per cent on a dry-weight basis, and (ii) that is not a high-THC hemp product; or (D) any substance approved by the federal Food and Drug Administration or successor agency as a drug and reclassified in any schedule of controlled substances or unscheduled by the federal Drug

Enforcement Administration or successor agency which is included in the same schedule designated by the federal Drug Enforcement Administration or successor agency. [; or (E) synthetic cannabinoids which are controlled substances that are designated by the Commissioner of Consumer Protection, by whatever official, common, usual, chemical or trade name designation, as controlled substances and are classified in the appropriate schedule in accordance with subsections (i) and (j) of section 21a-243.]

(30) "Narcotic substance" means any of the following, whether produced directly or indirectly by extraction from a substance of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (A) Morphine-type: (i) Opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate which is similar to any such substance in chemical structure or which is similar to any such substance in physiological effect and which shows a like potential for abuse, which is a controlled substance under this chapter unless modified; (ii) any salt, compound, isomer, derivative, or preparation of any such substance which is chemically equivalent or identical to any substance referred to in clause (i) of this [subdivision] subparagraph, but not including the isoquinoline alkaloids of opium; (iii) opium poppy or poppy straw; or (iv) (I) fentanyl or any salt, compound, derivative or preparation of fentanyl which is similar to any such substance in chemical structure or which is similar to any such substance in physiological effect and which shows a like potential for abuse, which is a controlled substance under this chapter unless modified, or (II) any salt, compound, isomer, derivative or preparation of any such substance which is chemically equivalent or identical to any substance referred to in subclause (I) of this clause; or (B) cocaine-type; coca leaves or any salt, compound, derivative or preparation of coca leaves, or any salt, compound, isomer, derivatives or preparation of any such substance which is chemically equivalent or identical to any such substance or which is similar to any such substance in physiological effect and which shows a like potential for abuse, but not including decocainized coca

leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

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

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

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

(34) "Opium poppy" means the plant of the species papaver somniferum l., except its seed.

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

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

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

(38) "Pharmacist" means a person authorized by law to practice

pharmacy pursuant to section 20-590, 20-591, 20-592 or 20-593.

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

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

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

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

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

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

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

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

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

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

(49) "Restricted drugs or substances" are the following substances without limitation and for all purposes: Datura stramonium; hyoscyamus niger; atropa belladonna, or the alkaloids atropine; hyoscyamine; belladonnine; apatropine; or any mixture of these alkaloids such as daturine, or the synthetic homatropine or any salts of these alkaloids, except that any drug or preparation containing any of the above-mentioned substances which is permitted by federal food and drug laws to be sold or dispensed without a prescription or written order shall not be a controlled substance; amyl nitrite; the following volatile substances to the extent that said chemical substances or compounds containing said chemical substances are sold, prescribed, dispensed, compounded, possessed or controlled or delivered or administered to another person with the purpose that said chemical substances shall be breathed, inhaled, sniffed or drunk to induce a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system: Acetone; benzene; butyl alcohol; butyl nitrate and its salts, isomers, esters, ethers or their salts; cyclohexanone; dichlorodifluoromethane; ether; ethyl acetate; formaldehyde; hexane; isopropanol; methanol; methyl cellosolve acetate; methyl ethyl ketone; methyl isobutyl ketone; nitrous oxide; pentochlorophenol; toluene; toluol; trichloroethane; trichloroethylene; 1,4 butanediol.

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

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

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

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

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

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

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

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

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

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

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

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

(62) "Synthetic cannabinoid" (A) means any **[**material, compound, mixture or preparation which contains 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 naturally containing cannabinoids, unless listed in another schedule pursuant to

section 21a-243**]** substance converted, by a chemical process, to create a cannabinoid or cannabinoid-like substance that (i) has structural features which allow interaction with at least one of the known cannabinoid-specific receptors, or (ii) has any physiological or psychotropic response on at least one cannabinoid-specific receptor, (B) includes, but is not limited to, hexahydrocannabinol (HHC and HXC) and hydrox4phc (PHC), and (C) does not include any manufactured cannabinoid.

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

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

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

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

(2) Synthetic cannabinoids; and

[(2)**]** (3) MDPV (3,4-methyenedioxypyrovalerone).

Sec. 3. Section 21a-408 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

As used in this section, sections 21a-408a to 21a-408o, inclusive, **[**and**]** sections 21a-408r to 21a-408v, inclusive, unless the context otherwise requires:

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

(2) "Cannabis establishment" has the same meaning as provided in section 21a-420;

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

(4) "Cannabis testing laboratory employee" means a person who is (A) employed at a cannabis testing laboratory, and (B) registered pursuant to section 21a-408r and the regulations adopted pursuant to subsection (d) of section 21a-408r;

(5) "Caregiver" means a person, other than the qualifying patient and the qualifying patient's physician, physician assistant or advanced practice registered nurse, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided (A) in the case of a qualifying patient (i) under eighteen years of age and not an emancipated minor, or (ii) otherwise lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient, and (B) in the case of a qualifying patient eighteen years of age or older or an emancipated minor, the need

for such person shall be evaluated by the qualifying patient's physician, physician assistant or advanced practice registered nurse and such need shall be documented in the written certification;

(6) "Cultivation" includes planting, propagating, cultivating, growing and harvesting;

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

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

(9) "Employee" has the same meaning as provided in section 21a-420;

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

(11) "Institutional review board" means a specifically constituted review body established or designated by an organization to protect the rights and welfare of persons recruited to participate in biomedical, behavioral or social science research;

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

(13) "Marijuana" **[**means marijuana, as defined**]** has the same meaning as provided in section 21a-240, as amended by this act;

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

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

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

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

(18) "Physician assistant" means a person who is licensed as a physician assistant under chapter 370;

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

(20) "Qualifying patient" means a person who **[**:**]** (A) **[**Is**]** is a resident of Connecticut, (B) has been diagnosed by a physician, physician

assistant or advanced practice registered nurse as having a debilitating medical condition, and (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or (iii) has written consent from a custodial parent, guardian or other person having legal custody of such person that indicates that such person has permission from such parent, guardian or other person for the palliative use of marijuana for a debilitating medical condition and that such parent, guardian or other person will (I) serve as a caregiver for the qualifying patient, and (II) control the acquisition and possession of marijuana and any related paraphernalia for palliative use on behalf of such person. "Qualifying patient" does not include an inmate confined in a correctional institution or facility under the supervision of the Department of Correction;

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

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

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

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

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

Sec. 4. Subsection (d) of section 21a-420n of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Sec. 5. Subsection (b) of section 21a-421j of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commissioner shall adopt regulations in accordance with chapter 54 to implement the provisions of RERACA. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of RERACA and protect public health and safety, prior to adopting such regulations the commissioner shall issue policies and procedures to implement the provisions of RERACA that shall have the force and effect of law. The commissioner shall post all policies and procedures on the department's Internet web site and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. The commissioner shall also provide such policies and procedures, in a manner prescribed by the commissioner, to each licensee. Any such policy or procedure shall no longer be effective upon the earlier of either the adoption of the policy or procedure as a final regulation under section 4-172 or forty-eight months from June 22, 2021, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170. The commissioner shall issue policies and procedures and thereafter final regulations that include, but are not limited to, the following:

(1) Setting appropriate dosage, potency, concentration and serving size limits and delineation requirements for cannabis, provided a standardized serving of edible cannabis product or beverage, other than a medical marijuana product, shall contain not more than five milligrams of THC.

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

(3) Requiring that, if it is impracticable to clearly demark every standardized serving of cannabis product or to make each standardized serving easily separable in an edible cannabis product or beverage, the product, other than cannabis concentrate or medical marijuana product, shall contain not more than five milligrams of THC per unit of sale.

(4) Establishing, in consultation with the Department of Mental Health and Addiction Services, consumer health materials that shall be posted or distributed, as specified by the commissioner, by cannabis establishments to maximize dissemination to cannabis consumers. Consumer health materials may include pamphlets, packaging inserts, signage, online and printed advertisements and advisories and printed health materials.

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

(A) Inclusion of universal symbols to indicate that cannabis, or a cannabis product, contains THC and is not legal or safe for individuals younger than twenty-one years of age, and prescribe how such product and product packaging shall utilize and exhibit such symbols.

(B) A disclosure concerning the length of time it typically takes for

the cannabis to affect an individual, including that certain forms of cannabis take longer to have an effect.

(C) A notation of the amount of cannabis the cannabis product is considered the equivalent to.

(D) A list of ingredients and all additives for cannabis.

(E) Child-resistant, tamper-resistant and light-resistant packaging. **[**, including requiring that an edible product be individually wrapped.**]** For the purposes of this subparagraph, packaging shall be deemed to be (i) child-resistant if the packaging satisfies the standard for special packaging established in 16 CFR 1700.1(b)(4), as amended from time to time, (ii) tamper-resistant if the packaging has at least one barrier to, or indicator of, entry that would preclude the contents of such packaging from being accessed or adulterated without indicating to a reasonable person that such packaging has been breached, and (iii) light-resistant if the packaging is entirely and uniformly opaque and protects the entirety of the contents of such packaging from the effects of light.

(F) (i) Packaging for cannabis intended for multiple servings to be resealable in such a manner so as to render such packaging continuously child-resistant, as described in subparagraph (E)(i) of this subdivision, and preserve the integrity of the contents of such packaging, and (ii) if packaging for cannabis intended for multiple servings contains any edible cannabis product, for each single standardized serving to be easily discernible and (I) individually wrapped, or (II) physically demarked and delineated as required under this subsection.

(G) Impervious packaging that protects the contents of such packaging from contamination and exposure to any toxic or harmful substance, including, but not limited to, any glue or other adhesive or substance that is incorporated in such packaging.

(H) Product tracking information sufficient to determine where and when the cannabis was grown and manufactured such that a product recall could be effectuated.

(I) A net weight statement.

(J) A recommended use by or expiration date.

(K) Standard and uniform packaging and labeling, including, but not limited to, requirements (i) regarding branding or logos, (ii) that all packaging be opaque, and (iii) that amounts and concentrations of THC and cannabidiol, per serving and per package, be clearly marked on the packaging or label of any cannabis product sold.

(L) For any cannabis concentrate cannabis product that contains a total THC percentage greater than thirty per cent, a warning that such cannabis product is a high-potency product and may increase the risk of psychosis.

(M) Chemotypes, which shall be displayed as (i) "High THC, Low CBD" where the ratio of THC to CBD is greater than five to one and the total THC percentage is at least fifteen per cent, (ii) "Moderate THC, Moderate CBD" where the ratio of THC to CBD is at least one to five but not greater than five to one and the total THC percentage is greater than five per cent but less than fifteen per cent, (iii) "Low THC, High CBD" where the ratio of THC to CBD is less than one to five and the total THC percentage is not greater than five per cent, or (iv) the chemotype described in clause (i), (ii) or (iii) of this subparagraph that most closely fits the cannabis or cannabis product, as determined by mathematical analysis of the ratio of THC to CBD, where such cannabis or cannabis product does not fit a chemotype described in clause (i), (ii) or (iii) of this subparagraph.

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

(i) A unique identifier generated by a cannabis analytic tracking system maintained by the department and used to track cannabis under the policies and procedures issued, and final regulations adopted, by

the commissioner pursuant to this section; and

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

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

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

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

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

(V) Directions for use and storage.

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

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

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

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

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

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

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

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

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

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

(XI) Such additional warning labels for certain cannabis products as the commissioner may require and post on the department's Internet web site.

(6) Establishing laboratory testing standards.

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

(8) Prohibiting certain manufacturing methods, or inclusion of additives to cannabis products, including, but not limited to, (A) added flavoring, terpenes or other additives unless approved by the department, or (B) any form of nicotine or other additive containing nicotine.

(9) Prohibiting cannabis product types that appeal to children.

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

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

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

(13) Requiring producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers to register brand names for cannabis, in accordance with the policies and procedures and subject to the fee set forth in, regulations adopted under chapter 420f.

(14) Prohibiting a cannabis establishment from selling, other than the sale of medical marijuana products between cannabis establishments and the sale of cannabis to qualified patients and caregivers, (A) cannabis flower or other cannabis plant material with a total THC concentration greater than thirty per cent on a dry-weight basis, and (B) any cannabis product other than cannabis flower and cannabis plant material with a total THC concentration greater than sixty per cent on a dry-weight basis, except that the provisions of subparagraph (B) of this subdivision shall not apply to the sale of prefilled cartridges for use in an electronic cannabis delivery system, as defined in section 19a-342a and the department may adjust the percentages set forth in

subparagraph (A) or (B) of this subdivision in regulations adopted pursuant to this section for purposes of public health or to address market access or shortage. As used in this subdivision, "cannabis plant material" means material from the cannabis plant, as defined in section 21a-279a.

(15) Permitting the outdoor cultivation of cannabis.

(16) Prohibiting packaging that is (A) visually similar to any commercially similar product that does not contain cannabis, or (B) used for any good that is marketed to individuals reasonably expected to be younger than twenty-one years of age.

(17) Allowing packaging to include a picture of the cannabis product and contain a logo of one cannabis establishment, which logo may be comprised of not more than three colors and provided neither black nor white shall be considered one of such three colors.

(18) Requiring packaging to (A) be entirely and uniformly one color, and (B) not incorporate any information, print, embossing, debossing, graphic or hidden feature, other than any permitted or required label.

(19) Requiring that packaging and labeling for an edible cannabis product, excluding the warning labels required under this subsection and a picture of the cannabis product described in subdivision (17) of this subsection but including, but not limited to, the logo of the cannabis establishment, shall only be comprised of black and white or a combination thereof.

(20) (A) Except as provided in subparagraph (B) of this subdivision, requiring that delivery device cartridges be labeled, in a clearly legible manner and in as large a font as the size of the device reasonably allows, with only the following information (i) the name of the cannabis establishment where the cannabis is grown or manufactured, (ii) the cannabis brand, (iii) the total THC and total CBD content contained within the delivery device cartridge, (iv) the expiration date, and (v) the unique identifier generated by a cannabis analytic tracking system

maintained by the department and used to track cannabis under the policies and procedures issued, and final regulations adopted, by the commissioner pursuant to this section.

(B) A cannabis establishment may emboss, deboss or similarly print the name of the cannabis establishment's business entity, and one logo with not more than three colors, on a delivery device cartridge.

Sec. 6. Section 21a-421aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(c) A retailer or hybrid retailer shall not knowingly sell to a consumer more than one ounce of cannabis or the equivalent amount of cannabis products or combination of cannabis and cannabis products, as set forth in subsection (i) of section 21a-279a, per day, except that a hybrid retailer or dispensary facility may sell up to five ounces of cannabis or the equivalent amount of cannabis products or combination of cannabis and cannabis products to a qualifying patient or caregiver per day. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, to avoid cannabis supply shortages or address a public health and safety

concern, the commissioner may set temporary lower per-transaction limits, which shall be published on the department's Internet web site. Such limits shall become ineffective upon the commissioner's determination that a supply shortage or public health and safety concern no longer exists.

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

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

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

Sec. 7. Subsection (a) of section 21a-421dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

virtue of [RERACA] this chapter.

Sec. 8. Section 22-61m of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

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

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

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

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

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

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

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

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

(A) Surrender, without compensation, of such hemp or hemp product

to the Commissioner of Consumer Protection who shall be responsible for the destruction and disposal of such adulterated product; or

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

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

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

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

(2) The manner of disposal or destruction;

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

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

(k) Any hemp intended to be manufactured by a manufacturer into a manufacturer hemp product shall be tested by an independent testing laboratory located in this state. A manufacturer licensee shall make available samples, in an amount and type determined by the Commissioner of Consumer Protection, of hemp for an independent testing laboratory employee to select random samples. The independent testing laboratory shall test each sample in accordance with the laboratory testing standards established in policies, procedures and

regulations adopted by the commissioner pursuant to section 21a-421j, as amended by this act.

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

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

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

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

(n) If a sample does not pass the microbiological, mycotoxin, heavy metal or pesticide chemical residue test, based on the laboratory testing standards established in policies, procedures and regulations adopted

by the Commissioner of Consumer Protection pursuant to section 21a-421j, as amended by this act, the manufacturer licensee who sent such batch for testing shall:

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

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

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

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

(p) The independent testing laboratory shall file with the Department

of Consumer Protection an electronic copy of each laboratory test result for any batch that does not pass the microbiological, mycotoxin, heavy metal or pesticide chemical residue test, at the same time that it transmits such results to the manufacturer licensee who requested such testing. Each independent testing laboratory shall maintain the test results of each tested batch for a period of three years and shall make such results available to the Department of Consumer Protection upon request.

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

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

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

(t) Not later than February 1, 2020, the Commissioners of Agriculture

and Consumer Protection shall submit a report, in accordance with section 11-4a, to the joint standing committee of the general assembly having cognizance of matters relating to the environment on the status of the pilot program, the development of the state plan and any regulations for such pilot program or state plan. Such report shall also include any legislative recommendations, including, but not limited to, any recommendations for requiring the registration of any manufacturer hemp product offered for sale in this state.

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

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

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

(w) No manufacturer hemp product offered for sale in this state, or to a consumer in this state, shall be packaged, presented or advertised in a manner 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 (i) in this state by a cannabis establishment licensed in this state, or (ii) on tribal land by a tribal-credentialed cannabis entity, or (B) a commercially available product other than a cannabis product, as defined in section 21a-420; or (2) implies that the manufacturer hemp product (A) is a cannabis product, as defined in section 21a-420, (B) contains a total THC concentration greater than three-tenths per cent on a dry-weight basis, or (C) is a high-THC hemp product, as defined in section 21a-240, as amended by this act.

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

(1) A scannable barcode, Internet web site 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:

(A) The name of such product;

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

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

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

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

(3) A clear and conspicuous statement disclosing that:

(A) Children, or those who are pregnant or breastfeeding, should avoid using such product prior to consulting with a health care

professional concerning such product's safety;

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

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

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

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

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

(A) The name of such product;

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

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

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

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

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	21a-240
Sec. 2	*from passage*	21a-243(j)
Sec. 3	*October 1, 2024*	21a-408
Sec. 4	*from passage*	21a-420n(d)
Sec. 5	*from passage*	21a-421j(b)
Sec. 6	*from passage*	21a-421aa
Sec. 7	*from passage*	21a-421dd(a)
Sec. 8	*from passage*	22-61m

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.

House "A" makes various changes regarding cannabis regulations that are not anticipated to result in a 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 (as amended by House "A")*

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 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 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," "marijuana," and "cannabis-type substances" 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 their effect.

The bill also 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 manner;

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 current 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.

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

*House Amendment "A" adds the provisions on cultivators and the packaging of edibles; makes technical changes to the medical marijuana laws; and makes other minor, technical, and conforming changes, including to the definition of several terms.

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

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

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 cannabinon, cannabinol, 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 unschedules; or

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

The bill also makes conforming changes to the definition of the term "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 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 includes hexahydrocannabinol (HHC and HXC) and hydrox4phc (PHC), but does not include 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" are cannabinoids created directly by 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 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 derived by a chemical or biological process.

§ 4 — CULTIVATORS

The bill 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 (see BACKGROUND), rather than just to dispensary

facilities, hybrid retailers, retailers, food and beverage manufacturers, product manufacturers, and product packagers, as under current law.

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

§ 5 — EDIBLE CANNABIS PACKAGING

Current law requires edible cannabis products to be in individually wrapped packaging. The bill allows 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.

§ 5 — 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.

§ 7 — 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.

§ 8 — 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, as amended by House "A", has substantially similar provisions redefining certain definitions, allowing multiple serving edibles, and allowing the transport of lawfully produced hemp through the state

COMMITTEE ACTION

General Law Committee

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