Senate Bill No. 1201

June Special Session, Public Act No. 21-1

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

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

Section 1. (NEW) (*Effective from passage*) As used in RERACA, unless the context otherwise requires:

(1) "Responsible and Equitable Regulation of Adult-Use Cannabis Act" or "RERACA" means this section, sections 7, 9, 11 to 14, inclusive, 16, 18, 20 to 65, inclusive, 82, 83, 89 to 110, inclusive, 112 to 114, inclusive, 121, 124 to 128, inclusive, 134, 135 and 144 to 151, inclusive, 153, 162, 163, 165 to 167, inclusive, and 174 of this act, and the amendments to sections 7-148, 10-221, 12-30a, 12-35b, 12-412, 12-650, 12-704d, 14-44k, 14-111e, 14-227a to 14-227c, inclusive, 14-227j, 15-140q, 15-140r, 18-100h, 19a-342, 19a-342a, 21a-267, 21a-277, 21a-279, 21a-279a, 21a-408 to 21a-408f, inclusive, 21a-408h to 21a-408p, inclusive, 21a-408r to 21a-408v, inclusive, 30-89a, 31-40q, 32-39, 46b-120, 51-164n, 53-394, 53a-39c, 54-1m, 54-33g, 54-41b, 54-56e, 54-56g, 54-56i, 54-56k, 54-56n, 54-63d, 54-66a and 54-142e of the general statutes;

(2) "Backer" means any individual with a direct or indirect financial interest in a cannabis establishment. "Backer" does not include an individual with an investment interest in a cannabis establishment if (A)

the interest held by such individual and such individual's spouse, parent or child, in the aggregate, does not exceed five per cent of the total ownership or interest rights in such cannabis establishment, and (B) such individual does not participate directly or indirectly in the control, management or operation of the cannabis establishment;

(3) "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;

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

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

(6) "Cannabis trim" means all parts, including abnormal or immature parts, of a plant of the genus cannabis, other than cannabis flower, that have been harvested, dried and cured, and prior to any processing whereby the plant material is transformed into a cannabis product. "Cannabis trim" does not include hemp, as defined in section 22-61*l* of the general statutes;

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

(8) "Cannabis concentrate" means any form of concentration,

including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis;

(9) "Cannabis-type substances" have the same meaning as "marijuana", as defined in section 21a-240 of the general statutes;

(10) "Commissioner" means the Commissioner of Consumer Protection and includes any designee of the commissioner;

(11) "Consumer" means an individual who is twenty-one years of age or older;

(12) "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes;

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

(14) "Delivery service" means a person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the general statutes, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof;

(15) "Department" means the Department of Consumer Protection;

(16) "Dispensary facility" means a place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f

of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder;

(17) "Disproportionately impacted area" means a United States census tract in the state that has, as determined by the Social Equity Council under section 22 of this act, (A) a historical conviction rate for drug-related offenses greater than one-tenth, or (B) an unemployment rate greater than ten per cent;

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

(19) "Dispensary technician" means an individual who has had an active pharmacy technician or dispensary technician registration in this state within the past five years, is affiliated with a dispensary facility or

hybrid retailer and is registered with the department in accordance with chapter 420f of the general statutes and any regulations adopted thereunder;

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

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

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

(23) "Extract" means the preparation, compounding, conversion or processing of cannabis, either directly or indirectly by extraction or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis to produce a cannabis concentrate;

(24) "Financial interest" means any right to, ownership, an investment

or a compensation arrangement with another person, directly, through business, investment or family. "Financial interest" does not include ownership of investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by such person and such person's spouse, parent or child, in the aggregate, do not exceed one-half of one per cent of the total number of shares issued by the corporation;

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

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

(27) "Historical conviction count for drug-related offenses" means, for a given area, the number of convictions of residents of such area (A) for violations of sections 21a-267, 21a-277, 21a-278, 21a-279 and 21a-279a of the general statutes, and (B) who were arrested for such violations between January 1, 1982, and December 31, 2020, inclusive, where such arrest was recorded in databases maintained by the Department of Emergency Services and Public Protection;

(28) "Historical conviction rate for drug-related offenses" means, for a given area, the historical conviction count for drug-related offenses divided by the population of such area, as determined by the five-year estimates of the most recent American Community Survey conducted by the United States Census Bureau;

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

(30) "Key employee" means an employee with the following management position or an equivalent title within a cannabis establishment: (A) President or chief officer, who is the top ranking individual at the cannabis establishment and is responsible for all staff and overall direction of business operations; (B) financial manager, who is the individual who reports to the president or chief officer and who is generally responsible for oversight of the financial operations of the cannabis establishment, including, but not limited to, revenue generation, distributions, tax compliance and budget implementation; or (C) compliance manager, who is the individual who reports to the president or chief officer and who is generally responsible for ensuring the cannabis establishment complies with all laws, regulations and requirements related to the operation of the cannabis establishment;

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

(32) "Laboratory employee" means an individual who is registered as a laboratory employee pursuant to section 21a-408r of the general statutes;

(33) "Labor peace agreement" means an agreement between a cannabis establishment and a bona fide labor organization under section 102 of this act pursuant to which the owners and management of the cannabis establishment agree not to lock out employees and that prohibits the bona fide labor organization from engaging in picketing, work stoppages or boycotts against the cannabis establishment;

(34) "Manufacture" means to add or incorporate cannabis into other

products or ingredients or create a cannabis product;

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

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

(37) "Municipality" means any town, city or borough, consolidated town and city or consolidated town and borough;

(38) "Paraphernalia" means drug paraphernalia, as defined in section 21a-240 of the general statutes;

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

(40) "Producer" means a person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder;

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

(42) "Product packager" means a person that is licensed to package

and label cannabis;

(43) "Qualifying patient" has the same meaning as provided in section 21a-408 of the general statutes;

(44) "Research program" has the same meaning as provided in section 21a-408 of the general statutes;

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

(46) "Sale" or "sell" has the same meaning as provided in section 21a-240 of the general statutes;

(47) "Social Equity Council" or "council" means the council established under section 22 of this act;

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

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

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

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

(49) "THC" has the same meaning as provided in section 21a-240 of the general statutes;

(50) "Third-party lottery operator" means a person, or a constituent unit of the state system of higher education, that conducts lotteries pursuant to section 35 of this act, identifies the cannabis establishment license applications for consideration without performing any review of the applications that are identified for consideration, and that has no direct or indirect oversight of or investment in a cannabis establishment or a cannabis establishment applicant;

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

(52) "Transport" means to physically move from one place to another;

(53) "Transporter" means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs; and

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

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

(a) (1) Any person who possesses or has under such person's control any quantity of any controlled substance, except **[**less than one-half ounce of a cannabis-type substance**]** <u>any quantity of cannabis, as defined in section 1 of this act,</u> and except as authorized in this chapter <u>or chapter 420f</u>, shall be guilty of a class A misdemeanor.

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

(3) For any subsequent offense of subdivision (1) of this subsection, the court may find such person to be a persistent offender for possession of a controlled substance in accordance with section 53a-40.

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

(a) Any person **[**who possesses or has under his control less than one-half ounce of a cannabis-type substance, as defined in section 21a-240, except as authorized in this chapter, shall (1) for a first offense, be fined one hundred fifty dollars, and (2) for a subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars.**]** twenty-one years of age or older may possess, use and otherwise consume cannabis, provided the amount of all such cannabis does not exceed such person's possession limit of (1) one and one-half ounces of cannabis plant material and five ounces of cannabis plant material in a locked container at such person's residence or a locked glove box or trunk of such person's motor vehicle, (2) an equivalent amount of cannabis products, as provided in subsection (i) of this section, or (3) an equivalent amount of a combination of cannabis and cannabis products, as provided in subsection (i) of this section. On and after July 1, 2023, a person's personal possession limit does not include any live plant or cannabis plant material derived from any live plant cultivated by such person in accordance with the provisions of section 162 of this act.

(b) (1) Any person under eighteen years of age who possesses or has under such person's control less than (A) five ounces of cannabis plant material, (B) an equivalent amount of cannabis products, as provided in

subsection (i) of this section, or (C) an equivalent amount of a combination of cannabis and cannabis products, as provided in subsection (i) of this section, except as authorized in this chapter or chapter 420f, shall for a (i) first offense, be issued a written warning, and such person may be referred to a youth services bureau established under section 10-19m or to any other appropriate services, (ii) second offense, be referred to a youth services bureau established under section 10-19m or to any other appropriate services, and (iii) any subsequent offense, be adjudicated delinquent pursuant to the provisions of section 46b-120.

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

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

(c) (1) Any person eighteen years of age or older but under twenty-one years of age, who possesses or has under such person's control less than (A) five ounces of cannabis plant material, (B) an equivalent amount of cannabis products, as provided in subsection (h) of this section, or (C) an equivalent amount of a combination of cannabis and cannabis products, as provided in subsection (i) of this section, except as authorized in this chapter or chapter 420f, shall be required to view and sign a statement acknowledging the health effects of cannabis on young people and shall (i) for a first offense, be fined fifty dollars, and (ii) for any subsequent offense, be fined one hundred fifty dollars.

(2) Any person eighteen years of age or older but under twenty-one

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

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

(e) (1) Any person twenty-one years of age or older, except as authorized in this chapter, chapter 420f or RERACA, who possesses or has under such person's control (A) five ounces or more of cannabis plant material or eight ounces or more of cannabis plant material in a locked container at such person's residence or a locked glove box or trunk of such person's motor vehicle, (B) an equivalent amount of cannabis products, as provided in subsection (i) of this section, or (C) an equivalent amount of a combination of cannabis and cannabis products, as provided in subsection (i) of this section, shall for a (i) first offense, be fined five hundred dollars, and (ii) subsequent offense, be guilty of a

class C misdemeanor.

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

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

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

(h) Any person subject to a fine under the provisions of this section may attest to his or her indigency, and, in lieu of paying such fine, complete community service with a private nonprofit charity or other nonprofit organization. The number of hours of community service required shall be equivalent to one hour of such service for each twenty-five dollars of the fine that would otherwise apply. Upon completion of the community service, such person shall attest, and present documentation from such private nonprofit charity or other nonprofit organization confirming that such community service was performed.

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

THC.

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

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

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

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

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

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

(4) As used in this section, "trunk" means (A) the fully enclosed and locked main storage or luggage compartment of a motor vehicle that is not accessible from the passenger compartment, or (B) a locked toolbox or utility box attached to the bed of a pickup truck, as defined in section

14-1. "Trunk" does not include the rear of a pickup truck, except as otherwise provided, or of a hatchback, station-wagon-type automobile or sport utility vehicle or any compartment that has a window.

Sec. 4. Section 21a-267 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No person shall use or possess with intent to use drug paraphernalia, as defined in subdivision (20) of section 21a-240, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, any controlled substance, as defined in subdivision (9) of section 21a-240, other than **[**a cannabis-type substance in a quantity of less than one-half ounce**]** cannabis. Any person who violates any provision of this subsection shall be guilty of a class C misdemeanor.

(b) No person shall deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, any controlled substance, other than **[**a cannabis-type substance in a quantity of less than one-half ounce**]** cannabis. Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor.

(c) Any person who violates subsection (a) or (b) of this section in or on, or within one thousand five hundred feet of, the real property comprising a public or private elementary or secondary school and who is not enrolled as a student in such school shall be imprisoned for a term of one year which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for violation of

subsection (a) or (b) of this section.

[(d) No person shall (1) use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, less than one-half ounce of a cannabis-type substance, or (2) deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, less than one-half ounce of a cannabis-type substance. Any person who violates any provision of this subsection shall have committed an infraction.**]**

[(e)**]** (d) The provisions of subsection (a) of this section shall not apply to any person (1) who in good faith, seeks medical assistance for another person who such person reasonably believes is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance, (2) for whom another person, in good faith, seeks medical assistance, reasonably believing such person is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance, or (3) who reasonably believes he or she is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance and, in good faith, seeks medical assistance for himself or herself, if evidence of the use or possession of drug paraphernalia in violation of said subsection was obtained as a result of the seeking of such medical assistance. For the purposes of this subsection, "good faith" does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

(e) For purposes of this section, "cannabis" has the same meaning as provided in section 1 of this act.

Sec. 5. Section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows:

(1) "Child" means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, "child" means any person who (i) is at least seven years of age at the time of the alleged commission of a delinquent act and who is (I) under eighteen years of age and has not been legally emancipated, or (II) eighteen years of age or older and committed a delinquent act prior to attaining eighteen years of age, or (ii) is subsequent to attaining eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) wilfully fails to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person who is at least seven years of age and is under eighteen years of age;

(2) (A) A child may be adjudicated as "delinquent" who has, while under sixteen years of age, (i) violated any federal or state law, except a first or second offense under subdivision (1) of subsection (b) of section 21a-279a, or except section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) violated any order of the Superior Court

in a delinquency proceeding, except as provided in section 46b-148, or (iv) violated conditions of probation supervision or probation supervision with residential placement in a delinquency proceeding as ordered by the court;

(B) A child may be adjudicated as "delinquent" who has (i) while sixteen or seventeen years of age, violated any federal or state law, other than (I) an infraction, **[**except an infraction under subsection (d) of section 21a-267,**]** (II) a violation, **[**except a violation under subsection (a) of section 21a-279a,**]** (III) a motor vehicle offense or violation under title 14, (IV) a violation of a municipal or local ordinance, **[**or**]** (V) a violation of section 51-164r, 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, <u>or (VI) a first or second offense under subdivision (1) of subsection (b) of section 21a-279a,</u> (ii) while sixteen years of age or older, wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) while sixteen years of age or older, violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, or (iv) while sixteen years of age or older, violated conditions of probation supervision or probation supervision with residential placement in a delinquency proceeding as ordered by the court;

(3) "Family with service needs" means a family that includes a child who is at least seven years of age and is under eighteen years of age who, according to a petition lawfully filed on or before June 30, 2020, (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, or (D) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child;

(4) A child may be found "neglected" who, for reasons other than being impoverished, (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child;

(5) A child may be found "abused" who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

(6) A child may be found "uncared for" (A) who is homeless, (B) whose home cannot provide the specialized care that the physical, emotional or mental condition of the child requires, or (C) who has been identified as a victim of trafficking, as defined in section 46a-170. For the purposes of this section, the treatment of any child by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment;

(7) "Delinquent act" means (A) the violation by a child under the age of sixteen of any federal or state law, except <u>a first or second offense under subdivision (1) of subsection (b) of section 21a-279a,</u> the violation of section 53a-172, 53a-173, 53a-222, 53a-222a, 53a-223 or 53a-223a, or the violation of a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a child sixteen or seventeen years of age of any federal or state law, other than (i) an infraction, **[**except an infraction under subsection (d) of section 21a-267,**]** (ii) a violation, **[**except a violation under subsection (a) of section 21a-279a,**]** (iii) a motor vehicle offense or violation under title 14, (iv) the violation of a municipal or local ordinance, **[**or**]** (v) the violation of section 51-164r, 53a-172, 53a-173, 53a-

222, 53a-222a, 53a-223 or 53a-223a, or (vi) a first or second offense under subdivision (1) of subsection (b) of section 21a-279a, (C) the wilful failure of a child, including a child who has attained the age of eighteen, to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child has notice, (D) the violation of any order of the Superior Court in a delinquency proceeding by a child, including a child who has attained the age of eighteen, except as provided in section 46b-148, or (E) the violation of conditions of probation supervision or probation supervision with residential placement in a delinquency proceeding by a child, including a child who has attained the age of eighteen, as ordered by the court;

(8) "Serious juvenile offense" means (A) the violation of, including attempt or conspiracy to violate, section 21a-277, 21a-278, 29-33, 29-34, 29-35, subdivision (2) or (3) of subsection (a) of section 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-64aa, 53a-64bb, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-100aa, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) absconding, escaping or running away, without just cause, from any secure residential facility in which the child has been placed by the court as a delinquent child;

(9) "Serious juvenile offender" means any child adjudicated as delinquent for the commission of a serious juvenile offense;

(10) "Serious juvenile repeat offender" means any child charged with the commission of any felony if such child has previously been adjudicated as delinquent or otherwise adjudicated at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as

a felony;

(11) "Alcohol-dependent" means a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders";

(12) "Drug-dependent" means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as drug-dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence;

(13) "Pre-dispositional study" means a comprehensive written report prepared by a juvenile probation officer pursuant to section 46b-134 regarding the child's social, medical, mental health, educational, risks and needs, and family history, as well as the events surrounding the offense to present a supported recommendation to the court;

(14) "Probation supervision" means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time and upon such terms as the court determines;

(15) "Probation supervision with residential placement" means a legal status whereby a juvenile who has been adjudicated delinquent is placed by the court under the supervision of juvenile probation for a specified period of time, upon such terms as the court determines, that

include a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of supervision in the community;

(16) "Risk and needs assessment" means a standardized tool that (A) assists juvenile probation officers in collecting and synthesizing information about a child to estimate the child's risk of recidivating and identify other factors that, if treated and changed, can reduce the child's likelihood of reoffending, and (B) provides a guide for intervention planning;

(17) "Secure-residential facility" means a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements and physical barriers that allow for close supervision and controlled movement in a treatment setting; and

(18) "Staff-secure residential facility" means a residential facility that provides residential treatment for children in a structured setting where the children are monitored by staff.

Sec. 6. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection

(a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-341*l*, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection **[**(a)**]** <u>(c), (d) or (e)</u> of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-

415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, **[**or**]** section 53-450, <u>or section 13, 91, 108 or 110 of this act,</u> or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such

violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 7. (NEW) (*Effective July 1, 2021*) The provisions of subsections (b) to (e), inclusive, of section 21a-279a of the general statutes, and sections 13, 105, 109 and 163 of this act shall not apply to any person (1) who, in good faith, seeks medical assistance for another person who such person reasonably believes is experiencing medical distress from the use of cannabis; (2) for whom another person, in good faith, seeks medical assistance, reasonably believing such person is experiencing medical distress from the use of cannabis; or (3) who reasonably believes he or she is experiencing medical distress from the use of cannabis and, in good faith, seeks medical assistance for himself or herself, if evidence of the possession or control of cannabis in violation of such provisions was obtained as a result of the seeking of such medical assistance. For the purposes of this subsection, "good faith" does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

Sec. 8. (NEW) (*Effective July 1, 2022*) (a) (1) Any person who has been convicted in any court in this state (A) (i) on October 1, 2015, or thereafter, and prior to July 1, 2021, or (ii) prior to January 1, 2000, of a violation of section 21a-279 of the general statutes, for possession of a cannabis-type substance and the amount possessed was less than or equal to four ounces of such substance, (B) prior to July 1, 2021, of a violation of subsection (a) of section 21a-267, for use or possession with intent to use of drug paraphernalia to store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body cannabis, or (C) prior to July 1, 2021, of a violation of subsection (b) of section 21a-277 of the general statutes, for manufacturing, distributing, selling, prescribing, compounding, transporting with the intent to sell or dispense, possessing with the intent to sell or dispense, offering, giving or administering to another person a cannabis-type substance and the

amount involved was less than or equal to four ounces or six plants grown inside such person's own primary residence for personal use may file a petition with the Superior Court at the location in which such conviction was effected, or with the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice, in the Superior Court where venue would currently exist for criminal prosecution, for an order of erasure.

(2) As part of such petition, such person shall include a copy of the arrest record or an affidavit supporting such person's petition that, in the case of a violation of section 21a-279 of the general statutes, such person possessed four ounces or less of a cannabis-type substance for which such person was convicted, in the case of a violation of subsection (a) of section 21a-267 of the general statutes, such person used or possessed with intent to use such drug paraphernalia only to store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body cannabis or in the case of a violation of subsection (b) of section 21a-277 of the general statutes, such person manufactured, distributed, sold, prescribed, compounded, transported with the intent to sell or dispense, possessed with the intent to sell or dispense, offered, gave or administered to another person less than or equal to four ounces of a cannabis-type substance or six cannabis plants grown inside such person's own primary residence for personal use.

(3) If such petition is in order, the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense to be erased pursuant to the provisions of section 54-142a of the general statutes.

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

(b) The provisions of this section shall not apply to any police or court

records or records of the state's or prosecuting attorney pertaining to such offense (1) while the criminal case is pending, or (2) in instances where the case contains more than one count, until the records pertaining to all counts are entitled to erasure, except that when the criminal case is disposed of, electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section.

(c) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, court recording monitor or any other entity designated by the Chief Court Administrator.

Sec. 9. (NEW) (*Effective January 1, 2023*) (a) Whenever on or after January 1, 2000, but prior to October 1, 2015, any person has been convicted in any court of this state of possession under subsection (c) of section 21a-279 of the general statutes, all police and court records and records of the state's or prosecuting attorney pertaining to such a conviction in any court of this state shall be, pursuant to the provisions of section 54-142a of the general statutes, (1) erased, if such records are electronic records; or (2) deemed erased by operation of law, if such records are not electronic records.

(b) The provisions of this section shall not apply to any police or court records or the records of any state's attorney or prosecuting attorney with respect to any record referencing more than one count unless and until all counts are entitled to erasure in accordance with the provisions of this section, except that electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section.

(c) Nothing in this section shall limit any other procedure for erasure

of criminal history record information, as defined in section 54-142g of the general statutes, or prohibit a person from participating in any such procedure, even if such person's electronic criminal history record information has been erased pursuant to this section.

(d) For the purposes of this section, "electronic record" means any police or court record or record of any state's attorney or prosecuting attorney that is an electronic record, as defined in section 1-267 of the general statutes, other than a scanned copy of a physical document.

(e) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, court recording monitor or any other entity designated by the Chief Court Administrator.

(f) Nothing in this section shall be construed to require the partial redaction of physical documents or scanned copies of such documents held internally by any criminal justice agency.

(g) Nothing in this section shall be construed to require the Department of Motor Vehicles to erase criminal history record information on an operator's driving record. When applicable, the Department of Motor Vehicles shall make such criminal history record information available through the Commercial Driver's License Information System.

(h) A person whose records have been erased pursuant to this section may represent to any entity other than a criminal justice agency that they have not been arrested or convicted for the purposes of any such conviction for which such records have been erased.

Sec. 10. Section 54-142e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2023*):

(a) Notwithstanding the provisions of subsection (e) of section 54-

142a and section 54-142c, with respect to any person, including, but not limited to, a consumer reporting agency as defined in subsection (i) of section 31-51i, or a background screening provider or similar data-based service or company, that purchases criminal matters of public record, as defined in said subsection (i), from the Judicial Department or any criminal justice agency pursuant to subsection (b) of section 54-142g, the department shall make available to such person information concerning such criminal matters of public record that have been erased pursuant to section 54-142a. Such information may include docket numbers or other information that permits the person to identify and permanently delete records that have been erased pursuant to section 54-142a.

(b) Each person, including, but not limited to, a consumer reporting agency or background screening provider or similar data-based service or company, that has purchased records of criminal matters of public record from the Judicial Department or any criminal justice agency shall, prior to disclosing such records, (1) purchase from the Judicial Department or such criminal justice agency, on a monthly basis or on such other schedule as the Judicial Department or such criminal justice agency may establish, any updated criminal matters of public record or information available for the purpose of complying with this section, and (2) update its records of criminal matters of public record to permanently delete such erased records not later than thirty calendar days after receipt of information on the erasure of criminal records pursuant to section 54-142a. Such person shall not further disclose such erased records.

Sec. 11. (NEW) (*Effective July 1, 2021*) Notwithstanding any provision of the general statutes, no cannabis establishment, employee, or backer of a cannabis establishment may be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional

licensing board, for the acquisition, distribution, possession, use or transportation of cannabis or paraphernalia related to cannabis in his or her capacity as a cannabis establishment, cannabis employee, or backer so long as such person's activity is in accordance with the laws and regulations for such person's license or registration type set forth in RERACA.

Sec. 12. (NEW) (*Effective July 1, 2021*) Except when required by federal law, an agreement between the federal government and the state, or because of a substantial risk to public health or safety, no state entity shall deny a professional license because of an individual's: (1) Employment or affiliation with a cannabis establishment; (2) possession or use of cannabis that is legal under section 21a-279a of the general statutes, or chapter 420f of the general statutes; or (3) cannabis use or possession conviction for an amount less than four ounces.

Sec. 13. (NEW) (*Effective July 1, 2021*) (a) No person may manufacture, distribute, sell, prescribe, dispense, compound, transport with the intent to sell or dispense, possess with the intent to sell or dispense, offer, give or administer to another person cannabis or cannabis products, except as authorized in chapter 420b or 420f of the general statutes or sections 41 to 49, inclusive, of this act.

(b) (1) Except as provided in subsection (c) or (d) of this section, any person eighteen years of age or older who violates subsection (a) of this section (A) for a first offense, shall be guilty of a class B misdemeanor, and (B) for any subsequent offense, shall be guilty of a class A misdemeanor.

(2) Any person under eighteen years of age who violates subsection (a) of this section shall be adjudicated delinquent pursuant to the provisions of section 46b-120 of the general statutes.

(c) Any person eighteen years of age or older who violates subsection

(a) of this section by manufacturing, distributing, selling, prescribing, compounding, transporting with the intent to sell or dispense, possessing with the intent to sell or dispense, offering, giving or administering to another person less than eight ounces of cannabis plant material, as defined in section 21a-279a of the general statutes, or an equivalent amount of cannabis products or a combination of cannabis and cannabis products, as provided in subsection (i) of section 21a-279a of the general statutes, (1) for a first offense, shall be fined not more than five hundred dollars, and (2) for any subsequent offense, shall be guilty of a class C misdemeanor.

(d) Any person eighteen years of age or older who before July 1, 2023, violates subsection (a) of this section by growing up to three mature cannabis plants and three immature cannabis plants in such person's own residence for personal use (1) for a first offense, shall be issued a written warning, (2) for a second offense, shall be fined not more than five hundred dollars, and (3) for any subsequent offense, shall be guilty of a class D misdemeanor. If evidence of a violation of this subsection is found in the course of any law enforcement activity other than investigation of a violation of this subsection or section 21a-278 or 21a-279a of the general statutes, such evidence shall not be admissible in any criminal proceeding.

Sec. 14. (NEW) (*Effective July 1, 2021*) Any consumer may give cannabis to another consumer, without compensation or consideration, provided such consumer reasonably believes such other consumer may possess such cannabis without exceeding the possession limit pursuant to subsection (a) of section 21a-279a of the general statutes.

Sec. 15. Subsection (b) of section 21a-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

dispense, compound, transport with the intent to sell or dispense, possess with the intent to sell or dispense, offer, give or administer to another person, except as authorized in this chapter or chapter 420f, any controlled substance other than **[**a**]** (A) a narcotic substance, or (B) a hallucinogenic substance, or (C) cannabis.

(2) Any person who violates subdivision (1) of this subsection (A) for a first offense, may be fined not more than twenty-five thousand dollars or imprisoned not more than seven years, or be both fined and imprisoned, and (B) for any subsequent offense, may be fined not more than one hundred thousand dollars or imprisoned not more than fifteen years, or be both fined and imprisoned.

(3) For purposes of this subsection, "cannabis" has the same meaning as provided in section 1 of this act.

Sec. 16. (NEW) (*Effective July 1, 2021*) (a) Except as provided in subsection (b) of this section, use or possession of cannabis by a person that does not violate section 21a-279a of the general statutes, or chapter 420f of the general statutes shall not be grounds for revocation of such person's parole, special parole or probation.

(b) If a person's conditions of parole, special parole or probation include a finding that use of cannabis would pose a danger to such person or to the public and a condition that such person not use cannabis and individualized reasons supporting such finding, use of cannabis may be grounds for revocation of parole, special parole or probation. Such finding shall not consider any prior arrests or convictions for use or possession of cannabis.

Sec. 17. Subsection (c) of section 54-63d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) In addition to or in conjunction with any of the conditions

enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this section, the bail commissioner or intake, assessment and referral specialist may impose nonfinancial conditions of release, which may require that the arrested person do any of the following: (1) Remain under the supervision of a designated person or organization; (2) comply with specified restrictions on the person's travel, association or place of abode; (3) not engage in specified activities, including the use or possession of a dangerous weapon, or the unlawful use or possession of an intoxicant or controlled substance; (4) not use classes of intoxicants or controlled substances, if such bail commissioner makes a finding that use of such classes of intoxicants or controlled substances would pose a danger to the arrested person or to the public and includes individualized reasons supporting such finding. Such finding shall not consider any prior arrests or convictions for use or possession of cannabis; (5) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; or **[**(5)**]** (6) satisfy any other condition that is reasonably necessary to ensure the appearance of the person in court. Any of the conditions imposed under subsection (a) of this section and this subsection by the bail commissioner or intake, assessment and referral specialist shall be effective until the appearance of such person in court.

Sec. 18. (NEW) (*Effective July 1, 2021*) (a) Except as provided in subsection (c) of this section, the existence of any of the following circumstances shall not constitute in part or in whole probable cause or reasonable suspicion and shall not be used as a basis to support any stop or search of a person or motor vehicle:

(1) The odor of cannabis or burnt cannabis;

(2) The possession of or the suspicion of possession of cannabis without evidence that the quantity of cannabis is or suspected to be in excess of five ounces of cannabis plant material, as defined in section 21a-279a of the general statutes, or an equivalent amount of cannabis

products or a combination of cannabis and cannabis products, as provided in subsection (i) of section 21a-279a of the general statutes; or

(3) The presence of cash or currency in proximity to cannabis without evidence that such cash or currency exceeds five hundred dollars.

(b) Any evidence discovered as a result of any stop or search conducted in violation of this section shall not be admissible in evidence in any trial, hearing or other proceeding in a court of this state.

(c) A law enforcement official may conduct a test for impairment based on the odor of cannabis or burnt cannabis if such official reasonably suspects the operator or a passenger of a motor vehicle of violating section 14-227, 14-227a, 14-227m or 14-227n of the general statutes.

Sec. 19. Subsection (d) of section 10-221 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(d) Not later than July 1, 1991, each local and regional board of education shall develop, adopt and implement policies and procedures in conformity with section 10-154a for (1) dealing with the use, sale or possession of alcohol or controlled drugs, as defined in subdivision (8) of section 21a-240, by public school students on school property, including a process for coordination with, and referral of such students to, appropriate agencies, and (2) cooperating with law enforcement officials. <u>On and after January 1, 2022, no such policies and procedures shall result in a student facing greater discipline, punishment or sanction for use, sale or possession of cannabis than a student would face for the use, sale or possession of alcohol.</u>

Sec. 20. (NEW) (*Effective October 1, 2021*) Any person who provides cannabis, as defined in section 1 of this act, to a domesticated animal, shall be guilty of a class C misdemeanor.

Sec. 21. (NEW) (*Effective July 1, 2021*) (a) Except as provided in RERACA and chapter 420b or 420f of the general statutes, (1) no person, other than a retailer, hybrid retailer, micro-cultivator or delivery service, or an employee thereof in the course of his or her employment, may sell or offer cannabis to a consumer, and (2) no person, other than a hybrid retailer, dispensary facility or a delivery service, or an employee thereof in the course of his or her employment, may sell or offer cannabis to qualifying patients and caregivers.

(b) No person except a delivery service, or an employee thereof, subject to the restrictions set forth in section 47 of this act, in the course of his or her employment may deliver cannabis to consumers, patients or caregivers except that retailers, hybrid retailers, micro-cultivators and dispensary facilities may utilize their own employees to deliver cannabis to the same individuals they may sell to pursuant to subsection (a) of this section until thirty days after the date the first five delivery service licensees have commenced public operation, which date shall be published by the commissioner on the department's Internet web site, and thereafter all delivery to consumers, patients or caregivers shall be done through a delivery service licensee.

Sec. 22. (NEW) (*Effective from passage*) (a) There is established a Social Equity Council, which shall be within the Department of Economic and Community Development for administrative purposes only.

(b) The council shall consist of fifteen members as follows:

(1) One appointed by the speaker of the House of Representatives, who has a professional background of not less than five years working in the field of either social justice or civil rights;

(2) One appointed by the president pro tempore of the Senate, who has a professional background of not less than five years working in the field of either social justice or civil rights;

(3) One appointed by the majority leader of the House of Representatives, who has a professional background of not less than five years working in the field of economic development to help minority-owned businesses;

(4) One appointed by the majority leader of the Senate, who has a professional background of not less than five years in providing access to capital to minorities, as defined in section 32-9n of the general statutes;

(5) One appointed by the minority leader of the House of Representatives, who is from a community that has been disproportionately harmed by cannabis prohibition and enforcement;

(6) One appointed by the minority leader of the Senate, who has a professional background of not less than five years in providing access to capital to minorities, as defined in section 32-9n of the general statutes;

(7) One appointed by the chairperson of the Black and Puerto Rican Caucus of the General Assembly;

(8) Four appointed by the Governor, one who is from a community that has been disproportionately harmed by cannabis prohibition and enforcement, one who has a professional background of not less than five years working in the field of economic development and one who is an executive branch official focused on workforce development;

(9) The Commissioner of Consumer Protection, or the commissioner's designee;

(10) The Commissioner of Economic and Community Development, or the commissioner's designee;

(11) The State Treasurer, or the State Treasurer's designee; and

(12) The Secretary of the Office of Policy and Management, or the secretary's designee.

(c) In making the appointments in subsection (b) of this section, the appointing authority shall use best efforts to make appointments that reflect the racial, gender and geographic diversity of the population of the state. All appointments shall be made not later than thirty days after the effective date of this section and the Governor shall appoint the chairperson of the council from among the members of the council. Members appointed by the Governor shall serve a term of four years from the time of appointment and members appointed by any other appointing authority shall serve a term of three years from the time of appointment. The appointing authority shall fill any vacancy for the unexpired term. The Governor shall appoint an interim executive director to operationalize and support the council until, notwithstanding the provisions of section 4-9a of the general statutes, the council appoints an executive director. Subject to the provisions of chapter 67 of the general statutes, and within available appropriations, the council may thereafter appoint an executive director and such other employees as may be necessary for the discharge of the duties of the council.

(d) A majority of the members of the council shall constitute a quorum for the transaction of any business. The members of the council shall serve without compensation, but shall, within available appropriations, be reimbursed for expenses necessarily incurred in the performance of their duties.

(e) The council may (1) request, and shall receive, from any state agency such information and assistance as the council may require; (2) use such funds as may be available from federal, state or other sources and may enter into contracts to carry out the purposes of the council, including, but not limited to, contracts or agreements with Connecticut Innovations, Incorporated, constituent units of the state system of

higher education, regional workforce development boards and community development financial institutions; (3) utilize voluntary and uncompensated services of private individuals, state or federal agencies and organizations as may, from time to time, be offered and needed; (4) accept any gift, donation or bequest for the purpose of performing the duties of the council; (5) hold public hearings; (6) establish such standing committees, as necessary, to perform the duties of the council; and (7) adopt regulations, in accordance with chapter 54 of the general statutes, as it may deem necessary to carry out the duties of the council.

(f) The council shall promote and encourage full participation in the cannabis industry by persons from communities that have been disproportionately harmed by cannabis prohibition and enforcement.

(g) Not later than forty-five days after the effective date of this section, or at a later date determined by the council, the council shall establish criteria for proposals to conduct a study under this section and the Secretary of the Office of Policy and Management shall post on the State Contracting Portal a request for proposals to conduct a study, and shall select an independent third party to conduct such study and provide detailed findings of fact regarding the following matters in the state or other matters determined by the council:

(1) Historical and present-day social, economic and familial consequences of cannabis prohibition, the criminalization and stigmatization of cannabis use and related public policies;

(2) Historical and present-day structures, patterns, causes and consequences of intentional and unintentional racial discrimination and racial disparities in the development, application and enforcement of cannabis prohibition and related public policies;

(3) Foreseeable long-term social, economic and familial consequences of unremedied past racial discrimination and disparities arising from

past and continued cannabis prohibition, stigmatization and criminalization;

(4) Existing patterns of racial discrimination and racial disparities in access to entrepreneurship, employment and other economic benefits arising in the lawful palliative use cannabis sector as established pursuant to chapter 420f of the general statutes; and

(5) Any other matters that the council deems relevant and feasible for study for the purpose of making reasonable and practical recommendations for the establishment of an equitable and lawful adult-use cannabis business sector in this state.

(h) Not later than January 1, 2022, the council shall, taking into account the results of the study conducted in accordance with subsection (g) of this section, make written recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, consumer protection and the judiciary regarding legislation to implement the provisions of this section. The council shall make recommendations regarding:

(1) Creating programs to ensure that individuals from communities that have been disproportionately harmed by cannabis prohibition and enforcement are provided equal access to licenses for cannabis establishments;

(2) Specifying additional qualifications for social equity applicants;

(3) Providing for expedited or priority license processing for each license as a retailer, hybrid retailer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, transporter and delivery service license for social equity applicants;

(4) Establishing minimum criteria for any cannabis establishment licensed on or after January 1, 2022, that is not owned by a social equity applicant, to comply with an approved workforce development plan to reinvest or provide employment and training opportunities for individuals in disproportionately impacted areas;

(5) Establishing criteria for a social equity plan for any cannabis establishment licensed on or after January 1, 2022, to further the principles of equity, as defined in section 1 of this act;

(6) Recruiting individuals from communities that have been disproportionately harmed by cannabis prohibition and enforcement to enroll in the workforce training program established pursuant to section 39 of this act;

(7) Potential uses for revenue generated under RERACA to further equity;

(8) Encouraging participation of investors, cannabis establishments, and entrepreneurs in the cannabis business accelerator program established pursuant to section 38 of this act;

(9) Establishing a process to best ensure that social equity applicants have access to the capital and training needed to own and operate a cannabis establishment; and

(10) Developing a vendor list of women-owned and minority-owned businesses that cannabis establishments may contract with for necessary services, including, but not limited to, office supplies, information technology infrastructure and cleaning services.

(i) Not later than August 1, 2021, and annually thereafter, the council shall use the most recent five-year United States Census Bureau American Community Survey estimates or any successor data to determine one or more United States census tracts in the state that are a

disproportionately impacted area and shall publish a list of such tracts on the council's Internet web site.

(j) After developing criteria for workforce development plans as described in subdivision (4) of subsection (h) of this section, the council shall review and approve or deny in writing any such plan submitted by a producer under section 26 of this act or a hybrid-retailer under section 145 of this act.

(k) The council shall develop criteria for evaluating the ownership and control of any joint venture created under section 27 or 145 of this act and shall review and approve or deny in writing such joint venture prior to such joint venture being licensed under section 27 or 145 of this act. After developing criteria for social equity plans as described in subdivision (5) of subsection (h) of this section, the council shall review and approve or deny in writing any such plan submitted by a cannabis establishment as part of its final license application.

(l) The Social Equity Council shall, upon receipt of funds from producers in accordance with subdivision (5) of subsection (b) of section 26 of this act, develop a program to assist social equity applicants to open not more than two micro-cultivator establishment businesses in total. Producers shall provide mentorship to such social equity applicants. The Social Equity Council shall, with the department, determine a system to select social equity applicants to participate in such program without participating in a lottery or request for proposals.

Sec. 23. (*Effective from passage*) Not later than October 1, 2023, the Social Equity Council established pursuant to section 22 of this act shall report to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, (1) data on any arrest or conviction for possession, manufacture or sale of cannabis pursuant to section 21a-279a of the general statutes and section 13 of this act, and (2) a breakdown of such arrests or convictions by

town, race, gender and age.

Sec. 24. (NEW) (*Effective July 1, 2021*) (a) Any person shall be twenty-one years of age or older to: (1) Hold any cannabis establishment license issued pursuant to RERACA; or (2) be a backer or key employee of a cannabis establishment that is licensed pursuant to RERACA.

(b) Any person shall be eighteen years of age or older to (1) be an employee of a cannabis establishment that is licensed pursuant to RERACA; or (2) be employed by a cannabis establishment or a licensee pursuant to chapter 420f of the general statutes.

(c) All employees of a cannabis establishment shall obtain a registration and all key employees and backers of a cannabis establishment shall obtain a license from the department, on a form and in a manner prescribed by the commissioner, except for (1) delivery service or transporter employees who do not (A) engage in the transport, storage or distribution of, or have access to, cannabis, or (B) engage in security controls or contract management with other cannabis establishments; (2) product packager employees who do not (A) have access to cannabis, or (B) engage in physical packaging, security controls or contract management with other cannabis establishments; and (3) other employee categories, as determined by the commissioner, provided under no circumstances shall a key employee be exempt from the licensure requirements of this section.

Sec. 25. (NEW) (*Effective July 1, 2021*) (a) No agency or political subdivision of the state may rely on a violation of federal law related to cannabis as the sole basis for taking an adverse action against a person, except for any adverse action taken as required by federal law, including, but not limited to, the state's disqualification of a commercial driver's license, commercial learner's permit, commercial motor vehicle operator's privilege or hazardous materials endorsement for violations of federal law related to cannabis for which the Federal Motor Carrier

Safety Regulations or the Hazardous Materials Regulations require disqualification, or for which the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration has, based upon such violation, issued a disqualification order.

(b) It is the public policy of this state that contracts related to the operation of a cannabis establishment business are enforceable.

(c) It is the public policy of this state that no contract entered into by a licensed cannabis establishment or its agents as authorized in accordance with a valid license, or by those who allow property to be used by a cannabis establishment, its employees, backers or its agents as authorized in accordance with a valid license, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing or using cannabis is prohibited by federal law.

(d) No law enforcement officer employed by an agency that receives state or local government funds shall expend state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with sections 20 to 65, inclusive, of this act or chapter 420f of the general statutes.

(e) An officer may not expend state or local resources, including the officer's time, to provide any information or logistical support to any federal law enforcement authority or prosecuting entity related to activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with the provisions of sections 20 to 65, inclusive, of this act or chapter 420f of the general statutes.

Sec. 26. (NEW) (*Effective July 1, 2021*) (a) In addition to activity permitted under chapter 420f of the general statutes, a producer may sell, deliver, transfer, transport, manufacture or package cannabis utilizing a transporter or the producer's own employees, to cannabis establishments, upon authorization for such expanded activity in writing by the commissioner, provided a producer may not transport any cannabis to consumers, patients or caregivers directly or through a delivery service.

(b) To obtain approval from the commissioner to engage in expanded activity as described in subsection (a) of this section, a producer shall submit (1) a complete license expansion application on a form prescribed by the commissioner, (2) a medical cannabis preservation plan, to ensure against supply shortages of medical marijuana products, which shall be approved or denied at the commissioner's discretion, (3) payment of a conversion fee of three million dollars, provided, if the producer participates in at least two approved equity joint ventures as described in section 27 of this act, such fee shall be one million five hundred thousand dollars, (4) a workforce development plan in accordance with requirements developed by the Social Equity Council, that has been reviewed and approved by the Social Equity Council in accordance with section 22 of this act, and (5) (A) a contribution of five hundred thousand dollars to the Social Equity Council for the program established by the council in accordance with subsection (l) of section 22 of this act, or (B) evidence of an agreement with a social equity partner pursuant to subsection (c) of this section.

(c) Any producer seeking to obtain approval under subsection (b) of this section may enter into an agreement with a social equity partner to provide such partner five per cent of the grow space associated with the expanded activity of the producer, to establish a social equity business. The producer shall provide to the social equity partner, for a period of not less than five years, mentorship and all overhead costs that are

necessary to ensure success, as determined by the Social Equity Council and codified in an agreement between the social equity partner and producer. The producer shall ensure that the social equity partner complies with the cannabis cultivation, testing, labeling, tracking, reporting and manufacturing provisions of RERACA as they apply to cultivators. The social equity partner shall own, and be entitled to, one hundred per cent of the profits of the social equity business established under this subsection. The Social Equity Council may require evidence of a social equity partnership that includes, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The producer or social equity partner shall submit to the Social Equity Council information including, but not limited to, the organizing documents of the entity that outline the ownership stake of each backer, initial backer investment and payout information to enable the council to determine the terms of ownership. Prior to submitting the agreement to the department, the social equity partner and business agreement shall be approved by the Social Equity Council.

(d) For purposes of this section, "social equity partner" means a person that is at least sixty-five per cent owned and controlled by an individual or individuals, or such applicant is an individual, who:

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

(2) (A) Was a resident of a disproportionately impacted area for not less than five of the ten years immediately preceding the date of such application; or

(B) Was a resident of a disproportionately impacted area for not less than nine years prior to attaining the age of eighteen.

Sec. 27. (NEW) (*Effective July 1, 2021*) (a) In order to pay a reduced license expansion authorization fee as described in subsection (b) of section 26 of this act, a producer shall commit to create two equity joint ventures to be approved by the Social Equity Council under section 22 of this act and licensed by the department under this section.

(b) The equity joint venture shall be in any cannabis establishment licensed business, other than a cultivator license, provided the social equity applicant shall own at least fifty per cent of such business.

(c) The producer or social equity applicant of an equity joint venture shall submit an application to the Social Equity Council that may include, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The producer or social equity applicant of an equity joint venture shall submit to the Social Equity Council information including, but not limited to, the organizing documents of the entity that outline the ownership stake of each backer, initial backer investment and payout information to enable the council to determine the terms of ownership.

(d) Upon obtaining the written approval of the Social Equity Council for an equity joint venture, the producer or social equity applicant of the equity joint venture shall apply for a license from the department in the same form as required by all other licensees of the same license type, except that such application shall not be subject to the lottery.

(e) A producer, including the backer of such producer, shall not increase its ownership in an equity joint venture in excess of fifty per cent during the seven-year period after a license is issued by the department under this section.

(f) Equity joint ventures that share a common producer or producer backer and that are retailers or hybrid retailers shall not be located

within twenty miles of another commonly owned equity joint venture.

(g) If a producer had paid a reduced conversion fee as described in subsection (b) of section 26 of this act, and subsequently did not create two equity joint ventures under this section, the producer shall be liable for the full conversion fee of three million dollars.

Sec. 28. (NEW) (*Effective July 1, 2021*) (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 of the general statutes, 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, of the general statutes, 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.

Sec. 29. (NEW) (*Effective July 1, 2021*) (a) Each employee of a cannabis establishment, laboratory or research program, other than a key employee, shall annually apply for and obtain a registration, on a form and in a manner prescribed by the commissioner, prior to commencing employment at the cannabis establishment business.

(b) No person shall act as a backer or key employee, or represent that such person is a backer or key employee, unless such person has obtained a license from the department pursuant to this subsection. Such person shall apply for a license on a form and in a manner prescribed by the commissioner. Such form may require the applicant to: (1) Submit to a state and national criminal history records check conducted in accordance with section 29-17a of the general statutes, which may include a financial history check if requested by the commissioner, to determine the character and fitness of the applicant for the license, (2) provide information sufficient for the department to assess whether the applicant has an ownership interest in any other cannabis establishment, cannabis establishment applicant or cannabis-related business nationally or internationally, (3) provide demographic information, and (4) obtain such other information as the department

determines is consistent with the requirements of RERACA or chapter 420f of the general statutes. A backer or key employee shall be denied a license in the event his or her background check reveals a disqualifying conviction.

(c) Except as provided in subsection (d) of this section, any person who receives a cannabis establishment license, backer or key employee license or employee registration issued pursuant to subsection (a) of this section shall notify the department, in writing, of any changes to the information supplied on the application for such license or registration not later than five business days after such change.

(d) Any person who receives a cannabis establishment license or backer or key employee license shall notify the department, in a manner prescribed by the department, of any arrest or conviction of such person for an offense that would constitute a disqualifying conviction, as defined in section 1 of this act, not later than forty-eight hours after such arrest or conviction.

(e) The department may adopt regulations in accordance with the provisions of chapter 54 of the general statutes to implement the provisions of this section, or may adopt policies and procedures as set forth in section 32 of this act prior to adopting such final regulations.

Sec. 30. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the commissioner shall require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to submit to fingerprint-based state and national criminal history records checks before such license is issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a of the general statutes. Upon renewal, the commissioner may require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to be fingerprinted

and submit to a state and national criminal history records check conducted in accordance with section 29-17a of the general statutes before such renewal license is issued.

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

Sec. 31. (NEW) (*Effective July 1, 2021*) Notwithstanding the provisions of sections 29 and 30 of this act, the commissioner may accept a third-party local and national criminal background check submitted by an applicant for a backer or key employee license or renewal in lieu of a fingerprint-based national criminal history records check. Any such third-party background check shall (1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association, and (2) include a multistate and multi-jurisdiction criminal record locator or other similar commercial nation-wide database with validation, and other such background screening as the commissioner may require. The applicant shall request such background check not more than sixty days prior to submission of the application.

Sec. 32. (NEW) (*Effective from passage*) The commissioner shall adopt regulations in accordance with chapter 54 of the general statutes to implement the provisions of RERACA. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, of the general statutes, 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. 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 of the general statutes or forty-eight months from the effective date of this section, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170 of the general statutes. 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) A universal symbol to indicate that cannabis or a cannabis product contains cannabis, and prescribe how such product and product packaging shall utilize and exhibit such symbol;

(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 packaging including requiring that an edible product be individually wrapped;

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

(G) A net weight statement;

(H) A recommended use by or expiration date; and

(I) 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;

(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 of the general statutes;

(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 of the general statutes 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, "total THC" has the same meaning as provided in section 21a-240 of the general statutes and "cannabis plant material" means material from the cannabis plant, as defined in section 21a-279a of the general statutes; and

(15) Permitting the outdoor cultivation of cannabis.

Sec. 33. (NEW) (*Effective July 1, 2021*) (a) Cannabis establishments and any person advertising any cannabis or services related to cannabis shall not:

(1) Advertise cannabis, cannabis paraphernalia or goods or services related to cannabis in ways that target or are designed to appeal to individuals under twenty-one years of age, including, but not limited to, spokespersons or celebrities who appeal to individuals under the legal age to purchase cannabis or cannabis products, depictions of a person under twenty-five years of age consuming cannabis, or, the inclusion of objects, such as toys, characters or cartoon characters suggesting the presence of a person under twenty-one years of age, or any other depiction designed in any manner to be appealing to a person under twenty-one years of age;

(2) Engage in advertising by means of television, radio, Internet,

mobile applications, social media, or other electronic communication, billboard or other outdoor signage, or print publication unless the advertiser has reliable evidence that at least ninety per cent of the audience for the advertisement is reasonably expected to be twenty-one years of age or older;

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

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

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

(6) Advertise cannabis, cannabis products or cannabis paraphernalia in any physical form visible to the public within five hundred feet of an

elementary or secondary school ground, recreation center or facility, child care center, playground, public park or library;

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

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

(9) Exhibit within or upon the outside of the premises subject to the cannabis establishment license, or include in any advertisement the words "drug store", "pharmacy", "apothecary", "drug", "drugs" or "medicine shop" or any combination of such terms or any other words, displays or symbols indicating that such store, shop or place of business is a pharmacy.

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

(11) Display cannabis or cannabis products so as to be clearly visible to a person from the exterior of the facility used in the operation of a cannabis establishment, or display signs or other printed material advertising any brand or any kind of cannabis or cannabis product on the exterior of any facility used in the operation of a cannabis establishment;

(12) Utilize radio or loudspeaker, in a vehicle or in or outside of a

facility used in the operation of a cannabis establishment, for the purposes of advertising the sale of cannabis or cannabis products; or

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

(b) Any advertisements from a cannabis establishment shall contain the following warning: "Do not use cannabis if you are under twenty-one years of age. Keep cannabis out of the reach of children." In a print or visual medium, such warning shall be conspicuous, easily legible and shall take up not less than ten per cent of the advertisement space. In an audio medium, such warning shall be at the same speed as the rest of the advertisement and be easily intelligible.

(c) The department shall not register, and may require revision of, any submitted or registered cannabis brand name that:

(1) Is identical to, or confusingly similar to, the name of an existing non-cannabis product;

(2) Is identical to, or confusingly similar to, the name of an unlawful product or substance;

(3) Is confusingly similar to the name of a previously approved cannabis brand name;

(4) Is obscene or indecent; and

(5) Is customarily associated with persons under the age of twenty-one.

(d) A violation of the provisions of subsection (a) or (b) of this section shall be deemed to be an unfair or deceptive trade practice under subsection (a) of section 42-110b of the general statutes.

Sec. 34. (NEW) (*Effective July 1, 2021*) (a) Not later than thirty days after the date that the Social Equity Council identifies the criteria and the necessary supporting documentation for social equity applicants and posts such information on its Internet web site, the department may accept applications for the following cannabis establishment license types: (1) Retailer, (2) hybrid retailer, (3) cultivator, (4) micro-cultivator, (5) product manufacturer, (6) food and beverage manufacturer, (7) product packager, (8) delivery service, and (9) transporter. Each application for licensure shall require the applicant to indicate whether the applicant wants to be considered for treatment as a social equity applicant.

(b) On and after July 1, 2021, the department may accept applications from any dispensary facility to convert its license to a hybrid-retailer license and any producer for expanded authorization to engage in the adult use cannabis market under its license issued pursuant to section 21a-408i of the general statutes.

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

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

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

(3) For a cultivator license, the fee to enter the lottery shall be one thousand dollars, the fee to receive a provisional license shall be twenty-five thousand dollars and the fee to receive a final license or a renewal

of a final license shall be seventy-five thousand dollars.

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

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

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

(7) For a product packager license, the fee to enter the lottery shall be five hundred dollars, the fee to receive a provisional license shall be five thousand dollars and the fee to receive a final license or a renewal of a final license shall be twenty-five thousand dollars.

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

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

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

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

(12) The license conversion fee for a dispensary facility to become a hybrid retailer shall be one million dollars, except as provided in section 145 of this act.

(13) The license conversion fee for a producer to engage in the adult use cannabis market shall be three million dollars, except as provided in section 26 of this act.

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

(e) For the fiscal year ending June 30, 2023, and thereafter, fees collected by the department under this section shall be paid to the State Treasurer and credited to the General Fund, except that the fees collected under subdivisions (12) and (13) of subsection (c) of this section shall be deposited in the Social Equity and Innovation Fund established under section 128 of this act.

(f) For each license type:

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

(2) The department shall post on its Internet web site the application period, which shall specify the first and last date that the department will accept applications for that license type. The first date that the

department shall accept applications shall be no sooner than thirty days after the date the Social Equity Council posts the criteria and supporting documentation necessary to qualify for consideration as a social equity applicant as set forth in section 35 of this act. Only complete license applications received by the department during the application period shall be considered.

Sec. 35. (NEW) (*Effective July 1, 2021*) (a) The Social Equity Council shall review the ownership information and any other information necessary to confirm that an applicant qualifies as a social equity applicant for all license type applications submitted to the department and designated by the applicant as a social equity applicant. The Social Equity Council shall prescribe the documentation necessary for applicants to submit to establish that the ownership, residency and income requirements for social equity applicants are met. On or before September 1, 2021, the Social Equity Council shall post such necessary documentation requirements on its Internet web site to inform applicants of such requirements prior to the start of the application period.

(b) Except as provided in section 149 of this act, prior to the first date that the department begins accepting applications for a license type, the department shall determine the maximum number of applications that shall be considered for such license type and post such information on its Internet web site. Fifty per cent of the maximum number of applications that shall be considered for each license type (1) shall be selected through a social equity lottery for such license type, and (2) shall be reserved by the department for social equity applicants. If, upon the close of the application period for a license type, the department receives more applications than the maximum number to be considered in total or to be reserved for social equity applicants as set forth in subsection (b) of this section, a third-party lottery operator shall conduct a lottery to identify applications for review by the department and the

Social Equity Council.

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

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

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

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

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

(A) Conduct an independent lottery for each license type and a separate lottery for social equity applicants of each license type that results in each application being randomly ranked starting with one and continuing sequentially; and

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

(d) (1) Upon receipt of an application for social equity consideration or, in the case where a social equity lottery is conducted, after such lottery applicants are selected, the department shall provide to the Social Equity Council the documentation received by the department during the application process that is required under subsection (a) of this section. No identifying information beyond what is necessary to establish social equity status shall be provided to the Social Equity Council. The Social Equity Council shall review the social equity

applications to be considered as identified by the third-party lottery operator to determine whether the applicant meets the criteria for a social equity applicant. If the Social Equity Council determines that an applicant does not qualify as a social equity applicant, the application shall not be reviewed further for purposes of receiving a license designated for social equity applicants. The application shall be entered into the other lottery for the license type and may be reviewed further if selected through such lottery, provided the applicant pays the additional amount necessary to pay the full fee for entry into such lottery within five business days of being notified by the Social Equity Council that it does not qualify as a social equity applicant. Not later than thirty days after an applicant is notified of a denial of a license application under this subsection, the applicant may appeal such denial to the Superior Court in accordance with section 4-183 of the general statutes.

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

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

(4) Any application subject to, but not selected through, the social equity lottery process shall not be reviewed as a social equity application but shall be entered into the lottery for the remaining

applications for the license type.

(5) After receiving the list of social equity applications from the Social Equity Council, the department shall notify the third-party lottery operator, which shall then conduct an independent lottery for all remaining applicants for each license type, rank all applications numerically including those that exceed the number to be considered, and identify for the department all applications to be reviewed. The number of applications to be reviewed shall consist of the applications ranked numerically one through the maximum number set forth in accordance with subsection (b) of this section, provided that if fewer social equity applicants are identified pursuant to subdivision (3) of this subsection, the maximum number shall be the number necessary to ensure that fifty per cent of the applications for each license type identified through the lottery process are social equity applicants.

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

(e) The department shall review each application to be considered, as identified by the third-party lottery operator or Social Equity Council, as applicable, to confirm it is complete and to determine whether any application: (1) Includes a backer with a disqualifying conviction; (2) includes a backer that would result in common ownership in violation of the cap set forth in section 40 of this act; or (3) has a backer who individually or in connection with a cannabis business in another state or country has an administrative finding or judicial decision that may substantively compromise the integrity of the cannabis program, as determined by the department, or that precludes its participation in this state's cannabis program.

(f) No additional backers may be added to a cannabis establishment

application between the time of lottery entry, or any initial application for a license, and when a final license is awarded to the cannabis establishment, except, if a backer of an applicant or provisional licensee dies, the applicant or provisional licensee may apply to the commissioner to replace the deceased backer, provided if such applicant is a social equity applicant, the Social Equity Council shall review ownership to ensure such replacement would not cause the applicant to no longer qualify as a social equity applicant.

(g) If an applicant or a single backer of an applicant is disqualified on the basis of any of the criteria set forth in subsection (e) of this section, the entire application shall be denied, and such denial shall be a final decision of the department, provided backers of the applicant entity named in the lottery application submission may be removed prior to submission of a final license application unless such removal would result in a social equity applicant no longer qualifying as a social equity applicant. If the applicant removes any backer that would cause the applicant to be denied based on subsection (e) of this section, then the applicant entity shall not be denied due to such backer's prior involvement if such backer is removed within thirty days of notice by the department of the disqualification of a backer. Not later than thirty days after service of notice upon the applicant of a denial, the applicant may appeal such denial to the Superior Court in accordance with section 4-183 of the general statutes.

(h) For each application denied pursuant to subsection (e) of this section, the department may, within its discretion, request that the third-party lottery operator identify the next-ranked application in the applicable lottery. If the applicant that was denied was a social equity applicant, the next ranked social equity applicant shall first be reviewed by the Social Equity Council to confirm that the applicant qualifies as a social equity applicant prior to being further reviewed by the department. This process may continue until the department has

identified for further consideration the number of applications equivalent to the maximum number set forth on its Internet web site pursuant to subsection (b) of this section. If the number of applications remaining is less than the maximum number posted on the department's Internet web site, the department shall award fewer licenses. To the extent the denials result in less than fifty per cent of applicants being social equity applicants, the department shall continue to review and issue provisional and final licenses for the remaining applications, but shall reopen the application period only for social equity applicants.

(i) All applicants selected in the lottery and not denied shall be provided a provisional license application, which shall be submitted in a form and manner prescribed by the commissioner. Applicants shall have sixty days from the date they receive their provisional application to complete the application. The right to apply for a provisional license is nontransferable. Upon receiving a provisional application from an applicant, the department shall review the application for completeness and to confirm that all information provided is acceptable and in compliance with this section and any regulations adopted under this section. If a provisional application does not meet the standards set forth in this section, the applicant shall not be provided a provisional license. A provisional license shall expire after fourteen months and shall not be renewed. Upon granting a provisional license, the department shall notify the applicant of the project labor agreement requirements of section 103 of this act. A provisional licensee may apply for a final license of the license type for which the licensee applied during the initial application period. A provisional license shall be nontransferable. If the provisional application does not meet the standards set forth in this section or is not completed within sixty days, the applicant shall not receive a provisional license. The decision of the department not to award a provisional license shall be final and may be appealed in accordance with section 4-183 of the general statutes. Nothing in this

section shall prevent a provisional applicant from submitting an application for a future lottery.

(j) Final license applications shall be submitted on a form and in a manner approved by the commissioner and shall include, but not be limited to, the information set forth in this section, as well as evidence of the following:

(1) A contract with an entity providing an approved electronic tracking system as set forth in section 56 of this act;

(2) A right to occupy the location at which the cannabis establishment operation will be located;

(3) Any necessary local zoning approval for the cannabis establishment operation;

(4) A labor peace agreement complying with section 102 of this act has been entered into between the cannabis establishment and a bona fide labor organization, as defined in section 102 of this act;

(5) A certification by the applicant that a project labor agreement complying with section 103 of this act will be entered into by the cannabis establishment prior to construction of any facility to be used in the operation of a cannabis establishment;

(6) A social equity plan approved by the Social Equity Council;

(7) A workforce development plan approved by the Social Equity Council;

(8) Written policies for preventing diversion and misuse of cannabis and sales to underage persons; and

(9) All other security requirements set forth by the department based on the specific license type.

(k) At any point prior to the expiration of the provisional license, the department may award a provisional licensee a final license for the license type for which the licensee applied. Prior to receiving final license approval, a provisional licensee shall not possess, distribute, manufacture, sell or transfer cannabis. The department may conduct site inspections prior to issuing a final license.

(l) At any time after receiving a final license, a cannabis establishment may begin operations, provided all other requirements for opening a business in compliance with the laws of this state are complete and all employees have been registered and all key employees and backers have been licensed, with the department.

Sec. 36. (NEW) (*Effective July 1, 2021*) The Social Equity Council shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to prevent the sale or change in ownership or control of a cannabis establishment license awarded to a social equity applicant to someone other than another qualifying social equity applicant during the period of provisional licensure, and for three years following the issuance of a final license, unless the backer of such licensee has died or has a condition, including, but not limited to, a physical illness or loss of skill or deterioration due to the aging process, emotional disorder or mental illness that would interfere with the backer's ability to operate. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, of the general statutes, in order to effectuate this section, prior to adopting such regulations and not later than October 1, 2021, the council shall issue policies and procedures to implement the provisions of this section that shall have the force and effect of law. The council shall post all policies and procedures on its 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. 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 of the general statutes or forty-eight months from the effective date of this section, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170 of the general statutes. Any violation of such policies and procedures or any violation of such regulations related to the sale or change in ownership may be referred by the Social Equity Council to the department for administrative enforcement action, which may result in a fine of not more than ten million dollars or action against the establishment's license.

Sec. 37. (NEW) (*Effective July 1, 2021*) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish the maximum grow space permitted by a cultivator and micro-cultivator. In adopting such regulations, the commissioner shall seek to ensure an adequate supply of cannabis for the market. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, of the general statutes, in order to effectuate this section, prior to adopting such regulations, the commissioner shall issue policies and procedures to implement the provisions of this section 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. 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 of the general statutes or forty-eight months from the effective date of this section, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170 of the general statutes.

Sec. 38. (*Effective from passage*) (a) The Social Equity Council, in

coordination with the Departments of Consumer Protection and Economic and Community Development, shall develop a cannabis business accelerator program to provide technical assistance to participants by partnering participants with a cannabis establishment. The Social Equity Council may partner with a constituent unit of the state system of higher education in developing the program.

(b) Any individual who would qualify as a social equity applicant may apply to participate in the accelerator program under this section:

(c) On and after October 1, 2021, the Social Equity Council may accept applications from an individual described in subsection (b) of this section for the component of the accelerator program corresponding to each of the following license types: (1) Retailer, (2) cultivator, (3) product manufacturer, (4) food and beverage manufacturer, and (5) product packager.

(d) On and after July 1, 2022, the council may accept applications from (1) retailers, (2) cultivators, (3) product manufacturers, (4) food and beverage manufacturers, (5) product packagers, (6) hybrid-retailers, and (7) micro-cultivators, licensed pursuant to section 34 of this act, to partner with participants in the accelerator program component corresponding to the same license type, provided an accelerator retailer participant may be partnered with either a retailer or hybrid retailer and an accelerator cultivator participant may be partnered with either a cultivator or micro-cultivator.

(e) As part of the cannabis business accelerator program, accelerator participants may be required to participate in training on accounting methods, business services, how to access capital markets and financing opportunities and on regulatory compliance. Social equity applicants who have been awarded either a provisional license or a final license for a cannabis establishment may participate in the training programs made available under this section.

(f) The Social Equity Council shall facilitate opportunities for participants in the cannabis business accelerator program to meet with potential investors.

(g) A participant who has partnered with a cannabis establishment pursuant to subsection (d) of this section shall be allowed to participate in any activity of the cannabis establishment with the same privileges afforded by the cannabis establishment's license to employees of such cannabis establishment.

(h) Each participant shall annually apply for and obtain a registration, on a form and in a manner prescribed by the commissioner, prior to participating in any activity of a cannabis establishment. The Social Equity Council may charge a registration fee to participants.

(i) The Social Equity Council may determine the duration of the program and number of participants under this section.

Sec. 39. (*Effective from passage*) (a) The Social Equity Council, in coordination with the Department of Economic and Community Development and Labor Department, shall develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and support individuals who live in a disproportionately impacted area to find employment in the cannabis industry.

(b) The Social Equity Council, in consultation with the Department of Economic and Community Development and Labor Department, shall:

(1) Consult with cannabis establishments on an ongoing basis to assess the hiring needs of their businesses;

(2) Develop a universal application for prospective enrollees in workforce training programs as part of the workforce training programs developed pursuant to this section;

(3) Partner with the regional workforce development boards and institutions of higher education to develop workforce training programs;

(4) Develop a series of cannabis career pathways so that workers have the ability to vertically advance their careers within the cannabis industry;

(5) Partner with associated training providers to track and report performance outcomes of participants entering a cannabis workforce training program. Performance outcomes shall include, but not be limited to, enrollment, completion and placement of each individual entering into a training program; and

(6) Explore the creation of a series of apprenticeship programs for cannabis workers across the state.

(c) Upon completion of a workforce training program, enrollees may opt to have their information provided to cannabis establishments as prospective employees.

Sec. 40. (NEW) (*Effective July 1, 2021*) From July 1, 2021, until June 30, 2025, the department shall not award a cannabis establishment license to any lottery applicant who, at the time the lottery is conducted, has two or more licenses or includes a backer that has managerial control of, or is a backer of, two or more licensees in the same license type or category for which the applicant has entered the lottery, provided an ownership interest in an equity joint venture or a social equity partner in accordance with subsection (c) of section 26 of this act shall not be considered for purposes of such cap. For purposes of this section, dispensary facility, retailer and hybrid retailer licenses shall be considered to be within the same license category and producer, cultivator and micro-cultivator licenses shall be considered to be within the same license category.

Sec. 41. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a retailer. No person may act as a retailer or represent that such person is a retailer unless such person has obtained a license from the department pursuant to this section.

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

(c) Retailers shall maintain a secure location, in a manner approved by the commissioner, at the licensee's premises where cannabis that is unable to be delivered by an employee or delivery service may be returned to the retailer. Such secure cannabis return location shall meet specifications set forth by the commissioner and published on the department's Internet web site or included in regulations adopted by the department.

(d) A retailer may deliver cannabis through a delivery service or by utilizing its own employees, subject to the provisions of subsection (b) of section 21 of this act.

Sec. 42. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a hybrid retailer. No person may act as a hybrid retailer or represent that such person is a hybrid retailer unless such person has obtained a license from the department pursuant to this section.

(b) A hybrid retailer may obtain cannabis from a cultivator, micro-cultivator, producer, product packager, food and beverage manufacturer, product manufacturer or transporter. In addition to the activities authorized under section 43 of this act, a hybrid retailer may sell, transport or transfer cannabis to a delivery service, laboratory or research program. A hybrid retailer may sell cannabis products to a consumer or research program. A hybrid retailer shall not gift or transfer cannabis at no cost to a consumer, qualifying patient or caregiver as part of a commercial transaction.

(c) In addition to conducting general retail sales, a hybrid retailer may sell cannabis and medical marijuana products, to qualifying patients and caregivers. Any cannabis or medical marijuana products sold to qualifying patients and caregivers shall be dispensed by a licensed pharmacist and shall be recorded in the electronic prescription drug monitoring program, established pursuant to section 21a-254 of the general statutes, in real-time or immediately upon completion of the transaction, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the transaction. Only a licensed pharmacist or dispensary technician may upload or access data in the prescription drug monitoring program.

(d) A hybrid retailer shall maintain a licensed pharmacist on premises at all times when the hybrid retail location is open to the public or to qualifying patients and caregivers.

(e) The hybrid retailer location shall include a private consultation space for pharmacists to meet with qualifying patients and caregivers. Additionally, the hybrid retailer premises shall accommodate an expedited method of entry that allows for priority entrance into the premises for qualifying patients and caregivers.

(f) Hybrid retailers shall maintain a secure location, in a manner approved by the commissioner, at the licensee's premises where

cannabis that is unable to be delivered may be returned to the hybrid retailer. Such secure cannabis return location shall meet specifications set forth by the commissioner and published on the department's Internet web site or included in regulations adopted by the department.

(g) Cannabis dispensed to a qualifying patient or caregiver that are unable to be delivered and are returned by the delivery service to the hybrid retailer shall be returned to the licensee inventory system and removed from the prescription drug monitoring program not later than forty-eight hours after receipt of the cannabis from the delivery service.

(h) A hybrid retailer may not convert its license to a retailer license. To obtain a retailer license, a hybrid retailer shall apply through the lottery application process. A hybrid retailer may convert to a dispensary facility if the hybrid retailer complies with all applicable provisions of chapter 420f of the general statutes, and upon written approval by the department.

Sec. 43. (NEW) (*Effective July 1, 2021*) (a) A dispensary facility may apply to the department, on a form and in a manner prescribed by the commissioner, to convert its license to a hybrid retailer license on or after September 1, 2021, without applying through the lottery application system. The license conversion application shall require a dispensary facility to submit to, and obtain approval from the department for, a detailed medical preservation plan for how it will prioritize sales and access to medical marijuana products for qualifying patients, including, but not limited to, managing customer traffic flow, preventing supply shortages, providing delivery services and ensuring appropriate staffing levels.

(b) After October 1, 2021, qualifying patients shall not be required to designate a dispensary facility or hybrid retailer as its exclusive location to purchase cannabis or medical marijuana products, nor shall the department require any future change of designated dispensary facility

applications. If all dispensary facilities demonstrate to the department's satisfaction that they are adhering to the real-time upload requirements set forth in subsection (c) of this section prior to October 1, 2021, the commissioner may eliminate the requirement for designated dispensary facilities prior to said date.

(c) On and after September 1, 2021, dispensary facilities and hybrid retailers shall be required to perform real-time uploads to the prescription drug monitoring program. Any cannabis or medical marijuana products sold to qualifying patients or caregivers shall be dispensed by a licensed pharmacist and shall be recorded into the prescription drug monitoring program, established pursuant to section 21a-254 of the general statutes, in real-time or immediately upon completion of the transaction, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the transaction.

(d) On and after September 1, 2021, a dispensary facility or hybrid retailer may apply to the department, in a form and in a manner prescribed by the commissioner, to provide delivery services through a delivery service or utilizing its own employees, subject to the provisions of subsection (b) of section 21 of this act, to qualifying patients, caregivers, research program subjects, as defined in section 21a-408 of the general statutes, and hospice and other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the Department of Consumer Protection. A dispensary facility or hybrid retailer may deliver cannabis or medical marijuana products only from its own inventory to qualifying patients and caregivers. If such application is approved by the commissioner, the dispensary facility or hybrid retailer may commence delivery services on and after January 1, 2022, provided the commissioner may authorize dispensary facilities or hybrid retailers

to commence delivery services prior to January 1, 2022, upon forty-five days advance written notice, published on the department's Internet web site.

(e) Hybrid retailers may commence delivery of cannabis directly to consumers as of the date the first adult use cannabis sales are permitted by the commissioner as set forth in subsection (f) of this section, through a delivery service, or utilizing their own employees, subject to the provisions of subsection (b) of section 21 of this act.

(f) Dispensary facilities that have been approved by the department and that have converted to hybrid retailers may open their premises to the general public and commence adult use cannabis sales on and after thirty days after the date that cannabis is available for purchase for purposes of adult use sales from producers or cultivators that have at least two hundred fifty thousand square feet of grow space and space used to manufacture cannabis products in the aggregate, which date shall be published on the department's Internet web site.

Sec. 44. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a food and beverage manufacturer. No person may act as a food and beverage manufacturer or represent that such person is a licensed food and beverage manufacturer unless such person has obtained a license from the department pursuant to this section.

(b) A food and beverage manufacturer may incorporate cannabis into foods or beverages as an ingredient. A food and beverage manufacturer shall not perform extraction of cannabis into a cannabis concentrate nor create any product that is not a food or beverage intended to be consumed by humans.

(c) A food and beverage manufacturer may package or label any food or beverage prepared by the food and beverage manufacturer at the

establishment subject to the license.

(d) A food and beverage manufacturer may sell, transfer or transport its own products to a cannabis establishment, laboratory or research program, utilizing its employees or a transporter. A food and beverage manufacturer may not deliver any cannabis, cannabis products or food or beverage incorporating cannabis to a consumer, directly or through a delivery service.

(e) All products created by a food and beverage manufacturer shall be labeled in accordance with the policies and procedures issued by the commissioner to implement, and any regulations adopted pursuant to, RERACA as well as federal Food and Drug Administration and United States Department of Agriculture requirements.

(f) A food and beverage manufacturer shall ensure all equipment utilized for manufacturing, processing and packaging cannabis is sanitary and inspected regularly to deter the adulteration of cannabis in accordance with RERACA as well as federal Food and Drug Administration and United States Department of Agriculture requirements.

Sec. 45. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a product manufacturer. No person may act as a product manufacturer or represent that such person is a licensed product manufacturer unless such person has obtained a license from the department pursuant to this section.

(b) A product manufacturer may perform cannabis extractions, chemical synthesis and all other manufacturing activities authorized by the commissioner and published on the department's Internet web site.

(c) A product manufacturer may package and label cannabis manufactured at its establishment subject to the license.

(d) A product manufacturer may sell, transfer or transport its own products to a cannabis establishment, laboratory or research program, provided such transportation is performed by utilizing its own employees or a transporter. A product manufacturer may not deliver any cannabis to a consumer directly or through a delivery service.

(e) All products created by a product manufacturer shall be labeled in accordance with the policies and procedures issued by the commissioner to implement, and any regulations adopted pursuant to, RERACA as well as federal Food and Drug Administration requirements.

(f) A product manufacturer shall ensure all equipment utilized for manufacturing, extracting, processing and packaging cannabis is sanitary and inspected regularly to deter the adulteration of cannabis in accordance with RERACA as well as federal Food and Drug Administration requirements.

Sec. 46. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a product packager. No person may act as a product packager or represent that such person is a product packager unless such person has obtained a license from the department pursuant to this section.

(b) A product packager may obtain cannabis from a producer, cultivator, micro-cultivator, food and beverage manufacturer or a product manufacturer. The product packager may sell, transfer or transport cannabis to any cannabis establishment, laboratory or research program, provided the product packager only transports cannabis packaged at its licensed establishment and utilizing its own employees or a transporter.

(c) A product packager shall be responsible for ensuring that cannabis products are labeled and packaged in compliance with the

provisions of RERACA and the policies and procedures issued by the commissioner to implement, and any regulations adopted pursuant to, RERACA.

(d) A product packager shall ensure all equipment utilized for processing and packaging cannabis is sanitary and inspected regularly to deter the adulteration of cannabis.

Sec. 47. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a delivery service or a transporter. No person may act as a delivery service or transporter or represent that such person is a licensed delivery service or transporter unless such person has obtained a license from the department pursuant to this section.

(b) Upon application for a delivery service or transporter license, the applicant shall indicate whether the applicant is applying to transport cannabis (1) between cannabis establishments, in which case the applicant shall apply for a transporter license, or (2) from certain cannabis establishments to consumers or qualifying patients and caregivers, or a combination thereof, in which case the applicant shall apply for a delivery service license.

(c) A delivery service may (1) deliver cannabis from a micro-cultivator, retailer, or hybrid retailer directly to a consumer, and (2) deliver cannabis and medical marijuana products from a hybrid retailer or dispensary facility directly to a qualifying patient, caregiver, or hospice or other inpatient care facility licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that has protocols for the handling and distribution of cannabis that have been approved by the Department of Consumer Protection. A delivery service may not store or maintain control of cannabis or medical marijuana products for more than twenty-four hours between the point when a consumer, qualifying patient, caregiver or facility places an

order, until the time that the cannabis or medical marijuana product is delivered to such consumer, qualifying patient, caregiver or facility.

(d) A transporter may deliver cannabis between cannabis establishments, research programs and laboratories and shall not store or maintain control of cannabis for more than twenty-four hours from the time the transporter obtains the cannabis from a cannabis establishment, research program or laboratory until the time such cannabis is delivered to the destination.

(e) The commissioner shall adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of RERACA. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, of the general statutes, 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 this section 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. Any such policy or procedure shall no longer be effective upon the earlier of either adoption of such policy or procedure as a final regulation under section 4-172 of the general statutes or forty-eight months from July 1, 2021, if such final regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170 of the general statutes. The commissioner shall issue policies and procedures, and thereafter adopt final regulations, requiring that: (1) The delivery service and transporter meet certain security requirements related to the storage, handling and transport of cannabis, the vehicles employed, the conduct of employees and agents, and the documentation that shall be maintained by the delivery service, transporter and its drivers; (2) a delivery service that

delivers cannabis to consumers maintain an online interface that verifies the age of consumers ordering cannabis for delivery and meets certain specifications and data security standards; and (3) a delivery service that delivers cannabis to consumers, qualifying patients or caregivers, and all employees and agents of such licensee, to verify the identity of the qualifying patient, caregiver or consumer and the age of the consumer upon delivery of cannabis to the end consumer, qualifying patient, or caregiver, in a manner acceptable to the commissioner. The individual placing the cannabis order shall be the individual accepting delivery of the cannabis except, in the case of a qualifying patient, the individual accepting the delivery may be the caregiver of such qualifying patient.

(f) A delivery service shall not gift or transfer cannabis at no cost to a consumer or qualifying patient or caregiver as part of a commercial transaction.

(g) A delivery service may only use individuals employed on a full-time basis, not less than thirty-five hours a week, to deliver cannabis pursuant to subsection (c) of this section. Any delivery service employees who deliver cannabis shall be registered with the department, and a delivery service shall not employ more than twenty-five such delivery employees at any given time.

Sec. 48. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a cultivator. No person may act as a cultivator or represent that such person is a licensed cultivator unless such person has obtained a license from the department pursuant to this section.

(b) A cultivator is authorized to cultivate, grow and propagate cannabis at an establishment containing not less than fifteen thousand square feet of grow space, provided such cultivator complies with the provisions of any regulations adopted under section 37 of this act concerning grow space. A cultivator establishment shall meet physical

security controls and protocols set forth and required by the commissioner.

(c) A cultivator may label, manufacture, package and perform extractions on any cannabis cultivated, grown or propagated at its licensed establishment, including food and beverage products incorporating cannabis and cannabis concentrates, provided the cultivator meets all licensure and application requirements for a food and beverage manufacturer and a product manufacturer.

(d) A cultivator may sell, transfer or transport its cannabis to a dispensary facility, hybrid retailer, retailer, food and beverage manufacturer, product manufacturer, research program, 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. 49. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a micro-cultivator. No person may act as a micro-cultivator or represent that such person is a licensed micro-cultivator unless such person has obtained a license from the department pursuant to this section.

(b) A micro-cultivator is authorized to cultivate, grow, propagate, manufacture and package the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner, provided such micro-cultivator complies with the provisions of any regulations adopted under section 37 of this act concerning grow space. A micro-cultivator business shall meet physical security controls set forth and required by the commissioner.

(c) A micro-cultivator may apply for expansion of its grow space, in increments of five thousand square feet, on an annual basis, from the

date of initial licensure, if such licensee is not subject to any pending or final administrative actions or judicial findings. If there are any pending or final administrative actions or judicial findings against the licensee, the department shall conduct a suitability review to determine whether such expansion shall be granted, which determination shall be final and appealable only to the Superior Court. The micro-cultivator may apply for an expansion of its business annually upon renewal of its credential until such licensee reaches a maximum of twenty-five thousand square feet of grow space. If a micro-cultivator desires to expand beyond twenty-five thousand square feet of grow space, the micro-cultivator licensee may apply for a cultivator license one year after its last expansion request. The micro-cultivator licensee shall not be required to apply through the lottery application process to convert its license to a cultivator license. If a micro-cultivator maintains its license and meets all of the application and licensure requirements for a cultivator license, including payment of the cultivator license fee established under section 34 of this act, the micro-cultivator licensee shall be granted a cultivator license.

(d) A micro-cultivator may label, manufacture, package and perform extractions on any cannabis cultivated, grown and propagated at its licensed establishment provided it meets all licensure and application requirements for a food and beverage manufacturer, product manufacturer or product packager, as applicable.

(e) A micro-cultivator may sell, transfer or transport its cannabis to a dispensary facility, hybrid retailer, retailer, delivery service, food and beverage manufacturer, product manufacturer, research program, laboratory or product packager, provided the cannabis is cultivated, grown and propagated at the micro-cultivator's licensed establishment and transported utilizing the micro-cultivator's own employees or a transporter. A micro-cultivator shall not gift or transfer cannabis or cannabis products at no cost to a consumer as part of a commercial

transaction.

(f) A micro-cultivator may sell its own cannabis to consumers, excluding qualifying patients and caregivers, either through a delivery service or utilizing its own employees, subject to the requirements of subsection (b) of section 21 of this act. Any micro-cultivator that engages in the delivery of cannabis shall maintain a secure location, in a manner approved by the commissioner, at the micro-cultivator's premises where cannabis that is unable to be delivered may be returned to the micro-cultivator. Such secure cannabis return location shall meet specifications set forth by the commissioner and published on the department's Internet web site or included in regulations adopted by the department. A micro-cultivator shall cease delivery of cannabis to consumers if it converts to being a cultivator.

Sec. 50. (NEW) (*Effective July 1, 2021*) (a) Until June 30, 2023, the commissioner may deny a change of location application from a dispensary facility or hybrid retailer based on the needs of qualifying patients.

(b) Prior to June 30, 2022, the commissioner shall not approve the relocation of a dispensary facility or hybrid retailer to a location that is further than ten miles from its current dispensary facility or hybrid retailer location.

Sec. 51. (NEW) (*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, 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 interest in purchases or sales made by persons authorized to make such purchases

or sales pursuant to RERACA. 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.

(b) No former member of the Social Equity Council and no former employee of the Social Equity Council or department described in subsection (a) of this section shall, within two years of leaving state service, be eligible to apply either individually or with a group of individuals for a cannabis establishment license.

(c) No member of the General Assembly or state-wide elected public official shall, within two years of leaving state service, be eligible to apply either individually or with a group of individuals for a cannabis establishment license.

Sec. 52. (NEW) (*Effective July 1, 2021*) Notwithstanding any provision of the general statutes, the purchase, possession, display, sale or transportation of cannabis by a cannabis establishment or employee thereof shall not be unlawful and shall not be an offense or a basis for seizure or forfeiture of assets so long as such purchase, possession, display, sale or transportation is within the scope of such person's employment or such person's license or registration and is in compliance with the laws and regulations that apply to such license or registration type.

Sec. 53. (NEW) (*Effective July 1, 2021*) No cannabis establishment shall display cannabis, cannabis products or drug paraphernalia in a manner that is visible to the general public from a public right-of-way not on state lands or waters managed by the Department of Energy and Environmental Protection.

Sec. 54. (NEW) (*Effective July 1, 2021*) (a) Each cannabis establishment

shall establish, maintain and comply with written policies and procedures for the cultivation, processing, manufacture, security, storage, inventory and distribution of cannabis, as applicable to the specific license type. Such policies and procedures shall include methods for identifying, recording and reporting diversion, theft or loss, and for correcting all errors and inaccuracies in inventories. Cannabis establishments shall include in their written policies and procedures a process for each of the following, if the establishment engages in such activity:

(1) Handling mandatory and voluntary recalls of cannabis. Such process shall be adequate to deal with recalls due to any order of the commissioner and any voluntary action by the cannabis establishment to remove defective or potentially defective cannabis from the market or any action undertaken to promote public health and safety by replacing existing cannabis with improved products or packaging;

(2) Preparing for, protecting against and handling any crisis that affects the security or operation of any facility used in the operation of a cannabis establishment in the event of a strike, fire, flood or other natural disaster, or other situations of local, state or national emergency;

(3) Ensuring that any outdated, damaged, deteriorated, misbranded or adulterated cannabis is segregated from all other inventory and destroyed. Such procedure shall provide for written documentation of the cannabis disposition; and

(4) Ensuring the oldest stock of a cannabis is sold, delivered or dispensed first. Such procedure may permit deviation from this requirement, if such deviation is temporary and approved by the commissioner.

(b) A cannabis establishment shall (1) store all cannabis in such a manner as to prevent diversion, theft or loss, (2) make cannabis

accessible only to the minimum number of specifically authorized employees essential for efficient operation, and (3) return any cannabis to a secure location at the end of the scheduled business day.

Sec. 55. (NEW) (*Effective July 1, 2021*) (a) Qualifying patients and caregivers registered pursuant to chapter 420f of the general statutes shall be permitted to purchase cannabis of higher potency, varied dosage form, and in a larger per transaction or per day amount than are generally available for retail purchase, as determined by the commissioner. Such determination, if any, shall be published on the Department of Consumer Protection's Internet web site or included in regulations adopted by the department.

(b) Notwithstanding any provision of the general statutes, the sale or delivery of drug paraphernalia to a qualifying patient or caregiver or person licensed pursuant to the provisions of RERACA or chapter 420f of the general statutes, shall not be considered a violation of the provisions of RERACA.

Sec. 56. (NEW) (*Effective January 1, 2022*) (a) Each cannabis establishment, licensed pursuant to chapter 420f of the general statutes or the provisions of RERACA shall maintain a record of all cannabis grown, manufactured, wasted and distributed between cannabis establishments and to consumers, qualifying patients and caregivers in a form and manner prescribed by the commissioner. The commissioner shall require each cannabis establishment to use an electronic tracking system to monitor the production, harvesting, storage, manufacturing, packaging and labeling, processing, transport, transfer and sale of cannabis from the point of cannabis cultivation inception through the point when the final product is sold to a consumer, qualifying patient, caregiver, research program or otherwise disposed of in accordance with chapter 420f of the general statutes or the provisions of RERACA, and the policies and procedures or regulations issued pursuant to RERACA. Cannabis establishments shall be required to utilize such

electronic tracking system and enter the data points required by the commissioner to ensure cannabis is safe, secure and properly labeled for consumer or qualifying patient use. The commissioner may contract with one or more vendors for the purpose of electronically collecting such cannabis information.

(b) The electronic tracking system shall not collect information about any individual consumer, qualifying patient or caregiver purchasing cannabis.

(c) The electronic tracking system shall (1) track each cannabis seed, clone, seedling or other commencement of the growth of a cannabis plant or introduction of any cannabinoid intended for use by a cannabis establishment, and (2) collect the unit price and amount sold for each retail sale of cannabis.

(d) Information within the electronic tracking system shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes, except that (1) the commissioner may provide reasonable access to cannabis tracking data obtained under this section to: (A) State agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (B) public or private entities for research or educational purposes, provided no individually identifiable information may be disclosed; (C) as part of disciplinary action taken by the department, to another state agency or local law enforcement; (D) the office of the Attorney General for any review or investigation; and (E) in the aggregate, the Department of Public Health and Department of Mental Health and Addiction Services for epidemiological surveillance, research and analysis in conjunction with the Department of Consumer Protection; and (2) the commissioner shall provide access to the electronic tracking system to (A) the Department of Revenue Services for the purposes of enforcement of any tax-related investigations and audits, and (B) the Connecticut Agricultural

Experiment Station for the purpose of laboratory testing and surveillance.

Sec. 57. (NEW) (*Effective July 1, 2021*) (a) Each cannabis establishment shall maintain all records necessary to fully demonstrate business transactions related to cannabis for a period covering the current taxable year and the three immediately preceding taxable years, all of which shall be made available to the department pursuant to subsection (c) of this section.

(b) The commissioner may require any licensee to furnish such information as the commissioner considers necessary for the proper administration of RERACA, and may require an audit of any cannabis establishment, the expense thereof to be paid by such cannabis establishment.

(c) Each cannabis establishment, and each person in charge, or having custody, of such documents, shall maintain such documents in an auditable format for the current taxable year and the three preceding taxable years. Upon request, such person shall make such documents immediately available for inspection and copying by the commissioner or any other enforcement agency or others authorized by RERACA, and shall produce copies of such documents to the commissioner or commissioner's authorized representative within two business days. Such documents shall be provided to the commissioner in electronic format, unless not commercially practical. In complying with the provisions of this subsection, no person shall use a foreign language, codes or symbols to designate cannabis or cannabis product types or persons in the keeping of any required document.

(d) For purposes of the supervision and enforcement of the provisions of RERACA, the commissioner may:

(1) Enter any place, including a vehicle, in which cannabis is held,

sold, produced, delivered, transported, manufactured or otherwise disposed of;

(2) Inspect a cannabis establishment and all pertinent equipment, finished and unfinished material, containers and labeling, and all things in such place, including records, files, financial data, sales data, shipping data, pricing data, employee data, research, papers, processes, controls and facilities; and

(3) Inventory any stock of cannabis and obtain samples of any cannabis, any labels or containers, paraphernalia and of any finished or unfinished material.

(e) Except as otherwise provided in RERACA, all records maintained or kept on file related to RERACA by the department or the Social Equity Council shall be public records for purposes of the Freedom of Information Act, as defined in section 1-200 of the general statutes. In addition to the nondisclosure provisions contained in sections 35, 56, 58 and 61 of this act, sections 1-210, 21a-408d, 21a-408*l* and 21a-408v of the general statutes, any information related to (1) the physical security plans of a cannabis establishment or the criminal background of individual applicants that is obtained by the department through the licensing process, (2) the supply and distribution of cannabis by cannabis establishments, and (3) qualified patient and caregiver information, shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes.

Sec. 58. (NEW) (*Effective July 1, 2021*) (a) For sufficient cause found pursuant to subsection (b) of this section, the commissioner may suspend or revoke a license or registration, issue fines of not more than twenty-five thousand dollars per violation, accept an offer in compromise or refuse to grant or renew a license or registration issued pursuant to RERACA, or place such licensee or registrant on probation,

place conditions on such licensee or registrant or take other actions permitted by law. Information from inspections and investigations conducted by the department related to administrative complaints or cases shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes, except after the department has entered into a settlement agreement, or concluded its investigation or inspection as evidenced by case closure, provided that nothing in this section shall prevent the department from sharing information with other state and federal agencies and law enforcement as it relates to investigating violations of law.

(b) Any of the following shall constitute sufficient cause for such action by the commissioner, including, but not limited to:

(1) Furnishing of false or fraudulent information in any application or failure to comply with representations made in any application, including, but not limited to, medical preservation plans and security requirements;

(2) A civil judgment against or disqualifying conviction of a cannabis establishment licensee, backer, key employee or license applicant;

(3) Failure to maintain effective controls against diversion, theft or loss of cannabis, cannabis products or other controlled substances;

(4) Discipline by, or a pending disciplinary action or an unresolved complaint against a cannabis establishment licensee, registrant or applicant regarding any professional license or registration of any federal, state or local government;

(5) Failure to keep accurate records and to account for the cultivation, manufacture, packaging or sale of cannabis;

(6) Denial, suspension or revocation of a license or registration, or the denial of a renewal of a license or registration, by any federal, state or

local government or a foreign jurisdiction;

(7) False, misleading or deceptive representations to the public or the department;

(8) Return to regular stock of any cannabis where:

(A) The package or container containing the cannabis has been opened, breached, tampered with or otherwise adulterated; or

(B) The cannabis has been previously sold to an end user or research program subject;

(9) Involvement in a fraudulent or deceitful practice or transaction;

(10) Performance of incompetent or negligent work;

(11) Failure to maintain the entire cannabis establishment premises or laboratory and contents in a secure, clean, orderly and sanitary condition;

(12) Permitting another person to use the licensee's license;

(13) Failure to properly register employees or license key employees, or failure to notify the department of a change in key employees or backers;

(14) An adverse administrative decision or delinquency assessment against the cannabis establishment from the Department of Revenue Services;

(15) Failure to cooperate or give information to the department, local law enforcement authorities or any other enforcement agency upon any matter arising out of conduct at the premises of a cannabis establishment or laboratory or in connection with a research program;

(16) Advertising in a manner prohibited by section 33 of this act; or

(17) Failure to comply with any provision of RERACA, or any policies and procedures issued by the commissioner to implement, or regulations adopted pursuant to, RERACA.

(c) Upon refusal to issue or renew a license or registration, the commissioner shall notify the applicant of the denial and of the applicant's right to request a hearing within ten days from the date of receipt of the notice of denial. If the applicant requests a hearing within such ten-day period, the commissioner shall give notice of the grounds for the commissioner's refusal and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 of the general statutes concerning contested cases. If the commissioner's denial of a license or registration is sustained after such hearing, an applicant may not apply for a new cannabis establishment, backer or key employee license or employee registration for a period of one year after the date on which such denial was sustained.

(d) No person whose license or registration has been revoked may apply for a cannabis establishment, backer or key employee license or an employee registration for a period of one year after the date of such revocation.

(e) The voluntary surrender or failure to renew a license or registration shall not prevent the commissioner from suspending or revoking such license or registration or imposing other penalties permitted by RERACA.

Sec. 59. (NEW) (*Effective from passage*) (a) The commissioner may adopt regulations in accordance with chapter 54 of the general statutes, including emergency regulations pursuant to section 4-168 of the general statutes, to implement the provisions of RERACA.

(b) Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, of the general statutes, in order to effectuate the purposes of

RERACA and protect public health and safety, prior to adopting such regulations the commissioner shall implement policies and procedures to implement the provisions of RERACA that shall have the force and effect of law. The commissioner shall post all such 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. Any such policies and procedures shall no longer be effective upon the earlier of either adoption of such policies and procedures as a final regulation under section 4-172 of the general statutes or forty-eight months from the effective date of this section, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170 of the general statutes.

Sec. 60. (*Effective July 1, 2022*) Not later than January 1, 2023, the department shall make written recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to consumer protection, the judiciary and finance, revenue and bonding, concerning whether to authorize on-site consumption or events that allow for cannabis usage, including whether to establish a cannabis on-site consumption or event license.

Sec. 61. (NEW) (*Effective July 1, 2021*) (a) For purposes of this section:

(1) "Material change" means: (A) The addition of a backer, (B) a change in the ownership interest of an existing backer, (C) the merger, consolidation or other affiliation of a cannabis establishment with another cannabis establishment, (D) the acquisition of all or part of a cannabis establishment by another cannabis establishment or backer, and (E) the transfer of assets or security interests from a cannabis establishment to another cannabis establishment or backer;

(2) "Cannabis establishment" has the same meaning as provided in section 1 of this act;

(3) "Person" has the same meaning as provided in section 1 of this act; and

(4) "Transfer" means to sell, transfer, lease, exchange, option, convey, give or otherwise dispose of or transfer control over, including, but not limited to, transfer by way of merger or joint venture not in the ordinary course of business.

(b) No person shall, directly or indirectly, enter into a transaction that results in a material change to a cannabis establishment, unless all parties involved in the transaction file a written notification with the Attorney General pursuant to subsection (c) of this section and the waiting period described in subsection (d) of this section has expired.

(c) The written notice required under subsection (b) of this section shall be in such form and contain such documentary material and information relevant to the proposed transaction as the Attorney General deems necessary and appropriate to enable the Attorney General to determine whether such transaction, if consummated, would violate antitrust laws.

(d) The waiting period required under subsection (b) of this section shall begin on the date of the receipt by the Attorney General's office of the completed notification required under subsection (c) of this section from all parties to the transaction and shall end on the thirtieth day after the date of such receipt, unless such time is extended pursuant to subsection (f) of this section.

(e) The Attorney General may, in individual cases, terminate the waiting period specified in subsection (d) of this section and allow any person to proceed with any transaction.

(f) The Attorney General may, prior to the expiration of the thirty-day waiting period, require the submission of additional information or documentary material relevant to the proposed transaction from a person required to file notification with respect to such transaction under subsection (b) of this section. Upon request for additional information under this subsection, the waiting period shall be extended until thirty days after the parties have substantially complied, as determined solely by the Attorney General, with such request for additional information.

(g) Any information or documentary material filed with the Attorney General pursuant to this section shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Such information or documentary material shall be returned to the person furnishing such information or documentary material upon the termination of the Attorney General's review or final determination of any action or proceeding commenced thereunder.

(h) (1) Any person, or any officer, director or partner thereof, who fails to comply with any provision of this section shall be liable to the state for a civil penalty of not more than twenty-five thousand dollars for each day during which such person is in violation of this section. Such penalty may be recovered in a civil action brought by the Attorney General.

(2) If any person, or any officer, director, partner, agent or employee thereof, fails substantially to comply with the notification requirement under subsection (b) of this section or any request for the submission of additional information or documentary material under subsection (f) of this section within the waiting period specified in subsection (d) of this section and as may be extended under subsection (f) of this section, the

court:

(A) May order compliance;

(B) Shall extend the waiting period specified in subsection (d) of this section and as may have been extended under subsection (f) of this section until there has been substantial compliance, except that, in the case of a tender offer, the court may not extend such waiting period on the basis of a failure, by the person whose stock is sought to be acquired, to comply substantially with such notification requirement or any such request; and

(C) May grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Attorney General.

Sec. 62. (NEW) (*Effective July 1, 2022*) Each cannabis establishment shall annually report publicly in a manner prescribed by the commissioner: (1) Its annual usage of electricity, and (2) what fraction of its electricity usage is generated from Class I Renewable Portfolio Standards produced in the state per the Regional Greenhouse Gas Initiative agreement. Each cannabis establishment shall purchase electricity generated from Class I Renewable Portfolio Standards produced in the states that are party to the Regional Greenhouse Gas Initiative agreement, to the greatest extent possible.

Sec. 63. (*Effective from passage*) Not later than January 1, 2022, the Banking Commissioner, in consultation with the Commissioner of Consumer Protection, shall report to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to banking, the judiciary and finance, revenue and bonding, regarding recommended legislation to implement the provisions of RERACA, to facilitate the use of electronic payments by cannabis establishments and consumers and regarding access for

cannabis establishments to (1) depository banking, and (2) commercial mortgages.

Sec. 64. (*Effective from passage*) Not later than January 1, 2022, the Insurance Commissioner shall report to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to insurance regarding access to insurance by cannabis establishments.

Sec. 65. (*Effective from passage*) Not later than January 1, 2023, the Alcohol and Drug Policy Council, jointly with the Departments of Public Health, Mental Health and Addiction Services and Children and Families, shall make recommendations to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to public health, the judiciary and finance, revenue and bonding regarding (1) efforts to promote public health, science-based harm reduction, mitigate misuse and the risk of addiction to cannabis and the effective treatment of addiction to cannabis with a particular focus on individuals under twenty-one years of age; (2) the collection and reporting of data to allow for epidemiological surveillance and review of cannabis consumption and the impacts thereof in the state; (3) impacts of cannabis legalization on the education, mental health and social and emotional health of individuals under twenty-one years of age; and (4) any further measures the state should take to prevent usage of cannabis by individuals under twenty-one years of age, including, but not limited to, product restrictions and prevention campaigns.

Sec. 66. Section 21a-408 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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 1 of this act;

[(2)**]** (3) "Cultivation" includes planting, propagating, cultivating, growing and harvesting;

[(3)**]** (4) "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 **[**pursuant to regulations adopted under section 21a-408m**]** and posted online pursuant to section 21a-408*l*;

(5) "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;

(6) "Employee" has the same meaning as provided in section 1 of this

act;

[(4)] (7) "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;

[(5)] (8) "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;

[(6)] (9) "Laboratory" means a laboratory located in the state that is licensed by the department to provide analysis of [controlled substances pursuant to] marijuana and that meets the licensure requirements set forth in section 21a-246; [and section 21a-408r;]

[(7)] (10) "Laboratory employee" means a person who is [(A) licensed] registered as a laboratory employee pursuant to section 21a-408r; [, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408r;]

[(8)] (11) "Licensed dispensary" or "dispensary" means [a person] an individual who is a licensed [as] pharmacist employed by a dispensary [pursuant to section 21a-408h] facility or hybrid retailer;

[(9) "Licensed producer" or "producer"] (12) "Producer" means a person who is licensed as a producer pursuant to section 21a-408i;

[(10)] (13) "Marijuana" means marijuana, as defined in section 21a-240;

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

[(12)] (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 **[**primary**]** 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;

[(13)**]** (16) "Paraphernalia" means drug paraphernalia, as defined in section 21a-240;

[(14)**]** (17) "Physician" means a person who is licensed as a physician under chapter 370, but does not include a physician assistant, as defined in section 20-12a;

[(15) "Primary caregiver"**]** (18) "Caregiver" means a person, other than the qualifying patient and the qualifying patient's physician 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 or advanced practice registered nurse and such need shall be documented in the written certification;

[(16)**]** (19) "Qualifying patient" means a person who: (A) Is a resident of Connecticut, (B) has been diagnosed by a physician or an 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 **[**primary**]** 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;

[(17)**]** (20) "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;

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

[(19)**]** (22) "Research program subject" means a person registered as a research program subject pursuant to section 21a-408v;

[(20)**]** (23) "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

[(21)**]** (24) "Written certification" means a written certification issued by a physician or an advanced practice registered nurse pursuant to section 21a-408c.

Sec. 67. Section 21a-408a of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) A qualifying patient shall register with the Department of Consumer Protection pursuant to section 21a-408d prior to engaging in the palliative use of marijuana. A qualifying patient who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the palliative use of marijuana if:

(1) The qualifying patient's physician or advanced practice registered nurse has issued a written certification to the qualifying patient for the palliative use of marijuana after the physician or advanced practice registered nurse has prescribed, or determined it is not in the best interest of the patient to prescribe, prescription drugs to address the symptoms or effects for which the certification is being issued;

(2) The combined amount of marijuana possessed by the qualifying patient and the **[**primary**]** caregiver for palliative use does not exceed **[**an amount of usable marijuana reasonably necessary to ensure uninterrupted availability for a period of one month, as determined by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m; and**]** five ounces;

(3) The qualifying patient has not more than one **[**primary**]** caregiver at any time; **[**.**]** and

(4) Any cannabis plants grown by the qualifying patient in his or home is in compliance with subsection (b) of section 21a-408d and any applicable regulations.

(b) The provisions of subsection (a) of this section do not apply to:

(1) Any palliative use of marijuana that endangers the health or well-being of a person other than the qualifying patient or the **[**primary**]** caregiver; or

(2) The ingestion of marijuana (A) in a motor bus or a school bus or in any other moving vehicle, (B) in the workplace, (C) on any school grounds or any public or private school, dormitory, college or university property, unless such college or university is participating in a research program and such use is pursuant to the terms of the research program, (D) in any public place, or (E) in the presence of a person under the age of eighteen, unless such person is a qualifying patient or research program subject. For the purposes of this subdivision, (i) "presence" means within the direct line of sight of the palliative use of marijuana or exposure to second-hand marijuana smoke, or both; (ii) "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests; (iii) "vehicle" means a vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus, as defined in section 14-1; and (v) "school bus" means a school bus, as defined in section 14-1.

Sec. 68. Section 21a-408b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No person may serve as a **[**primary**]** caregiver for a qualifying patient (1) unless such qualifying patient has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d, and (2) if such person has been convicted of a violation of any law pertaining to the illegal manufacture, sale or distribution of a controlled substance. A **[**primary**]** caregiver may not be responsible for the care of more than one qualifying patient at any time, except that a **[**primary**]** caregiver may be responsible for the care of more than one qualifying patient if the **[**primary**]** caregiver and

each qualifying patient have a parental, guardianship, conservatorship or sibling relationship.

(b) A **[**primary**]** caregiver who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the acquisition, distribution, possession or transportation of marijuana or paraphernalia related to marijuana on behalf of such **[**primary**]** caregiver's qualifying patient, provided **[**(1)**]** the amount of any marijuana so acquired, distributed, possessed or transported, together with the combined amount of usable marijuana possessed by the qualifying patient and the **[**primary**]** caregiver, does not exceed **[**an amount reasonably necessary to ensure uninterrupted availability for a period of one month, as determined by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m, and (2) such amount is obtained solely within this state from a licensed dispensary. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to a hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department**]** five ounces. For the purposes of this subsection, "distribution" or "distributed" means the transfer of marijuana and paraphernalia related to marijuana from the **[**primary**]** caregiver to the qualifying patient.

(c) A dispensary facility shall not dispense any **[**marijuana**]** cannabis product, as defined in section 1 of this act, in a smokable, inhalable or vaporizable form to a **[**primary**]** caregiver for a qualifying patient who is under eighteen years of age.

Sec. 69. Section 21a-408c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) A physician or an advanced practice registered nurse may issue a written certification to a qualifying patient that authorizes the palliative use of marijuana by the qualifying patient. Such written certification shall be in the form prescribed by the Department of Consumer Protection and shall include a statement signed and dated by the qualifying patient's physician or advanced practice registered nurse stating that, in such physician's or advanced practice registered nurse's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the palliative use of marijuana would likely outweigh the health risks of such use to the qualifying patient.

(b) Any written certification for the palliative use of marijuana issued by a physician or an advanced practice registered nurse under subsection (a) of this section shall be valid for a period not to exceed one year from the date such written certification is signed and dated by the physician or advanced practice registered nurse. Not later than ten calendar days after the expiration of such period, or at any time before the expiration of such period should the qualifying patient no longer wish to possess marijuana for palliative use, the qualifying patient or the **[**primary**]** caregiver shall destroy all usable marijuana possessed by the qualifying patient and the **[**primary**]** caregiver for palliative use.

(c) A physician or an advanced practice registered nurse shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Medical Examining Board, the Connecticut State Board of Examiners for Nursing or other professional licensing board, for providing a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a if:

(1) The physician or advanced practice registered nurse has diagnosed the qualifying patient as having a debilitating medical condition;

(2) The physician or advanced practice registered nurse has explained the potential risks and benefits of the palliative use of marijuana to the qualifying patient and, if the qualifying patient lacks legal capacity, to a parent, guardian or person having legal custody of the qualifying patient;

(3) The written certification issued by the physician or advanced practice registered nurse is based upon the physician's or advanced practice registered nurse's professional opinion after having completed a medically reasonable assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide health care professional-patient relationship; and

(4) The physician or advanced practice registered nurse has no financial interest in a **[**dispensary licensed under section 21a-408h or a producer licensed under section 21a-408i**]** cannabis establishment, except for retailers and delivery services, as such terms are defined in section 1 of this act.

(d) A nurse shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Board of Examiners for Nursing, or other professional licensing board, for administering marijuana to a qualifying patient or research program subject in a hospital or health care facility licensed by the Department of Public Health.

(e) Notwithstanding the provisions of this section, sections 21a-408 to 21a-408b, inclusive, and sections 21a-408d to 21a-408o, inclusive, an

advanced practice registered nurse shall not issue a written certification to a qualifying patient when the qualifying patient's debilitating medical condition is glaucoma.

Sec. 70. Section 21a-408d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Each qualifying patient who is issued a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a, and the **[**primary**]** caregiver of such qualifying patient, shall register with the Department of Consumer Protection. Such registration shall be effective from the date the Department of Consumer Protection issues a certificate of registration until the expiration of the written certification issued by the physician or advanced practice registered nurse. The qualifying patient and the **[**primary**]** caregiver shall provide sufficient identifying information, as determined by the department, to establish the personal identity of the qualifying patient and the **[**primary**]** caregiver. If the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient shall also provide a letter from both the qualifying patient's **[**primary**]** care provider and a physician who is board certified in an area of medicine involved in the treatment of the debilitating condition for which the qualifying patient was certified that confirms that the palliative use of marijuana is in the best interest of the qualifying patient. A physician may issue a written certification for the palliative use of marijuana by a qualifying patient who is under eighteen years of age, provided such written certification shall not be for marijuana in a dosage form that requires that the marijuana be smoked, inhaled or vaporized. The qualifying patient or the **[**primary**]** caregiver shall report any change in the identifying information to the department not later than five business days after such change. The department shall issue a registration certificate to the qualifying patient and to the **[**primary**]**

caregiver and may charge a reasonable fee, not to exceed twenty-five dollars, for each registration certificate issued under this subsection. Any registration fees collected by the department under this subsection shall be paid to the State Treasurer and credited to the General Fund.

[(b) The qualifying patient, or, if the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient, shall select a licensed, in-state dispensary to obtain the palliative marijuana products at the time of registration. Upon the issuance of the certificate of registration by the department, the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, shall purchase such palliative marijuana products from such dispensary, except that the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, may change such dispensary in accordance with regulations adopted by the department. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department.**]**

(b) Any qualifying patient who is eighteen years of age or older may cultivate up to three mature cannabis plants and three immature cannabis plants in the patient's primary residence at any given time, provided such plants are secure from access by any individual other than the patient or patient's caregiver and no more than twelve cannabis plants may be grown per household.

(c) A dispensary shall not dispense any marijuana products in a smokable, inhalable or vaporizable form to a qualifying patient who is under eighteen years of age or such qualifying patient's caregiver.

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information obtained under this section **[**and temporary registration information obtained under section 21a-408n**]** shall be provided to: (1) State agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (2) physicians, advanced practice registered nurses and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the qualifying patient; (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed; (4) a licensed dispensary for the purpose of complying with sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive; (5) a qualifying patient, but only with respect to information related to such qualifying patient or such qualifying patient's **[**primary**]** caregiver; or (6) a **[**primary**]** caregiver, but only with respect to information related to such **[**primary**]** caregiver's qualifying patient.

Sec. 71. Section 21a-408f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Any marijuana, paraphernalia relating to marijuana, or other property seized by law enforcement officials from a qualifying patient or a **[**primary**]** caregiver in connection with the claimed palliative use of marijuana under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, shall be returned to the qualifying patient or the **[**primary**]** caregiver immediately upon the determination by a court that the qualifying patient or the **[**primary**]** caregiver is entitled to the palliative use of marijuana under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, as evidenced by a decision not to prosecute, a dismissal of charges or an acquittal. The provisions of this section do not apply to any qualifying patient or **[**primary**]** caregiver who fails to comply with the

requirements for the palliative use of marijuana under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive.

Sec. 72. Section 21a-408h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No person may act as a dispensary or represent that such person is a licensed dispensary unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) No person may act as a dispensary facility or represent that such person is a licensed dispensary facility unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

[(b)**]** (c) The Commissioner of Consumer Protection shall determine the number of **[**dispensaries**]** dispensary facilities appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with chapter 54, to provide for the licensure and standards for **[**dispensaries**]** dispensary facilities in this state and specify the maximum number of **[**dispensaries**]** dispensary facilities that may be licensed in this state. On and after the effective date of such regulations, the commissioner may license any person who applies for a license in accordance with such regulations, provided **[**(1)**]** the commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive. **[**, (2) the applicant is a pharmacist licensed under chapter 400j, and (3) the number of dispensary licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the commissioner pursuant to this subsection.**]** At a minimum, such regulations shall:

[(A)**]** (1) Indicate the maximum number of **[**dispensaries**]** dispensary facilities that may be licensed in this state;

[(B) Provide that only a pharmacist licensed under chapter 400j may apply for and receive a dispensary license;**]**

[(C)**]** (2) Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of this state;

[(D)**]** (3) Establish a licensing fee and renewal fee for each **[**licensed**]** dispensary facility, provided such fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating **[**dispensaries**]** dispensary facilities pursuant to sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive;

[(E)**]** (4) Provide for renewal of such dispensary facility licenses at least every two years;

[(F)**]** (5) Describe areas in this state where **[**licensed dispensaries**]** dispensary facilities may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of section 30-46;

[(G)**]** (6) Establish health, safety and security requirements for **[**licensed dispensaries**]** dispensary facilities, which may include, but need not be limited to: **[**(i)**]** (A) The ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the **[**licensed**]** dispensary facility, and **[**(ii)**]** (B) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;

[(H)**]** (7) Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary facility licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182; and

[(I)**]** (8) Establish other licensing, renewal and operational standards

deemed necessary by the commissioner.

[(c)**]** (d) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

[(d)**]** (e) On or before January 1, 2017, and annually thereafter, each **[**licensed**]** dispensary facility shall report data to the Department of Consumer Protection relating to the types, mixtures and dosages of palliative marijuana dispensed by such dispensary facility. A report prepared pursuant to this subsection shall be in such form as may be prescribed by the Commissioner of Consumer Protection.

Sec. 73. Section 21a-408j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) No **[**licensed**]** dispensary facility or employee of the dispensary facility may: (1) Acquire marijuana from a person other than a **[**licensed**]** producer **[**; (2) distribute or dispense**]** from a cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, or transporter, as such terms are defined in section 1 of this act; (2) transfer or transport marijuana to a person who is not (A) a qualifying patient registered under section 21a-408d; **[**or 21a-408n;**]** (B) a **[**primary**]** caregiver of such qualifying patient; (C) a hospice or other inpatient care facility licensed by the Department of Public Health pursuant to chapter 368v that has a protocol for the handling and distribution of marijuana that has been approved by the Department of Consumer Protection; (D) a laboratory; **[**or**]** (E) an organization engaged in a research program; (F) a delivery service, as defined in section 1 of this act; or (G) a transporter, as defined in section 1 of this act; or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No **[**licensed**]** dispensary or employee of the dispensary facility

acting within the scope of his or her employment shall be subject to arrest or prosecution **[**,**]** or penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, distributing or dispensing marijuana pursuant to sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive.

Sec. 74. Section 21a-408k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

(b) No licensed producer or employee of the producer acting within the scope of his or her employment shall be subject to arrest or prosecution **[**,**]** or penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for cultivating marijuana or selling, delivering, transferring, transporting or distributing marijuana to **[**licensed dispensaries under sections 21a-408 to 21a-408n, inclusive**]** a cannabis establishment, laboratory or research program.

Sec. 75. Section 21a-408m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to establish (1) a standard form for written certifications for the palliative use of marijuana issued by physicians and advanced practice registered nurses under

subdivision (1) of subsection (a) of section 21a-408a, and (2) procedures for registrations under section 21a-408d. Such regulations, if any, shall be adopted after consultation with the Board of Physicians established in section 21a-408*l*.

(b) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to establish a reasonable fee to be collected from each qualifying patient to whom a written certification for the palliative use of marijuana is issued under subdivision (1) of subsection (a) of section 21a-408a, for the purpose of offsetting the direct and indirect costs of administering the provisions of sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive. The commissioner shall collect such fee at the time the qualifying patient registers with the Department of Consumer Protection under subsection (a) of section 21a-408d. Such fee shall be in addition to any registration fee that may be charged under said subsection. The fees required to be collected by the commissioner from qualifying patients under this subsection shall be paid to the State Treasurer and credited to the General Fund.

(c) The Commissioner of Consumer Protection shall adopt **[**regulations, in accordance with chapter 54, to implement the provisions of sections 21a-408 to 21a-408g, inclusive, and section 21a-408*l*. At a minimum, such regulations shall**]** or amend regulations, as applicable, in accordance with chapter 54, to implement the provisions of sections 21a-408 to 21a-408g, inclusive, and section 21a-408*l*. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of sections 21a-408 to 21a-408g, inclusive, and section 21a-408*l*, and protect public health and safety, prior to adopting or amending such regulations the commissioner shall adopt policies and procedures to implement the provisions of sections 21a-408 to 21a-408g, inclusive, and section 21a-408 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. Any such policy or procedure shall no longer be effective upon the earlier of either adoption of such policies or procedures as a final regulation pursuant to section 4-172 or forty-eight months from October 1, 2021, if such policies or procedures have not been submitted to the legislative regulation review committee for consideration under section 4-170. Such policies and procedures and regulations shall include, but not be limited to, how the department shall:

(1) **[**Govern the manner in which the department considers**]** Accept applications for the issuance and renewal of registration certificates for qualifying patients and **[**primary**]** caregivers; **[**, and establish any additional information to be contained in such registration certificates;**]**

[(2) Define the protocols for determining the amount of usable marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amounts for topical treatments;**]**

[(3)**]** (2) Establish criteria for adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

[(4)**]** (3) Establish a petition process under which members of the public may submit petitions, **[**in such manner and in such form as prescribed in the regulations,**]** regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions;

[(5) Establish a process for public comment and public hearings before the board regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions, medical treatments or diseases;

(6) Add additional medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana as recommended by the board; and**]**

(4) Establish requirements for the growing of cannabis plants by a qualifying patient in his or her primary residence as authorized under section 21a-408d, including requirements for securing such plants to prevent access by any individual other than the patient or the patient's caregiver, the location of such plants and any other requirements necessary to protect public health or safety;

[(7)**]** (5) Develop a distribution system for marijuana for palliative use that provides for:

(A) Marijuana production facilities within this state that are housed on secured grounds and operated by **[**licensed**]** producers; **[**and**]**

(B) The transfer of marijuana between dispensary facilities; and

[(B)**]** (C) Distribution of marijuana for palliative use to qualifying patients or their **[**primary**]** caregivers by **[**licensed dispensaries.**]** dispensary facilities, hybrid retailers and delivery services, as such terms are defined in section 1 of this act; and

(6) Ensure an adequate supply and variety of marijuana to dispensary facilities and hybrid retailers to ensure uninterrupted availability for qualifying patients, based on historical marijuana purchase patterns by qualifying patients.

[(d) The commissioner shall submit regulations pursuant to subsections (b) and (c) of this section to the standing legislative regulation review committee not later than July 1, 2013.**]**

Sec. 76. Section 21a-408*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The Commissioner of Consumer Protection shall establish a Board of Physicians consisting of eight physicians or surgeons who are knowledgeable about the palliative use of marijuana and certified by the appropriate American board in the medical specialty in which they practice, at least one of whom shall be a board certified pediatrician appointed in consultation with the Connecticut Chapter of the American Academy of Pediatrics. Four of the members of the board first appointed shall serve for a term of three years and four of the members of the board first appointed shall serve for a term of four years. Thereafter, members of the board shall serve for a term of four years and shall be eligible for reappointment. Any member of the board may serve until a successor is appointed. The Commissioner of Consumer Protection shall serve as an ex-officio member of the board, and shall select a chairperson from among the members of the board.

(b) A quorum of the Board of Physicians shall consist of four members.

(c) The Board of Physicians shall:

(1) Review and recommend to the Department of Consumer Protection for approval the debilitating medical conditions, medical treatments or diseases to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients eighteen years of age or older;

(2) Review and recommend to the Department of Consumer Protection for approval any illnesses that are severely debilitating, as defined in 21 CFR 312.81(b), to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients under eighteen years of age, taking into account, among other things, the effect of the palliative use of marijuana on the brain development of such patients<u>, which recommendations shall be accepted or rejected by the commissioner in his or her discretion</u>;

(3) Accept and review petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

(4) Convene [at least twice per year] as necessary to conduct public hearings and to evaluate petitions, which shall be maintained as confidential pursuant to subsection (e) of this section, for the purpose of adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

(5) Review and recommend to the Department of Consumer Protection protocols for determining the amounts of marijuana that may be reasonably necessary to ensure uninterrupted availability for a period of one month for qualifying patients, including amounts for topical treatments; and

(6) Perform other duties related to the palliative use of marijuana upon the request of the Commissioner of Consumer Protection.

(d) The Board of Physicians may review the list of debilitating medical conditions that qualify for the palliative use of marijuana and make recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to general law and public health for the removal of a debilitating medical condition, medical treatment or disease from such list.

(e) Any individually identifiable health information contained in a petition received under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(f) On and after October 1, 2021, conditions added pursuant to this section to the list of debilitating medical conditions that qualify for the palliative use of marijuana shall be posted by the commissioner on the

Department of Consumer Protection's Internet web site. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, the list of debilitating medical conditions that qualify for the palliative use of marijuana shall be deemed approved and effective without further action as of the date such conditions are posted on the Department of Consumer Protection's Internet web site.

Sec. 77. Section 21a-408p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) For the purposes of this section:

(1) "Action" has the meaning provided in section 47a-1;

(2) "Dwelling unit" has the meaning provided in section 47a-1;

(3) "Employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state;

(4) "Landlord" has the meaning provided in section 47a-1;

(5) "Palliative use" has the meaning provided in section 21a-408;

(6) **[**"Primary caregiver"**]** "Caregiver" has the meaning provided in section 21a-408;

(7) "Qualifying patient" has the meaning provided in section 21a-408;

(8) "School" means a public or private elementary or secondary school in this state or a public or private institution of higher education in this state; and

(9) "Tenant" has the meaning provided in section 47a-1.

(b) Unless required by federal law or required to obtain federal funding:

(1) No school may refuse to enroll any person or discriminate against any student solely on the basis of such person's or student's status as a qualifying patient or **[**primary**]** caregiver under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive;

(2) No landlord may refuse to rent a dwelling unit to a person or take action against a tenant solely on the basis of such person's or tenant's status as a qualifying patient or **[**primary**]** caregiver under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive; and

(3) No employer may refuse to hire a person or may discharge, penalize or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient or **[**primary**]** caregiver under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive. Nothing in this subdivision shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours.

(c) Nothing in this section shall be construed to permit the palliative use of marijuana in violation of subsection (b) of section 21a-408a.

Sec. 78. Section 21a-408r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) No person may act as a laboratory or represent that such person is a laboratory unless such person has (1) obtained a license from the Commissioner of Consumer Protection pursuant to this section, or (2) (A) been granted approval by the Commissioner of Consumer Protection as of October 1, 2021, and (B) submitted an application to the Commissioner of Consumer Protection for licensure pursuant to this section in a form and manner prescribed by the commissioner. Such person may continue to act as a laboratory until such application for licensure under this section is approved or denied by the Commissioner

of Consumer Protection.

[(a)] (b) Except as provided in subsection [(b)] (c) of this section, no person may act as a laboratory employee or represent that such person is a [licensed] laboratory employee unless such person has obtained a [license] registration from the Commissioner of Consumer Protection pursuant to this section.

[(b)] (c) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a laboratory employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a laboratory employee.

[(c)] (d) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the licensure or registration of laboratories and laboratory employees, (2) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of laboratory licenses and laboratory employee [licenses] registrations, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (3) establish a license [and] or registration renewal fee for each licensed laboratory and [licensed] registered laboratory employee, provided the aggregate amount of such license, registration and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing, registering and regulating laboratories and laboratory employees in accordance with the provisions of this chapter, and (4) establish other licensing, registration, renewal and operational standards deemed necessary by the commissioner.

[(d)] (e) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

Sec. 79. Section 21a-408t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Consumer Protection may approve a research program if such research program will (1) be administered or overseen by (A) a hospital or health care facility licensed by the Connecticut Department of Public Health pursuant to chapter 368v, (B) an institution of higher education, as defined in section 10a-55, (C) a **[**licensed**]** producer, micro-cultivator, cultivator, food and beverage manufacturer product packager or product manufacturer, as such terms are defined in section 1 of this act, or (D) a **[**licensed**]** dispensary facility, hybrid retailer or retailer, as such terms are defined in section 1 of this act, and (2) have institutional review board oversight and, if the research program involves the use of animals, have an institutional animal care and use committee.

(b) Except as provided in subsection (c) of this section, no person may act as a research program employee or represent that such person is a **[**licensed**]** registered research program employee unless such person has obtained a **[**license**]** registration from the Commissioner of Consumer Protection pursuant to this section.

[(c) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a research program employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a research program employee.**]**

[(d)**]** (c) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the approval of research programs and **[**licensure**]** registration of research program employees, (2) establish standards and procedures for the termination or suspension of a research program, (3) establish standards

and procedures for the revocation, suspension, summary suspension and nonrenewal of a research program employee **[**license**]** registration, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (4) establish a (A) fee for research program review and approval, and (B) **[**license**]** registration and renewal fee for each research program employee, provided the aggregate amount of such fees shall not be less than the amount necessary to cover the direct and indirect cost of approving research programs and **[**licensing**]** registering and regulating research program employees pursuant to the provisions of this chapter, and (5) establish other licensing, registration, renewal and operational standards deemed necessary by the commissioner.

[(e)**]** (d) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

Sec. 80. Section 21a-408s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No laboratory or laboratory employee may (1) acquire marijuana from a person other than a **[**licensed producer, licensed dispensary**]** cannabis establishment or an organization engaged in a research program, (2) deliver, transport or distribute marijuana to (A) a person who is not a **[**licensed dispensary, (B) a person who is not a licensed producer, or (C)**]** cannabis establishment from which the marijuana was originally acquired by the laboratory or laboratory employee, (B) an organization not engaged in a research program, or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) (1) No laboratory employee acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty,

or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a **[**licensed dispensary, a licensed producer**]** cannabis establishment or an organization engaged in an approved research program under the provisions of this chapter.

(2) No laboratory shall be subject to prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, for acquiring, possessing, delivering, transporting or distributing marijuana to a **[**licensed dispensary, a licensed producer**]** cannabis establishment or an organization engaged in an approved research program under the provisions of this chapter.

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

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

Sec. 81. Section 21a-408u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No research program or research program employee may (1) acquire marijuana from a person other than a **[**licensed producer, licensed dispensary**]** cannabis establishment or laboratory, (2) deliver, transport or distribute marijuana to a person who is not (A) a **[**licensed

dispensary**]** cannabis establishment, (B) a **[**licensed producer**]** laboratory, or (C) a research program subject, (3) distribute or administer marijuana to an animal unless such animal is an animal research subject, or (4) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No research program employee acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a **[**licensed dispensary, a licensed producer**]** cannabis establishment or laboratory, or a research program subject or distributing or administering marijuana to an animal research subject under the provisions of this chapter.

Sec. 82. (NEW) (*Effective October 1, 2021*) A licensed pharmacist working as an employee at a dispensary facility or hybrid retailer shall transmit dispensing information, in a manner prescribed by the commissioner, on any cannabis sold to a qualifying patient or caregiver in real-time or immediately upon completion of the transaction, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the transaction.

Sec. 83. (NEW) (*Effective July 1, 2021*) (a) Upon the petition of not less than ten per cent of the electors of any municipality, lodged with the town clerk at least sixty days before the date of any regular election, as defined in section 9-1 of the general statutes, the selectmen of the municipality shall warn the electors of such municipality that, at such regular election, a vote shall be taken to determine: (1) Whether or not the recreational sale of marijuana shall be permitted in such municipality, or (2) whether the sale of marijuana shall be permitted in such municipality in one or more of the classes of license of cannabis

establishments. The ballot label designations in a vote upon the question of cannabis establishment license shall be "Shall the sale of recreational marijuana be allowed in .... (Name of municipality)?" or "Shall the sale of cannabis under (Specified license or Licenses) be allowed in .... (Name of municipality)?" or "Shall the sale of recreational marijuana be prohibited (No Licenses) in .... (Name of municipality)?" and shall be provided in accordance with the provisions of section 9-250 of the general statutes. No elector shall vote for more than one designation. Such vote shall be taken in the manner prescribed in section 9-369 of the general statutes and shall become effective on the first Monday of the month next succeeding such election and shall remain in force until a new vote is taken; provided such vote may be taken at a special election called for the purpose in conformity with the provisions of section 9-164 of the general statutes and provided at least one year shall have elapsed since the previous vote was taken. The provisions of chapter 145 of the general statutes concerning absentee voting at referenda shall apply to all votes taken upon the question of cannabis establishment license. Any class of cannabis establishments already allowed in a municipality shall not be affected by any vote.

(b) No municipality shall prohibit delivery of cannabis to a consumer, qualifying patient or caregiver when the delivery is made by a retailer, hybrid retailer, dispensary facility, delivery service, micro-cultivator or other person authorized to make such delivery pursuant to RERACA. No municipality shall prohibit the transport of cannabis to, from or through such municipality by any person licensed or registered pursuant to RERACA to transport cannabis.

(c) No municipality or local official shall condition any official action, or accept any donation in moneys or in kind, from any cannabis establishment or from an individual or corporation that has applied for a license to open or operate a cannabis establishment in such municipality. No municipality shall negotiate or enter into a local host

agreement with a cannabis establishment or a person that has applied for a license to open or operate a cannabis establishment in such municipality.

(d) For up to thirty days after the opening of a retailer or hybrid retailer, a municipality may charge such retailer or hybrid retailer for any necessary and reasonable costs incurred by the municipality for provision of public safety services in relation to such opening, including, but not limited to, public safety costs incurred to direct traffic, not to exceed fifty thousand dollars.

Sec. 84. Subparagraph (H) of subdivision (7) of subsection (c) of section 7-148 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(H) (i) Secure the safety of persons in or passing through the municipality by regulation of shows, processions, parades and music;

(ii) Regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity;

(iii) Regulate auctions and garage and tag sales;

(iv) Prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers in a manner not inconsistent with the general statutes;

(v) Regulate and prohibit swimming or bathing in the public or exposed places within the municipality;

(vi) Regulate and license the operation of amusement parks and amusement arcades including, but not limited to, the regulation of

mechanical rides and the establishment of the hours of operation;

(vii) Prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played;

(viii) Preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises;

(ix) Establish a system to obtain a more accurate registration of births, marriages and deaths than the system provided by the general statutes in a manner not inconsistent with the general statutes;

(x) Control insect pests or plant diseases in any manner deemed appropriate;

(xi) Provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health;

(xii) Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes;

(xiii) Make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

(xiv) Regulate, in addition to the requirements under section 7-282b, the installation, maintenance and operation of any device or equipment in a residence or place of business which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party which shall thereafter call and relay such emergency messages to

a state police or municipal police or fire department telephone number. Such regulations may provide for penalties for the transmittal of false alarms by such devices or equipment;

(xv) Make and enforce regulations for the prevention and remediation of housing blight, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define housing blight and require such municipality to give written notice of any violation to the owner and occupant of the property and provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement action being taken, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil penalties for the violation of such regulations of not less than ten or more than one hundred dollars for each day that a violation continues and, if such civil penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-152c;

(xvi) Regulate, on any property owned by or under the control of the municipality, any activity deemed to be deleterious to public health, including the **[**lighting or carrying**]** burning of a lighted cigarette, cigar, pipe or similar device, whether containing, wholly or in part, tobacco or cannabis, as defined in section 1 of this act, and the use or consumption of cannabis, including, but not limited to, electronic cannabis delivery systems, as defined in section 19a-342a, or vapor products, as defined in said section, containing cannabis. If the municipality's population is greater than fifty thousand, such regulations shall designate a place in the municipality in which public consumption of cannabis is permitted.

Such regulations may prohibit the smoking of cannabis and the use of electronic cannabis delivery systems and vapor products containing cannabis in the outdoor sections of a restaurant. Such regulations may prescribe penalties for the violation of such regulations, provided such fine does not exceed fifty dollars for a violation of such regulations regarding consumption by an individual or a fine in excess of one thousand dollars to any business for a violation of such regulations;

Sec. 85. Section 54-56n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) The Judicial Branch shall collect data on the number of members of the armed forces, veterans and nonveterans who, on and after January 1, 2016, apply for and are granted admission or are denied entry into (1) the pretrial program for accelerated rehabilitation established pursuant to section 54-56e, (2) the supervised diversionary program established pursuant to section 54-56*l*, **[**or**]** (3) the pretrial drug education and community service program established pursuant to section 54-56i, (4) the pretrial drug intervention and community service program established under section 166 of this act, and (5) the pretrial impaired driving intervention program established under section 167 of this act. Data compiled pursuant to this section shall be based on information provided by applicants at the time of application to any such program. For the purposes of this section, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces and "armed forces" has the same meaning as provided in section 27-103.

(b) Not later than January 15, 2017, and annually thereafter, the Judicial Branch shall submit a report detailing the data compiled for the previous calendar year pursuant to subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to veterans' and military affairs and the judiciary, in accordance with the provisions of section 11-4a.

Sec. 86. Section 19a-342 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) As used in this section: **[**, "smoke"**]**

(1) "Smoke" or "smoking" means the **[**lighting or carrying**]** burning of a lighted cigarette, cigar, pipe or any other similar device, **[**.**]** whether containing, wholly or in part, tobacco, cannabis, or hemp;

(2) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment;

(3) "Cannabis" means marijuana, as defined in section 21a-240; and

(4) "Hemp" has the same meaning as provided in section 22-61*l*.

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any area of a building or portion of a building, partially enclosed shelter on a rail platform or bus shelter owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail **[**food store**]** establishment accessed by the general public; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) **[**within**]** in any area of a school building or on the grounds of such school; (G) within a child care facility or on the

grounds of such child care facility, except, if the child care facility is a family child care home, as defined in section 19a-77, such smoking is prohibited only when a child enrolled in such home is present during customary business hours; (H) in any passenger elevator; **[**, provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that smoking is prohibited by state law;**]** (I) in any area of a dormitory in any public or private institution of higher education; **[**or (J) on and after April 1, 2004,**]** (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging; or (L) in any area of a correctional facility or halfway house. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, "school" has the same meaning as provided in section 10-154a and "child care facility" has the same meaning as provided in section 19a-342a.

(2) **[**This section**]** Subdivision (1) of this subsection shall not apply to **[**(A) correctional facilities; (B) designated smoking areas in psychiatric facilities; (C) public**]** the following: (A) Public housing projects, as defined in subsection (b) of section 21a-278a; **[**(D)**]** (B) any classroom where demonstration smoking is taking place as part of a medical or scientific experiment or lesson; **[**(E) smoking rooms provided by employers for employees, pursuant to section 31-40q; (F)**]** (C) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary

seating area established for special events and not used on a regular basis shall not be subject to the smoking prohibition or signage requirements of this subparagraph; **[**(G)**]** (D) any medical research site where smoking is integral to the research being conducted; or **[**(H)**]** (E) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of December 31, 2002. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in the calendar year ending December 31, 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, **[**and**]** "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco, except "tobacco product" does not include cannabis.

[(c) The operator of a hotel, motel or similar lodging may allow guests to smoke in not more than twenty-five per cent of the rooms offered as accommodations to guests.**]**

[(d)**]** (c) In each room, elevator, area or building in which smoking is prohibited by this section, the person in control of the premises shall post or cause to be posted in a conspicuous place signs stating that smoking is prohibited by state law. Such signs, except in elevators, restaurants, establishments with permits to sell alcoholic liquor to consumers issued pursuant to chapter 545, hotels, motels or similar lodgings, and health care institutions, shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide.

[(e)**]** (d) Any person found guilty of smoking in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. Nothing in this section shall be construed to require the person in

control of a building to post such signs in every room of **[**a**]** the building, provided such signs are posted in a conspicuous place in **[**such**]** the building.

[(f)**]** (e) Nothing in this section shall be construed to require any smoking area **[**in**]** inside or outside any building or the entryway to any building or on any property.

[(g)**]** (f) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to smoking effective prior to, on or after October 1, 1993.

Sec. 87. Section 19a-342a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) As used in this section: **[**and section 2 of public act 15-206:**]**

(1) "Any area" means the interior of the facility, building or establishment and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility, building or establishment;

[(1)**]** (2) "Child care facility" means a provider of child care services as defined in section 19a-77, or a person or entity required to be licensed under section 17a-145;

[(2)**]** (3) "Electronic nicotine delivery system" **[**has the same meaning as provided in section 21a-415;**]** means an electronic device used in the delivery of nicotine to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid or synthetic nicotine. "Electronic nicotine delivery system" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a

patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed healthcare provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration;

(4) "Electronic cigarette liquid" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration;

(5) "Electronic cannabis delivery system" means an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device. "Electronic cannabis delivery system" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR

600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration;

(6) "Cannabis" means marijuana, as defined in section 21a-240;

[(3)**]** (7) "Liquid nicotine container" means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer; and

[(4)**]** (8) "Vapor product" **[**has the same meaning as provided in section 21a-415**]** means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as defined in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the federal Food and Drug Administration.

(b) (1) No person shall use an electronic nicotine or cannabis delivery system or vapor product: (A) In any area of a building or portion of a building owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution, including, but not limited to, a psychiatric facility; (C) in any area of a retail **[**food store**]** establishment accessed by the public; (D) in any

restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) **[**within**]** in any area of a school building or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home as defined in section 19a-77, such use is prohibited only when a child enrolled in such home is present during customary business hours; (H) in any passenger elevator; **[**, provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that such use is prohibited by state law;**]** (I) in any area of a dormitory in any public or private institution of higher education; **[**or**]** (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games; (K) in any room offered as an accommodation to guests by the operator of a hotel, motel or similar lodging; or (L) in any area of a correctional facility, halfway house or residential facility funded by the Judicial Branch. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, and "school" has the same meaning as provided in section 10-154a.

(2) **[**This section**]** Subdivision (1) of this subsection shall not apply to **[**(A) correctional facilities; (B) designated smoking areas in psychiatric facilities; (C) public**]** the following: (A) Public housing projects, as defined in subsection (b) of section 21a-278a; **[**(D)**]** (B) any classroom where a demonstration of the use of an electronic nicotine or cannabis delivery system or vapor product is taking place as part of a medical or scientific experiment or lesson; **[**(E)**]** (C) any medical research site where

the use of an electronic nicotine or cannabis delivery system or vapor product is integral to the research being conducted; **[**(F)**]** (D) establishments without a permit for the sale of alcoholic liquor that sell electronic nicotine delivery systems, vapor products or liquid nicotine containers on-site and allow their customers to use such systems, products or containers on-site; **[**(G) smoking rooms provided by employers for employees, pursuant to section 31-40q; (H)**]** (E) notwithstanding the provisions of subparagraph (E) of subdivision (1) of this subsection, the outdoor portion of the premises of any permittee listed in subparagraph (E) of subdivision (1) of this subsection, provided, in the case of any seating area maintained for the service of food, at least seventy-five per cent of the outdoor seating capacity is an area in which smoking is prohibited and which is clearly designated with written signage as a nonsmoking area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the prohibition on the use of an electronic nicotine or cannabis delivery system or vapor product or the signage requirements of this subparagraph; or **[**(I)**]** (F) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of October 1, 2015. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in the calendar year ending December 31, 2015, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, **[**and**]** "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco, except that "tobacco product" does not include cannabis.

[(c) The operator of a hotel, motel or similar lodging may allow guests to use an electronic nicotine delivery system or vapor product in not more than twenty-five per cent of the rooms offered as accommodations

to guests.**]**

[(d)**]** (c) In each room, elevator, area or building in which the use of an electronic nicotine or cannabis delivery system or vapor product is prohibited by this section, the person in control of the premises shall post or cause to be posted in a conspicuous place signs stating that such use is prohibited by state law. Such signs, except in elevators, restaurants, establishments with permits to sell alcoholic liquor to consumers issued pursuant to chapter 545, hotels, motels or similar lodgings, and health care institutions, shall have letters at least four inches high with the principal strokes of letters not less than one-half inch wide.

[(e)**]** (d) Any person found guilty of using an electronic nicotine or cannabis delivery system or vapor product in violation of this section, failure to post signs as required by this section or the unauthorized removal of such signs shall have committed an infraction. Nothing in this section shall be construed to require the person in control of a building to post such signs in every room of the building, provided such signs are posted in a conspicuous place in the building.

[(f)**]** (e) Nothing in this section shall be construed to require the designation of any area for the use of electronic nicotine or cannabis delivery system or vapor product **[**in**]** inside or outside any building or the entryway to any building or on any property.

[(g)**]** (f) The provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to the use of an electronic nicotine delivery system or vapor product effective prior to, on or after October 1, 2015.

Sec. 88. Section 31-40q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) As used in this section:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons; **[.]**

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision thereof; **[.]**

(3) "Employee" means any person engaged in service to an employer in the business of his employer; **[.]**

(4) "Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. The term "business facility" does not include: (A) Facilities listed in **[**subparagraph (A), (C) or (H) of**]** subdivision (2) of subsection (b) of section 19a-342 or subdivision (2) of subsection (b) of section 19a-342a; (B) any establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued on or before May 1, 2003; (C) for any business that is engaged in the testing or development of tobacco, **[**or**]** tobacco products or cannabis, the areas of such business designated for such testing or development; or (D) during the period from October 1, 2003, to April 1, 2004, establishments with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; **[.]**

(5) **[**"Smoking"**]** "Smoke" or "smoking" means the burning of a lighted cigar, cigarette, pipe or any other **[**matter or substance which contains tobacco.**]** similar device, whether containing, wholly or in part, tobacco, cannabis or hemp;

(6) "Cannabis" means marijuana, as defined in section 21a-240;

(7) "Electronic nicotine delivery system" has the same meaning as provided in section 19a-342a;

(8) "Electronic cannabis delivery system" has the same meaning as provided in section 19a-342a;

(9) "Vapor product" has the same meaning as provided in section 19a-342a;

(10) "Any area" has the same meaning as provided in section 19a-342a; and

(11) "Hemp" has the same meaning as provided in section 22-61*l*.

[(b) Each employer with fewer than five employees in a business facility shall establish one or more work areas, sufficient to accommodate nonsmokers who request to utilize such an area, within each business facility under his control, where smoking is prohibited. The employer shall clearly designate the existence and boundaries of each nonsmoking area by posting signs which can be readily seen by employees and visitors. In the areas within the business facility where smoking is permitted, existing physical barriers and ventilation systems shall be used to the extent practicable to minimize the effect of smoking in adjacent nonsmoking areas.**]**

[(c) (1)**]** (b) Each employer **[**with five or more employees**]** shall prohibit smoking **[**in**]** and the use of electronic nicotine and cannabis delivery systems and vapor products in any area of any business facility under said employer's control. **[**, except that an employer may designate one or more smoking rooms.**]**

[(2) Each employer that provides a smoking room pursuant to this subsection shall provide sufficient nonsmoking break rooms for nonsmoking employees.

(3) Each smoking room designated by an employer pursuant to this subsection shall meet the following requirements: (A) Air from the smoking room shall be exhausted directly to the outside by an exhaust

fan, and no air from such room shall be recirculated to other parts of the building; (B) the employer shall comply with any ventilation standard adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii) the United States Secretary of Labor under the authority of the Occupational Safety and Health Act of 1970, as from time to time amended, or (iii) the federal Environmental Protection Agency; (C) such room shall be located in a nonwork area, where no employee, as part of his or her work responsibilities, is required to enter, except such work responsibilities shall not include any custodial or maintenance work carried out in the smoking room when it is unoccupied; and (D) such room shall be for the use of employees only.**]**

[(d)**]** (c) Nothing in this section may be construed to prohibit an employer from designating an entire business facility and the real property on which the business facility is located as a nonsmoking area.

Sec. 89. (NEW) (*Effective July 1, 2022*) (a) As used in this section, "cannabis" has the same meaning as provided in section 1 of this act and "electronic cannabis delivery system" and "vapor product" have the same meanings as provided in section 19a-342a of the general statutes. No hotel, motel or similar lodging shall prohibit the legal possession or consumption of cannabis in any nonpublic area of such hotel, motel or similar lodging.

(b) Notwithstanding the provisions of subsection (a) of this section, a hotel, motel or similar lodging shall prohibit the smoking of cannabis and the use of an electronic cannabis delivery system or a vapor product containing cannabis in any location of such hotel, motel or similar lodging.

Sec. 90. (NEW) (*Effective July 1, 2022*) (a) As used in this section, "tenant", "landlord" and dwelling unit" have the same meanings as provided in section 47a-1 of the general statutes. Except as provided in this section, a landlord or property manager may not refuse to rent to a

prospective tenant or an existing tenant, or otherwise discriminate against a prospective tenant or an existing tenant, based on a past conviction for possession of a cannabis-type substance under section 21a-279a of the general statutes, or for a past conviction for possession of four or fewer ounces of cannabis plant material, and any equivalencies and combinations thereof, pursuant to subsection (i) of section 21a-279a of the general statutes in any other jurisdiction.

(b) Except as provided in this section, in the case of the rental of a dwelling unit, a landlord or property manager may not prohibit the possession of cannabis or the consumption of cannabis, except a landlord or property manager may prohibit smoking of cannabis or use of an electronic cannabis device or cannabis vapor product, as such terms are defined in section 19a-342a of the general statutes.

(c) A landlord or property manager may not require a tenant to submit to a drug test.

(d) The provisions of this section do not apply if:

(1) The tenant is a roomer who is not leasing the entire residence;

(2) the residence is incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;

(3) The residence is a transitional housing or sober living facility; or

(4) Failing to prohibit cannabis possession or consumption or failure to require a drug test would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Sec. 91. (NEW) (*Effective July 1, 2022*) The use of cannabis shall be prohibited on any state lands or waters managed by the Department of Energy and Environmental Protection. Any person who violates such

prohibition shall be fined not more than two hundred fifty dollars. The provisions of this section may only be enforced by agents of the Department of Energy and Environmental Protection.

Sec. 92. (NEW) (*Effective July 1, 2021*) The Commissioner of Correction may prohibit the possession of cannabis in any Department of Correction facility or halfway house.

Sec. 93. (NEW) (*Effective July 1, 2022*) A drug test of an individual that yields a positive result solely for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol shall not be construed, without other evidence, as proof that such individual is under the influence of or impaired by cannabis.

Sec. 94. (NEW) (*Effective July 1, 2021*) The presence of cannabinoid metabolites in the bodily fluids of a person:

(1) With respect to a patient, shall not constitute the use of an illicit substance resulting in denial of medical care, including organ transplantation, and a patient's use of cannabis products may only be considered with respect to evidence-based clinical criteria; and

(2) With respect to a parent or legal guardian of a child or newborn infant, or a pregnant woman, shall not form the sole or primary basis for any action or proceeding by the Department of Children and Families, or any successor agencies provided, nothing in this subdivision shall preclude any action or proceeding by such department based on harm or risk of harm to a child or the use of information on the presence of cannabinoid metabolites in the bodily fluids of any person in any action or proceeding.

Sec. 95. (NEW) (*Effective July 1, 2021*) A drug test of a student that yields a positive result solely for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol shall not form the sole basis for an educational institution to refuse to enroll or to continue to enroll, or otherwise

penalize such student, unless failing to do so would put the educational institution in violation of a federal contract or cause it to lose federal funding, or such student is being drug tested as required by the National Collegiate Athletic Association and any such action is taken as required by the policies of the National Collegiate Athletic Association.

Sec. 96. (NEW) (*Effective July 1, 2021*) No institution of higher education, as defined in section 10a-55 of the general statutes, shall revoke any financial aid, student loans, or expel a student, solely for use or possession of less than (1) four ounces of cannabis plant material, (2) an equivalent amount of cannabis product, as provided in subsection (i) of section 21a-279a of the general statutes, or (3) an equivalent amount of a combination of cannabis and cannabis product, as provided in subsection (i) of section 21a-279a of the general statutes, unless complying with the provisions of this section would violate federal law or a federal contract, or failing to take the actions prohibited under this section would jeopardize an institution of higher education's federal funding.

Sec. 97. (NEW) (*Effective July 1, 2022*) As used in this section and sections 98 to 101, inclusive, of this act:

(1) "Employee" means any individual employed or permitted to work by an employer, or an independent contractor;

(2) "Employer" has the same meaning as provided in section 31-58 of the general statutes;

(3) "Exempted employer" means an employer whose primary activity is (A) mining, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 21, (B) utilities, including, but not limited to, any employer with a two-digit North American Industry Classification System code of 22, (C) construction, including, but not limited to, an employer with a two-digit

North American Industry Classification System code of 23, (D) manufacturing, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 31, 32 or 33, (E) transportation or delivery, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 48 or 49, (F) educational services, including, but not limited to, an employer with a two-digit North American Industry Classification System Code of 61, (G) health care or social services, including, but not limited to, an employer with a two-digit North American Industry Classification System Code of 62, (H) justice, public order, and safety activities, including, but not limited to, an employer with a four-digit North American Industry Classification System code of 9221, or (I) national security and international affairs, including, but not limited to, those with a three-digit North American Industry Classification System code of 928. As used in this subdivision, "Employer" includes any subdivision of a business entity that is a standalone business unit, including, but not limited to, having its own executive leadership, having some or significant autonomy and having its own financial statements and results;

(4) "Exempted position" means a position:

(A) As a firefighter;

(B) As an emergency medical technician;

(C) As a police officer or peace officer, in a position with a law enforcement or investigative function at a state or local agency or in a position with the Department of Correction involving direct contact with inmates;

(D) Requiring operation of a motor vehicle, for which federal or state law requires any employee such position to submit to screening tests, including, but not limited to, any position requiring a commercial

driver's license or any position subject to 49 CFR 40, 14 CFR 120 or 49 CFR 16;

(E) Requiring certification of completion of a course in construction safety and health approved by the federal Occupational Safety and Health Administration;

(F) Requiring a federal Department of Defense or Department of Energy national security clearance;

(G) For which the provisions of sections 98 to 101, inclusive, of this act, are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement;

(H) For which the provisions of sections 98 to 101, inclusive, of this act, would be inconsistent or otherwise in conflict with any provision of federal law;

(I) Funded in whole or in part by a federal grant;

(J) Requiring certification of completion of a course in construction safety and health approved by the federal Occupational Safety and Health Administration;

(K) Requiring the supervision or care of children, medical patients or vulnerable persons;

(L) With the potential to adversely impact the health or safety of employees or members of the public, in the determination of the employer;

(M) At a nonprofit organization or corporation, the primary purpose of which is to discourage use of cannabis products or any other drug by the general public; or

(N) At an exempt employer.

(5) "Exempted employee" means an employee holding an exempted position or working for an exempted employer;

(6) "On call" means a period of time for which an employee (A) is scheduled with at least twenty-four hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment, either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task, and (B) is being compensated for such scheduled time;

(7) "Work hours" means any period of time for which such employee is compensated by an employer and is performing job duties or is reasonably expected to be performing job duties; and

(8) "Workplace" means the employer's premises, including any building, real property, and parking area under the control of the employer, and area used by an employee while in the performance of the employee's job duties, and the employer's vehicles, whether leased, rented, or owned.

Sec. 98. (NEW) (*Effective July 1, 2022*) (a) No employer shall be required to make accommodations for an employee or be required to allow an employee to: (1) Perform his or her duties while under the influence of cannabis, or (2) possess, use or otherwise consume cannabis while performing such duties or on the premises of the employer, except possession of palliative cannabis by a qualifying patient under chapter 420f of the general statutes.

(b) (1) An employer may implement a policy prohibiting the possession, use or other consumption of cannabis by an employee, except (A) as provided in section 21a-408p of the general statutes, and (B) for possession of palliative cannabis by a qualifying patient under chapter 420f of the general statutes, provided such policy is: (i) In

writing in either physical or electronic form, and (ii) made available to each employee prior to the enactment of such policy. The employer shall make any such policy available to each prospective employee at the time the employer makes an offer or conditional offer of employment to the prospective employee.

(2) (A) No employer shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions or other privileges of employment because such employee does or does not smoke, vape, aerosolize or otherwise use cannabis products outside of the workplace, unless such employment action is made pursuant to a policy established under subdivision (1) of this subsection.

(B) No employer shall discharge from employment or take any adverse action against any employee or prospective employee with respect to compensation, terms, conditions, refusal to hire or other privileges of employment because such employee or prospective employee had or had not smoked, vaped, aerosolized or otherwise used cannabis products outside of the workplace before such employee or prospective employee was employed by such employer, unless failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding.

(c) Nothing in sections 97 to 101, inclusive, of this act: (1) Requires an employer to amend or repeal, or affect, restrict or preempt the rights and obligations of employers to maintain a drug and alcohol-free workplace, or (2) shall limit an employer from taking appropriate adverse or other employment action upon (A) reasonable suspicion of an employee's usage of cannabis while engaged in the performance of the employee's work responsibilities at the workplace or on call, or (B) determining that an employee manifests specific, articulable symptoms of drug impairment while working at the workplace or on call that decrease or lessen the employee's performance of the duties or tasks of the

employee's job position, including, but not limited to, (i) symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment of machinery, (ii) disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property, (iii) disruption of a production or manufacturing process, or (iv) carelessness that results in any injury to the employee or others.

(d) (1) The provisions of subsection (b) of this section shall not apply to an exempted employer, an exempted employee or to any employee who holds or is applying for an exempted position.

(2) Nothing in sections 97 to 101, inclusive, of this act, shall limit or prevent an employer from subjecting an employee or applicant to drug testing or a fitness for duty evaluation, or from taking adverse action, including, but not limited to, disciplining an employee, terminating the employment of an employee or rescinding a conditional job offer to a prospective employee pursuant to a policy established under subdivision (1) of subsection (b) of this section.

Sec. 99. (NEW) (*Effective July 1, 2022*) A drug test of a prospective or existing employee, other than a prospective or existing exempted employee, that yields a positive result solely for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol, shall not form the sole basis for refusal to employ or to continue to employ or otherwise penalize such prospective or existing employee, unless (1) failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding, (2) the employer reasonably suspects an employee's usage of cannabis while engaged in the performance of the employee's work responsibilities, (3) the employee manifests specific, articulable symptoms of drug impairment while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to, (A) symptoms of the employee's

speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior or negligence or carelessness in operating equipment of machinery, (B) disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property, (C) disruption of a production or manufacturing process, or (D) carelessness that results in any injury to the employee or others, or (4) except as provided in section 21a-408p of the general statutes, such drug test was pursuant to a random drug testing policy pursuant to subdivision (1) of subsection (b) of section 98 of this act or was of a prospective employee with a conditional job offer, and such employer has established in such policy that a positive drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol may result in an adverse employment action.

Sec. 100. (NEW) (*Effective July 1, 2022*) (a) Except as provided in subsection (b) of this section, if an employer has violated any provision of section 98 or 99 of this act, an individual aggrieved by such violation may bring a civil action for judicial enforcement of such provision in the superior court for the judicial district where the violation is alleged to have occurred, or where the employer has its principal office, within ninety days of such alleged violation, except any action involving a state agency may be brought in the superior court for the judicial district of Hartford. Any individual who prevails in such civil action may be awarded reinstatement of the individual's previous employment or job offer, back wages and reasonable attorney's fees and costs, to be taxed by the court.

(b) Nothing in this section shall be construed to create or imply a cause of action for any person against an employer: (1) For actions taken based on the employer's good faith belief that an employee used or possessed cannabis, except possession of palliative cannabis by a qualifying patient under chapter 420f of the general statutes, in the employer's workplace, while performing the employee's job duties,

during work hours, or while on call in violation of the employer's employment policies; (2) for actions taken, including discipline or termination of employment, based on the employer's good faith belief that an employee was unfit for duty or impaired as a result of the use of cannabis, or under the influence of cannabis, while at the employer's workplace, while performing the employee's job duties, during work hours or while on call in violation of the employer's workplace drug policy; (3) for injury, loss or liability to a third party if the employer neither knew nor had reason to know that the employee was impaired by cannabis; (4) for subjecting an employee to drug testing or a fitness for duty evaluation, pursuant to a policy established under subdivision (1) of subsection (b) of section 98 of this act; (5) for subjecting a prospective employee to drug testing or taking adverse action against a prospective employee, including, but not limited to, rescission of a conditional job offer, based on the results of a drug test, so long as no employer takes adverse action against a prospective employee in regard to a drug test that is solely positive for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol unless such employer is an exempted employer, such prospective employee is applying for an exempted position, or the employer has established in an employment policy pursuant to subdivision (1) of subsection (b) of section 98 of this act that a positive drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol may result in adverse employment action; or (6) if such employer is an exempted employer or the claims are regarding an exempted position.

(c) Notwithstanding the provisions of chapter 557 of the general statutes, no employer, officer, agent or other person who violates any provision of sections 98 to 101, inclusive, of this act shall be liable to the Labor Department for a civil penalty, nor shall the Labor Department undertake an investigation of an employer, officer, agent or other person based solely on an allegation that such employer, officer, agent or other person violated the provisions of this section.

Sec. 101. (NEW) (*Effective July 1, 2021*) (a) Notwithstanding the provisions of sections 98 to 100, inclusive, of this act, nothing in RERACA shall be construed to apply to drug testing, conditions of continued employment or conditions for hiring employees required pursuant to:

(1) Any regulation of the federal Department of Transportation, if such regulation requires testing of a prospective employee in accordance with 49 CFR 40 or any regulations of state agencies that adopt a federal regulation for purposes of enforcing the requirements of such regulation with respect to intrastate commerce;

(2) Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;

(3) Any federal law or state statute, regulation or order that requires drug testing of prospective employees for safety or security purposes; or

(4) Any applicant whose prospective employer is a party to a valid collective bargaining agreement that specifically addresses drug testing, conditions of hiring, or conditions of continued employment of such applicant.

(b) Nothing in sections 98 to 100, inclusive, of this act, shall apply to the privileges, qualifications, credentialing, review or discipline of nonemployee, licensed healthcare professionals on the medical staff of a hospital or other medical organization.

Sec. 102. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

(1) "Bona fide labor organization" means a labor union that (A) represents employees in this state with regard to wages, hours and

working conditions, (B) whose officers have been elected by a secret ballot or otherwise in a manner consistent with federal law, (C) is free of domination or interference by any employer and has received no improper assistance or support from any employer, and (D) is actively seeking to represent cannabis workers in the state;

(2) "Labor peace agreement" means an agreement between a cannabis establishment and a bona fide labor organization under this section pursuant to which the owners and management of the cannabis establishment agree not to lock out employees and that prohibits the bona fide labor organization from engaging in picketing, work stoppages or boycotts against the cannabis establishment;

(3) "Cannabis establishment", "dispensary facility" and "producer" have the same meanings as provided in section 1 of this act; and

(4) "Licensee" means a cannabis establishment licensee, dispensary facility or producer.

(b) Any provisional cannabis establishment licensee, dispensary facility or producer shall, as a condition of its final license approval, license conversion or approval for expanded authorization, respectively, enter into a labor peace agreement with a bona fide labor organization. Any such labor peace agreement shall contain a clause that the parties agree that final and binding arbitration by a neutral arbitrator will be the exclusive remedy for any violation of such agreement.

(c) Notwithstanding the provisions of chapter 54 of the general statutes, if an arbitrator finds that a licensee failed to comply with an order issued by the arbitrator to correct a failure to abide by such agreement, upon receipt of a written copy of such finding, the department shall suspend the licensee's license without further administrative proceedings or formal hearing.

(d) A licensee or bona fide labor organization may commence a civil action in the Superior Court in the judicial district where the facility used in the operation of a cannabis establishment is located to enforce the arbitration award or to lift the license suspension. The license shall remain suspended until such time that (1) the arbitrator notifies, or both of the parties to the arbitration notify, the department that the licensee is in compliance with the arbitration award; (2) both of the parties to the arbitration notify the department that they have satisfactorily resolved their dispute; (3) the court, after hearing, lifts the suspension; or (4) the court, after hearing, orders alternative remedies, which may include, but need not be limited to, ordering the department to revoke the license or ordering the appointment of a receiver to properly dispose of any cannabis inventory. Except as provided in subsection (e) of this section, during such time that a license is suspended pursuant to this section, the licensee may engage in conduct necessary to maintain and secure the cannabis inventory, but may not sell, transport or transfer cannabis to another cannabis establishment, consumer or laboratory, unless such sale or transfer is associated with a voluntary surrender of license and a cannabis disposition plan approved by the commissioner.

(e) A producer, cultivator or micro-cultivator may sell, transport or transfer cannabis to a product packager, food or beverage manufacturer, product manufacturer, dispensary facility or hybrid retailer for the sale of products to qualified patients or caregivers, which products shall be labeled "For Medical Use Only".

Sec. 103. (NEW) (*Effective July 1, 2021*) (a) As used in this section, "project labor agreement" means an agreement between a subcontractor or contractor and a cannabis establishment that: (1) Binds all contractors and subcontractors on the covered project to the project labor agreement through the inclusion of specifications in all relevant solicitation provisions and contract documents; (2) allows all contractors and subcontractors to compete for contracts and subcontracts on the project

without regard to whether they are otherwise parties to collective bargaining agreements; (3) establishes uniform terms and conditions of employment for all construction labor employed on the projects; (4) guarantees against strikes, lockouts and similar job disruptions; (5) sets forth mutually binding procedures for resolving labor disputes arising during the project labor agreement; and (6) includes any other provisions as negotiated by the parties to promote successful delivery of the covered project; and "employee organization" means any lawful association, labor organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment for employees of cannabis establishments.

(b) A project for the construction or renovation of any facility for the operation of a cannabis establishment in an amount of five million dollars or greater shall be the subject of a project labor agreement between the contractors and subcontractors of such project and the cannabis establishment. A contractor, subcontractor or employee organization may enforce the provisions of this section or seek remedies for noncompliance with a project labor agreement entered into under this section by commencing a civil action in the Superior Court in the judicial district where the cannabis establishment project is located. The court, after hearing, may order penalties of not more than ten thousand dollars per day for each violation of the project labor agreement by the cannabis establishment. A failure of a cannabis establishment to comply with the provisions of this section shall not be the basis for any administrative action by the Department of Consumer Protection.

Sec. 104. (NEW) (*Effective July 1, 2021*) As used in this section, "hospital" has the same meaning as provided in section 19a-490 of the general statutes and "cannabis" has the same meaning as provided in section 1 of this act. No hospital shall be required to allow a patient to use cannabis while at such hospital. A hospital may have a policy that sets forth restrictions patients shall follow regarding cannabis use.

Sec. 105. (NEW) (*Effective July 1, 2021*) Any cannabis establishment licensee or any servant or agent of a licensee who sells or delivers cannabis or cannabis paraphernalia to any person under twenty-one years of age shall be guilty of a class A misdemeanor. For purposes of this section, "paraphernalia" has the same meaning as provided in section 1 of this act.

Sec. 106. (NEW) (*Effective July 1, 2021*) (a) A cannabis establishment issued a license pursuant to RERACA or an agent or employee of such licensee may require any person whose age is in question to have such person's photograph be taken by, and a photocopy of such person's driver's license or identity card issued in accordance with the provisions of section 1-1h of the general statutes be made by, such licensee, agent or employee as a condition of selling or delivering cannabis or cannabis products to such person.

(b) No licensee or agent or employee of a licensee shall use a photograph taken or a photocopy made pursuant to subsection (a) of this section for a purpose other than the purpose specified in said subsection.

(c) No licensee or agent or employee of a licensee shall sell or otherwise disseminate a photograph taken or a photocopy made pursuant to subsection (a) of this section, or any information derived from such photograph or photocopy, to any third party for any purpose including, but not limited to, any marketing, advertising or promotional activities, except that a licensee or an agent or employee of a licensee may release such photograph, photocopy or information pursuant to a court order.

(d) In any prosecution of a licensee or an agent or employee of a licensee for selling or delivering cannabis to a person under twenty-one years of age in violation of section 105 of this act, or for providing cannabis to a person under twenty-one years of age in violation of

section 163 of this act, it shall be an affirmative defense that such licensee, agent or employee sold or delivered cannabis to such person in good faith and in reasonable reliance upon the identification presented by such person and, pursuant to subsection (a) of this section, photographed the person and made a photocopy of such identification. In support of such defense, such licensee, agent or employee may introduce evidence of such photograph and photocopy.

(e) The Commissioner of Consumer Protection may require a cannabis establishment to use an online age verification system.

Sec. 107. (NEW) (*Effective July 1, 2021*) Any person who induces any person under twenty-one years of age to procure cannabis from any person licensed to sell such cannabis shall be guilty of a class A misdemeanor. The provisions of this section shall not apply to (1) the procurement of cannabis by a person over eighteen years of age who is an employee registered pursuant to the provisions of section 29 of this act where such procurement is made in the course of such person's employment or business, or (2) any such inducement in furtherance of an official investigation or enforcement activity conducted by a law enforcement agency. Nothing in this section shall be construed to prevent any action from being taken against any person permitted to sell cannabis who has sold cannabis to a person under twenty-one years of age who is participating in an official investigation or enforcement activity conducted by a law enforcement agency.

Sec. 108. (NEW) (*Effective July 1, 2021*) (a) Each person who attains the age of twenty-one years and has a motor vehicle operator's license or identity card issued in accordance with the provisions of section 1-1h of the general statutes, containing a full-face photograph of such person, may use, and each licensee may accept, such license as legal proof of the age of the person for the purposes of RERACA.

(b) Any person who, for the purpose of procuring cannabis,

misrepresents his or her age or uses or exhibits an operator's license belonging to any other person shall for (1) a first offense, be fined not more than two hundred fifty dollars, and (2) any subsequent offense, be guilty of a class D misdemeanor.

(c) The provisions of this section shall not apply to any person employed by, or who has contracted directly or indirectly with, a state agency for the purposes of testing the age verification and product controls of cannabis retailers while performing such testing duties.

Sec. 109. (NEW) (*Effective July 1, 2021*) (a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall: (1) Knowingly or recklessly permit any person under twenty-one years of age to possess cannabis in violation of section 21-279a of the general statutes, in such dwelling unit or on such private property, or (2) knowing that any person under twenty-one years of age possesses cannabis in violation of section 21-279a of the general statutes, in such dwelling unit or on such private property, fail to make reasonable efforts to halt such possession.

(b) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class A misdemeanor.

Sec. 110. (NEW) (*Effective July 1, 2021*) (a) No retailer or hybrid retailer or employee or agent of a retailer or hybrid retailer shall permit any person under twenty-one years of age to loiter on his or her premises where cannabis is kept for sale or be in any room on such premises where cannabis is consumed, unless such person is (1) an employee of the retailer or hybrid retailer, (2) in the case of hybrid retailer or employee or agent of a hybrid retailer, permitted under chapter 420f of the general statutes to possess or consume cannabis, or (3) accompanied by his or her parent or guardian.

(b) Any retailer or hybrid retailer or employee or agent of a retailer

or hybrid retailer who violates the provisions of subsection (a) of this section shall be (1) fined not more than one thousand dollars for a first offense, and (2) guilty of a class B misdemeanor for any subsequent offense.

Sec. 111. Section 30-89a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall (1) knowingly **[**,**]** <u>or</u> recklessly **[**or with criminal negligence**]** permit any minor to possess alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, or (2) knowing that any minor possesses alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, fail to make reasonable efforts to halt such possession. For the purposes of this subsection, "minor" means a person under twenty-one years of age.

(b) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class A misdemeanor.

Sec. 112. (NEW) (*Effective July 1, 2021*) (a) A person is guilty of smoking, otherwise inhaling or ingesting cannabis, as defined in section 1 of this act, while operating a motor vehicle when he or she smokes, otherwise inhales or ingests cannabis, as defined in section 1 of this act, while operating a motor vehicle upon a public highway of this state or upon any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105 of the general statutes, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a of the general statutes or upon any school property. No person shall be convicted of smoking or otherwise inhaling or ingesting cannabis while operating a motor

vehicle and possessing or having under such person's control a controlled substance upon the same transaction. A person may be charged and prosecuted for either or each such offense, a violation of operating a motor vehicle while under the influence of any drug and any other applicable offense upon the same information.

(b) Smoking, otherwise inhaling or ingesting cannabis while operating a motor vehicle is a class C misdemeanor.

(c) No peace officer shall stop a motor vehicle for a violation of this section if such violation is the sole reason for such stop.

Sec. 113. (NEW) (*Effective July 1, 2021*) (a) A person is guilty of smoking or otherwise inhaling or ingesting cannabis, as defined in section 1 of this act, in a motor vehicle when he or she smokes or otherwise inhales or ingests cannabis in a motor vehicle that is being operated by another person upon a public highway of this state or upon any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105 of the general statutes, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a of the general statutes or upon any school property. No person shall be convicted of smoking or otherwise inhaling or ingesting cannabis as a passenger in a motor vehicle and possessing or having under such person's control a controlled substance upon the same transaction, but such person may be charged and prosecuted for both offenses upon the same information.

(b) Smoking or otherwise inhaling or ingesting cannabis in a motor vehicle is a class D misdemeanor.

(c) No peace officer shall stop a motor vehicle for a violation of this section if such violation is the sole reason for such stop.

Sec. 114. (NEW) (*Effective July 1, 2021*) (a) Not later than January 1, 2022, each law enforcement unit shall report to the Police Officer Standards and Training Council, in the manner specified by the council, a recommendation as to the minimum number of officers that such law enforcement unit should have accredited as drug recognition experts in order to ensure adequate availability of drug recognition experts to respond to instances of impaired driving, allowing that law enforcement units may call upon drug recognition experts from other law enforcement units as necessary and available. Such recommendation shall be based on data on impaired driving made available to law enforcement units by the Department of Transportation and any guidance issued by the council.

(b) The Police Officer Standards and Training Council, in conjunction with the Highway Safety Office within the Department of Transportation, shall determine the minimum number of police officers to be accredited as drug recognition experts for each law enforcement unit. In making such determination, the council and office shall consider the recommendation made by each law enforcement unit pursuant to subsection (a) of this section. The council and office shall submit the results of such determination to the Governor and the Secretary of the Office of Policy and Management not later than July 1, 2022. The council and office shall update and submit such determination to the Governor and Secretary of the Office of Policy and Management no less frequently than once every three years.

(c) Not later than April 1, 2022, the Police Officer Standards and Training Council shall develop and promulgate a model policy to ensure that enough police officers become trained drug recognition experts in each law enforcement unit to meet the minimum number established in subsection (b) of this section.

(d) Not later than October 1, 2022, each law enforcement unit shall adopt and maintain a written policy that meets or exceeds the standards

of the model policy developed pursuant to subsection (c) of this section.

(e) Not later than January 1, 2022, the Police Officer Standards and Training Council and the Highway Safety Office within the Department of Transportation shall jointly issue a plan to increase access to advanced roadside impaired driving enforcement training and drug recognition expert training for police officers and law enforcement units in the state. The council and office shall update such plan no less frequently than once every three years.

(f) On and after January 1, 2022, each police officer who has not yet been recertified pursuant to section 7-294e of the general statutes for the second time after receiving an initial certification, shall complete training and receive certification in advanced roadside impaired driving enforcement prior to being recertified pursuant to section 7-294e of the general statutes.

(g) For purposes of this section, "advanced roadside impaired driving enforcement" means a program developed by the National Highway Traffic Safety Administration with the International Association of Chiefs of Police and the Technical Advisory Panel, which focuses on impaired driving enforcement education for police officers, or any successor to such program; "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; "law enforcement unit" has the same meaning as provided in section 7-294a of the general statutes; and "Police Officer Standards and Training Council" means the council established under section 7-294b of the general statutes.

Sec. 115. Subsection (a) of section 14-111e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) (1) The Commissioner of Motor Vehicles shall suspend, for a period of one hundred fifty days, the motor vehicle operator's license or nonresident operating privilege of any person who has been convicted of a violation of section 30-88a involving the misuse of an operator's license and who was under the age of twenty-one at the time of such violation.

(2) The commissioner shall suspend, for a period of sixty days, the motor vehicle operator's license or nonresident operating privilege of any person who has been convicted of a violation of subdivision (1) of subsection (b) of section 30-89 **[**,**]** <u>or</u> subsection **[**(a)**]** <u>(b), or (c)</u> of section 21a-279a **[**or subsection (d) of section 21a-267**]** and who was under the age of twenty-one at the time of such violation.

(3) The commissioner shall suspend, for a period of thirty days, the motor vehicle operator's license or nonresident operating privilege of any person who has been convicted of a violation of subdivision (2) of subsection (b) of section 30-89 and who was under the age of twenty-one at the time of such violation.

Sec. 116. Subsections (a) to (e), inclusive, of section 14-227a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content"

means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379. For purposes of this section, section 14-227b and section 14-227c, (A) "advanced roadside impaired driving enforcement" means a program developed by the National Highway Traffic Safety Administration with the International Association of Chiefs of Police and the Technical Advisory Panel, which focuses on impaired driving enforcement education for police officers, or any successor to such program; (B) "drug influence evaluation" means an evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the drug category causing such impairment; (C) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (D) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug recognition expert that does not include a verbal interview with the subject.

(b) Except as provided in subsection (c) of this section, in any criminal prosecution for violation of subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical [analysis] test of the defendant's breath, blood or urine, shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after

such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and was performed in accordance with the regulations adopted under subsection (d) of this section; (4) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; (5) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and (A) such additional test was not performed or was not performed within a reasonable time, or (B) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented that the test was commenced within two hours of operation. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical **[**analysis**]** test establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(c) In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's blood, breath or urine,

otherwise admissible under subdivision (1) of subsection (b) of this section, shall be admissible only at the request of the defendant.

(d) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing **[**and analysis purposes**]** of blood, of breath and of urine and certify those methods and types which **[**said**]** the commissioner finds suitable for use in testing **[**and analysis**]** of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices, the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as **[**said**]** the commissioner finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a police officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency.

(e) (1) In any criminal prosecution for a violation of subsection (a) of this section, evidence that the defendant refused to submit to a blood, breath or urine test or the nontestimonial portion of a drug influence evaluation requested in accordance with section 14-227b shall be admissible provided the requirements of subsection (b) of said section have been satisfied. If a case involving a violation of subsection (a) of this section is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to **[**a blood, breath or urine test**]** such a test or evaluation.

(2) In any prosecution for a violation of subdivision (1) of subsection (a) of this section in which it is alleged that the defendant's operation of a motor vehicle was impaired, in whole or in part, by consumption of

cannabis, as defined in section 1 of this act, the court may take judicial notice that the ingestion of cannabis (A) can impair a person's ability to operate a motor vehicle; (B) can cause impairment of motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control or memory; and (C) does not enhance a person's ability to safely operate a motor vehicle.

Sec. 117. Subsection (j) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(j) In addition to any fine or sentence imposed pursuant to the provisions of subsection (g) of this section, the court may order such person to participate in an alcohol education and treatment program or the pretrial impaired driving intervention program established under section 167 of this act, if such person was operating a motor vehicle under the influence of intoxicating liquor or under the influence of both intoxicating liquor and any drug.

Sec. 118. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to: **[**a**]** (1) A chemical **[**analysis**]** test of such person's blood, breath or urine; **[**and, if**]** and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such test or evaluation.

[(b) If any such person, having been placed under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and thereafter, after being apprised of

such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's license or nonresident operating privilege may be suspended in accordance with the provisions of this section if such person refuses to submit to such test, or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, and that evidence of any such refusal shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or nonresident operating privilege may be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content.**]**

(b) (1) A police officer who has placed a person under arrest for a violation of section 14-227a, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert, or both, after such person has been (A) apprised of such person's constitutional rights; (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation; (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence

evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution; and (D) informed that such person's license or operating privilege may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or the nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, or (iii) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both.

(2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the police officer, for reasonable cause, requests an additional chemical test of a different type to detect the presence of a drug or drugs other than or in addition to alcohol, the officer may administer such test, except that if such person refuses or is unable to submit to a blood test, the officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the law enforcement unit, as defined in section 7-294a, that such officer informed the person that such person's license or operating privilege may be suspended if (A) such person refused to submit to such test or nontestimonial portion of a drug influence evaluation; (B) such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content; or (C) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both.

(c) If the person arrested refuses to submit to such test or [analysis] nontestimonial portion of a drug influence evaluation or submits to such test, [or analysis,] commenced within two hours of the time of operation,

and the results of such test [or analysis] indicate that such person has an elevated blood alcohol content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the [nonresident] operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test [or analysis] to the Department of Motor Vehicles within three business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or [analysis] evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n and shall state that such person had refused to submit to such test or [analysis] evaluation when requested by such police officer to do so or that such person submitted to such test, [or analysis,] commenced within two hours of the time of operation, and the results of such test [or analysis] indicated that such person had an elevated blood alcohol content. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

[(d) If the person arrested submits to a blood or urine test at the request of the police officer, and the specimen requires laboratory analysis in order to obtain the test results, the police officer shall not take possession of the motor vehicle operator's license of such person or, except as provided in this subsection, follow the procedures subsequent to taking possession of the operator's license as set forth in subsection (c) of this section. If the test results indicate that such person has an elevated blood alcohol content, the police officer, immediately upon receipt of the test results, shall notify the Commissioner of Motor Vehicles and submit to the commissioner the written report required pursuant to subsection (c) of this section.**]**

(d) If a police officer who has placed a person under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content, such officer shall:

(1) Advise such person that such person's license or operating privilege may be suspended in accordance with the provisions of this section if such police officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such

person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (B) whether the officer concluded, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer concludes, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both, the officer shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person for a twenty-four-hour period.

(e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of [such] a report submitted under subsection (c) or (d) of this section, the [Commissioner of Motor Vehicles] commissioner may suspend any operator's license or [nonresident] operating privilege of such person effective as of a date certain, which date certain shall be not later than thirty days [after] from the later of the date such person received (A) notice of such person's arrest by the police officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose operator's license or [nonresident] operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or [nonresident] operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) [If the person arrested (A) is] Upon receipt of a report that (A) the person's arrest involved [in] an accident resulting in a fatality, or (B) the person has previously had such person's operator's license or [nonresident] operating privilege suspended under the provisions of section 14-227a, 14-227m or 14-227n during the ten-year period preceding the present arrest, [upon receipt of such report, the Commissioner of Motor Vehicles] the commissioner may suspend any operator's license or [nonresident] operating privilege of such person effective as of the date specified in a notice of such suspension to such person. [Any] A person whose operator's license or [nonresident] operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or [nonresident] operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed under subsection (f) of this section or such operator's license or [nonresident] operating privilege is reinstated in accordance with [subsections (f) and] subsection (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that,

with respect to a person whose operator's license or [nonresident] operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, the hearing officer or the department and upon a showing of good cause, the commissioner may grant one or more continuances. [The hearing]

(2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: [(1)] (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; [(2)] (B) was such person placed under arrest; [(3)] (C) did such person (i) refuse to submit to such test or [analysis or did such person] nontestimonial portion of a drug influence evaluation, or (ii) submit to such test, [or analysis,] commenced within two hours of the time of operation, and the results of such test [or analysis] indicated that such person had an elevated blood alcohol content; and [(4)] (D) was such person operating the motor vehicle.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest; (C) was such person operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (D) was such person operating the motor vehicle.

(4) In [the] a hearing under this subsection, the results of the test, [or analysis] if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at [the] a hearing under

this subsection shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services within the Department of Emergency Services and Public Protection; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; (D) the results of any tests conducted by, or the report of, an officer trained in advanced roadside impaired driving enforcement; or (E) reports of drug recognition experts.

(h) If, after **[**such**]** a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the **[**said**]** issues **[**in the negative**]** specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of **[**the**]** said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in

subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail to such person. The notice of such decision sent by bulk certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or **[**nonresident**]** operating privilege is reinstated or suspended, as the case may be.

(i) (1) The commissioner shall suspend the operator's license or **[**nonresident**]** operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. As a condition for the restoration of such operator's license or **[**nonresident**]** operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or subdivision (1) or (2) of subsection (c) of section 14-227n for the present arrest and conviction, if any.

(2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that such person had an elevated blood alcohol content<u>, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section,</u> shall install and maintain

an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or **[**analysis**]** nontestimonial portion of a drug influence evaluation shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or **[**nonresident**]** operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a or subsection (c) of section 14-227m shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a **[**chemical analysis**]** test of a blood sample taken from or a urine sample provided by an operator of a motor vehicle who was involved in an accident and suffered or allegedly suffered physical injury in such accident, or who was otherwise deemed by a police officer to require treatment or

observation at a hospital, shall notify the [Commissioner of Motor Vehicles] commissioner and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or [nonresident] operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug, or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether (A) the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content, or (B) the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for

witnesses in criminal cases, as provided in section 52-260.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision **[**(5)**]** (1) of subsection (b) of section 14-227a.

(l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a **[**municipal police department**]** law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(o) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 119. Section 14-227c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) As part of the investigation of any motor vehicle accident resulting in the death of a person, the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, a pathologist as specified in section 19a-405, or an authorized assistant medical

examiner, as the case may be, shall order that a blood sample be taken from the body of any operator or pedestrian who dies as a result of such accident. Such blood samples shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection or by the Office of the Chief Medical Examiner, or by any forensic toxicology laboratory pursuant to an agreement with the office. Nothing in this subsection or section 19a-406 shall be construed as requiring such medical examiner to perform an autopsy in connection with obtaining such blood samples.

(b) **[**A blood or breath sample shall be obtained from any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, if**]** If any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, and (1) a police officer has probable cause to believe that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both, or (2) such operator has been charged with a motor vehicle violation in connection with such accident and a police officer has a reasonable and articulable suspicion that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both:

(A) A blood, breath or urine sample shall be obtained from such surviving operator. The test shall be performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and shall be performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the Commissioner of Emergency Services and Public Protection. The equipment used for such test shall be checked for accuracy by a person certified by the Department of Emergency Services and Public

Protection immediately before and after such test is performed. If a blood test is performed, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse, a physician assistant or a phlebotomist. **[**The blood samples**]** A blood sample obtained from an operator pursuant to this subsection shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection; **[**.**]** and

(B) A drug recognition expert shall conduct a drug influence evaluation of such surviving operator, provided such operator is not seriously injured or otherwise unable to take such evaluation as a result of the accident.

(c) Each police officer who obtains from a surviving operator any blood, breath or urine sample or a drug influence evaluation conducted on such operator pursuant to subsection (b) of this section shall submit to the Commissioner of Motor Vehicles a written report providing the results of such sample or evaluation on a form approved by the commissioner. The commissioner may, after notice and an opportunity for a hearing held in accordance with chapter 54 and section 14-227b, suspend the motor vehicle operator's license or operating privilege of such person and require such person to install and maintain an ignition interlock device as provided for in subsection (i) of section 14-227b. Such hearing shall be limited to a determination of the following issues: (1) Was the person operating the motor vehicle; (2) was the person's sample obtained in accordance with, or drug influence evaluation conducted pursuant to, the provisions of subsection (b) of this section; and (3) was the examined sample found to have an elevated blood alcohol content, as defined in section 14-227b or was the person operating the motor vehicle under the influence of intoxicating liquor or any drug, or both.

(d) In any motor vehicle accident resulting in the death of a person,

the law enforcement unit, as defined in section 7-294a, responding to the accident shall assign an officer trained in advanced roadside impaired driving enforcement to respond, if such an officer is available.

Sec. 120. Subsection (c) of section 14-44k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(c) In addition to any other penalties provided by law, and except as provided in subsection (d) of this section, a person is disqualified from operating a commercial motor vehicle for one year if the commissioner finds that such person (1) has refused to submit to a test to determine such person's blood alcohol concentration while operating any motor vehicle **[**, or has failed such a test when given,**]** or to a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert, (2) has an elevated blood alcohol content based on such a test pursuant to section 14-227b, or (3) was found to have been operating under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to the provisions of subsection (d) of section 14-227b or pursuant to the provisions of a law of any other state that is deemed by the commissioner to be substantially similar to section 14-227b. For the purpose of this subsection, **[**a person shall be deemed to have failed such a test if, when driving a commercial motor vehicle, the ratio of alcohol in the blood of such person was four-hundredths of one per cent or more of alcohol, by weight, or if, when driving any other motor vehicle, the ratio of alcohol in the blood of such person was eight-hundredths of one per cent or more of alcohol, by weight**]** "drug recognition expert," "elevated blood alcohol content" and "nontestimonial portion of a drug influence evaluation" have the same meanings as provided in section 14-227a.

Sec. 121. (NEW) (*Effective July 1, 2021*) The state Traffic Safety Resource Prosecutor, in consultation with the Department of Transportation, the Department of Motor Vehicles, the state-wide drug

recognition expert coordinator, and the Connecticut Police Chiefs Association, shall seek any guidance available from the National Highway Traffic Safety Administration, and shall (1) develop educational materials and programs about the drug recognition expert program and drug influence evaluations, and (2) make such materials and programs available to the Judicial Branch and the Connecticut Judges Association.

Sec. 122. Section 15-140q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) Any person who operates a vessel in this state shall be deemed to have consented to (1) a chemical **[**analysis**]** test of such person's blood, breath or urine, **[**and if**]** and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such **[**an analysis of the minor's blood, breath or urine**]** test or evaluation.

[(b) If any such person, having been placed under arrest for: (1) Violating subsection (b) of section 53-206d; (2) operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; (3) operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel shall be suspended in accordance with the provisions of this section if such person refuses to submit to such test or if such person submits to such test and the results of such

test indicate that such person has an elevated blood alcohol content and that evidence of any such refusal shall be admissible in accordance with subsection (d) of section 15-140r, and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if such person refuses or is unable to submit to a blood test, the peace officer shall designate the breath or urine test as the test to be taken. The peace officer shall make a notation upon the records of the police department that such officer informed such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation would be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person has an elevated blood alcohol content.**]**

(b) (1) A peace officer who has placed a person under arrest for violating subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, may request that such person submit to a blood, breath or urine test at the option of the peace officer, a drug influence evaluation conducted by a drug recognition expert, or both, after such person has been (A) apprised of such person's constitutional rights, (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation, (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (d) of section 15-140r and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution, and (D) informed that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate

for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, or (iii) the officer concludes, through investigation, that such person was operating a vessel under the influence of intoxicating liquor or any drug, or both.

(2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except that if the person refuses or is unable to submit to a blood test, the peace officer shall designate another test to be taken. If the person submits to a breath test and the peace officer, for reasonable cause, requests an additional chemical test of a different type to detect the presence of a drug or drugs other than or in addition to alcohol, the peace officer may administer such test, except that if the person refuses or is unable to submit to a blood test, the peace officer shall designate a urine test to be taken. The peace officer shall make a notation upon the records of the law enforcement unit, as defined in section 7-294a, that such officer informed the person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation may be suspended if such person (A) refused to submit to such test or the nontestimonial portion of a drug influence evaluation; (B) submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content; or (C) the officer concludes, through investigation, that such person was operating a vessel under the influence of intoxicating liquor or any drug, or both.

(c) If the person arrested refuses to submit to such test or **[**analysis**]** nontestimonial portion of a drug influence evaluation, or submits to

such test [or analysis] and the results of such test [or analysis] indicate that at the time of the alleged offense such person had an elevated blood alcohol content, the peace officer shall immediately revoke the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation, if any, of such person for a twenty-four-hour period. The peace officer shall prepare a written report of the incident and shall mail the report, together with any certificate taken into possession and a copy of the results of any chemical test, [or analysis,] to the commissioner within three business days. The report shall be made on a form approved by the commissioner and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the peace officer before whom such refusal was made or who administered or caused to be administered such test. [or analysis.] If the person arrested refused to submit to such test or [analysis] evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for operating such vessel while under the influence of intoxicating liquor or any drug, or both, or while such person has an elevated blood alcohol content and shall state that such person refused to submit to such test or [analysis] evaluation when requested by such peace officer or that such person submitted to such test [or analysis] and the results of such test [or analysis] indicated that such person at the time of the alleged offense had an elevated blood alcohol content.

[(d) If the person arrested submits to a blood or urine test at the request of the peace officer, and the specimen requires laboratory analysis in order to obtain the test results, and if the test results indicate that such person has an elevated blood alcohol content, the peace officer, immediately upon receipt of the test results, shall notify and submit to the commissioner the written report required pursuant to subsection (c) of this section.]

(d) If a peace officer has placed a person under arrest for violating subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content and does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains test results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content, such officer shall:

(1) Advise such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel may be suspended in accordance with the provisions of this section if such officer concludes, through a police investigation, that such person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of subsection (b) of section 53-206d; operating a vessel upon the waters of this state while under the influence of intoxicating liquor or any drug, or both; or operating a vessel upon the waters of this state while such person has an elevated blood alcohol content, and (B) whether the officer concludes, through investigation, that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both. With such report, the officer

may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer concludes, through investigation, that the person was operating a vessel under the influence of intoxicating liquor or any drug, or both, the officer shall immediately revoke and take possession of the person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation issued by the commissioner as a condition of operating a vessel, for a twenty-four-hour period.

(e) Upon receipt of **[**such**]** a report submitted under subsection (c) or (d) of this section, the commissioner shall suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person effective as of a date certain, and such date certain shall be no later than thirty-five days **[**after**]** from the later of the date such person received (1) notice of such person's arrest by the peace officer, or (2) the results of a blood or urine test or a drug influence evaluation. Any person whose safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended in accordance with this subsection shall be entitled to a hearing before the commissioner to be held prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended and shall specify the date of such suspension and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the commissioner not later than seven days after the date of mailing of such suspension notice.

(f) If such person does not contact the department to schedule a

hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the commissioner shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension. At the request of such person and upon a showing of good cause, the commissioner may grant one continuance for a period not to exceed thirty days. **[**The hearing**]**

(2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: **[**(1)**]** (A) Whether the peace officer had probable cause to arrest the person for operating the vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; **[**(2)**]** (B) whether such person was placed under arrest; **[**(3)**]** (C) whether such person **[**(A)**]** (i) refused to submit to such test or **[**analysis**]** nontestimonial portion of a drug influence evaluation, or **[**(B)**]** (ii) submitted to such test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that at the time of the alleged offense that such person had an elevated blood alcohol content; and **[**(4)**]** (D) whether such person was operating the vessel.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (B) whether such person was placed under arrest; (C) whether such person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (D) whether such person was operating the vessel.

(4) At [the] a hearing held under this subsection, the results of the test, [or analysis] if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, except that if the results of an additional test, administered pursuant to section 15-140r, indicate that the ratio of alcohol in the blood of such person is eight-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and analysis thereof accurately indicate the blood alcohol content at the time of operation. The fees of any witness summoned to appear at [the] a hearing under this subsection shall be the same as provided in section 52-260.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the peace officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services within the Department of Emergency Services and Public Protection; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; or (D) reports of drug recognition experts.

(h) If, after [such] a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of [said] the issues specified in [the negative] subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner

shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing or send a notice of the decision by certified mail to such person not later than thirty-five days from the date of notice of such person's arrest by the peace officer or, if a continuance is granted, not later than sixty-five days from the date such person received notice of such person's arrest by the peace officer. The notice of such decision sent by certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended or the suspension is stayed. Unless a continuance of the hearing is granted pursuant to subsection (g) of this section, if the commissioner fails to render a decision within thirty-five days from the date that such person received notice of such person's arrest by the peace officer, the commissioner shall not suspend such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation.

(i) The commissioner shall suspend the operator's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of a person who does not contact the department to schedule a hearing under subsection (e) of this section, who fails to appear at such hearing, or against whom, after a hearing, the commissioner holds pursuant to subsection (g) of this section. Such suspension shall be as of the effective

date contained in the suspension notice or the date the commissioner renders a decision, whichever is later, for a period of: (1) (A) Except as provided in subparagraph (B) of this subdivision, ninety days if such person submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, or (B) one hundred twenty days if such person submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, or (C) six months if such person refused to submit to such test; **[**or analysis;**]** (2) if such person has previously had such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, nine months if such person submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, (B) ten months if such person submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) one year if such person refused to submit to such test; **[**or analysis;**]** and (3) if such person has two or more times previously had such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, two years if such person submitted to a test **[**or analysis**]** and the results of such test

[or analysis**]** indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, (B) two and one-half years if such person submitted to a test **[**or analysis**]** and the results of such test **[**or analysis**]** indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) three years if such person refused to submit to such test. **[**or analysis.**]**

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any peace officer who obtains the results of a chemical analysis of a blood sample taken from an operator of a vessel involved in an accident who suffered or allegedly suffered physical injury in such accident shall notify the commissioner and submit to the commissioner a written report if such results indicate that at the time of the alleged offense such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140*l* or 15-140n in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes and shall be subscribed and sworn under penalty of false statement, as provided in section 53a-157b, by the peace officer. The commissioner shall, after notice and an opportunity for hearing, which shall be conducted in accordance with chapter 54, suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person for a period of up to ninety days, or, if such person has previously had such person's operating privilege suspended under this section, for a period up to one year. Each hearing conducted under this section shall be limited to a determination of the

following issues: (1) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (2) whether such person was placed under arrest; (3) whether such person was operating the vessel; (4) whether (A) the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content, or (B) the person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (5) whether the blood sample was obtained in accordance with conditions for admissibility as set forth in section 15-140s. If, after such hearing, the commissioner finds on any issue in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in **[**subdivision (5)**]** subparagraph (E) of subdivision (1) of subsection (a) of section 15-140r.

(l) The provisions of this section do not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a **[**municipal police department**]** law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means: (1) A ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, or (2) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol,

by weight.

(o) The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

(p) For purposes of this section and section 15-140r, (1) "drug influence evaluation" means an evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the drug category causing such impairment; (2) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (3) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug recognition expert that does not include a verbal interview with the subject.

Sec. 123. Section 15-140r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) Except as provided in section 15-140s or subsection (d) of this section, in any criminal prosecution for the violation of section 15-132a, subsection (d) of section 15-133, section 15-140*l* or 15-140n or subsection (b) of section 53-206d, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical **[**analysis**]** test of the defendant's breath, blood or urine shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed

by or at the direction of a certified law enforcement officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection, and if a blood test was performed, it was performed on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, an emergency medical technician II or a registered nurse in accordance with the regulations adopted under subsection (b) of this section; (4) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (b) of this section; (5) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the peace officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, except that the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and (A) such additional test was not performed or was not performed within a reasonable time, or (B) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented that the test was commenced within two hours of operation of the vessel or expert testimony establishes the reliability of a test commenced beyond two hours of operation of the vessel. In any prosecution under this section, it shall be a rebuttable presumption that the results of such chemical analysis establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense.

(b) The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing and analysis of blood, of breath and of urine and certify those methods and types which the Commissioner of Emergency Services and Public Protection finds suitable for use in testing and analysis of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection, after consultation with the Commissioner of Public Health, shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices and the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as the Commissioner of Emergency Services and Public Protection finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a peace officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency.

(c) If a person is charged with a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140*l* or 15-140n, the charge may not be reduced, nolled or dismissed unless the prosecuting authority states in open court such prosecutor's reasons for the reduction, nolle or dismissal.

(d) (1) In any criminal prosecution for a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140*l* or 15-140n, evidence that the defendant refused to submit to a blood, breath or urine test or the nontestimonial portion of a drug influence evaluation requested in accordance with section 15-140q shall be admissible provided the requirements of subsection (a) of said section have been satisfied. If a case involving a violation of section 15-132a, subsection (d) of section

15-133 or section 15-140*l* or 15-140n is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to a blood, breath or urine test or evaluation.

(2) In any prosecution for a violation of subsection (a) of this section in which it is alleged that the defendant's operation of a vessel was impaired, in whole or in part, by consumption of cannabis, as defined in section 1 of this act, the court may take judicial notice that the ingestion of cannabis (A) can impair a person's ability to operate a vessel; (B) can cause impairment of motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control or memory; and (C) does not enhance a person's ability to safely operate a vessel.

Sec. 124. (*Effective July 1, 2021*) Not later than July 1, 2022, the Commissioner of Transportation, in consultation with the Commissioner of Motor Vehicles and a task force established within the Executive Branch known as the Statewide Impaired Driving Task Force, shall make recommendations to the Governor and, in accordance with the provisions of section 11-4a of the general statutes, the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and transportation regarding (1) the enhancement of data collection regarding impaired driving, including, but not limited to, the possibility of reorganizing the state's impaired driving statutes into separate offenses for operation under the influence of alcohol, operation under the influence of any drug and operation under the influence of both alcohol and any drug, (2) the implementation of an electronic warrant pilot program in impaired driving investigations, and (3) the merits and feasibility of a pilot program for oral fluid testing in impaired driving investigations.

Sec. 125. (NEW) (*Effective July 1, 2021*) (a) As used in this section and sections 126 and 127 of this act:

(1) "Cannabis" has the same meaning as provided in section 1 of this act;

(2) "Cannabis concentrate" has the same meaning as provided in section 1 of this act;

(3) "Cannabis edible product" means a product containing cannabis or cannabis concentrate, combined with other ingredients, that is intended for use or consumption through ingestion, including sublingual or oral absorption;

(4) "Cannabis plant material" has the same meaning as provided in section 21a-279a of the general statutes;

(5) "Cannabis retailer" means "retailer", as defined in section 1 of this act;

(6) "Consumer" has the same meaning as provided in section 1 of this act;

(7) "Cultivator" has the same meaning as provided in section 1 of this act;

(8) "Delivery service" has the same meaning as provided in section 1 of this act;

(9) "Dispensary facility" has the same meaning as provided in section 1 of this act;

(10) "Food and beverage manufacturer" has the same meaning as provided in section 1 of this act;

(11) "Hybrid retailer" has the same meaning as provided in section 1 of this act;

(12) "Micro-cultivator" has the same meaning as provided in section

1 of this act;

(13) "Municipality" has the same meaning as provided in section 1 of this act;

(14) "Palliative use" has the same meaning as provided in section 21a-408 of the general statutes;

(15) "Producer" has the same meaning as provided in section 1 of this act;

(16) "Product manufacturer" has the same meaning as provided in section 1 of this act;

(17) "Product packager" has the same meaning as provided in section 1 of this act;

(18) "Social Equity Council" has the same meaning as provided in section 1 of this act;

(19) "Total THC" has the same meaning as provided in section 21a-240 of the general statutes; and

(20) "Transporter" has the same meaning as provided in section 1 of this act.

(b) (1) For the privilege of making any sales of cannabis in this state, a tax is hereby imposed on each cannabis retailer, hybrid retailer or micro-cultivator at the following rates:

(A) Cannabis plant material, at the rate of six hundred twenty-five-thousandths of one cent per milligram of total THC, as reflected on the product label;

(B) Cannabis edible products, at the rate of two and seventy-five-hundredths cents per milligram of total THC, as reflected on the product

label; and

(C) Cannabis, other than cannabis plant material or cannabis edible products, at the rate of nine-tenths of one cent per milligram of total THC, as reflected on the product label.

(2) The tax under this section:

(A) Shall be collected from the consumer, except as provided under subparagraphs (B) and (D) of this subdivision, by the cannabis retailer, hybrid retailer or micro-cultivator at the time of sale and such tax reimbursement, termed "tax" in this section, shall be paid by the consumer to the cannabis retailer, hybrid retailer or micro-cultivator. Each cannabis retailer, hybrid retailer or micro-cultivator shall collect from the consumer the full amount of the tax imposed by this section or an amount equal to the average equivalent thereof to the nearest amount practicable. Such tax shall be a debt from the consumer to the cannabis retailer, hybrid retailer or micro-cultivator, when so added to the original sales price, and shall be recoverable at law in the same manner as other debts except as provided in section 12-432a of the general statutes.

(B) Shall not apply to the sale of cannabis for palliative use;

(C) Shall not apply to the transfer of cannabis to a transporter for transport to any other cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer or producer;

(D) Shall not apply to the sale of cannabis by a delivery service to a consumer;

(E) Shall be in addition to the taxes imposed under section 126 of this act and chapter 219 of the general statutes; and

(F) When so collected, shall be deemed to be a special fund in trust for the state until remitted to the state.

(c) On or before the last day of each month in which a cannabis retailer, hybrid retailer or micro-cultivator may legally sell cannabis other than cannabis for palliative use, each such cannabis retailer, hybrid retailer or micro-cultivator shall file a return with the Department of Revenue Services. Such return shall be in such form and contain such information as the Commissioner of Revenue Services prescribes as necessary for administration of the tax under this section and shall be accompanied by a payment of the amount of the tax shown to be due thereon. Each cannabis retailer, hybrid retailer and micro-cultivator shall file such return electronically with the department and make such payment by electronic funds transfer in the manner provided by chapter 228g of the general statutes, to the extent possible.

(d) If any cannabis retailer, hybrid retailer or micro-cultivator fails to pay the amount of tax reported due on its return within the time specified under this section, there shall be imposed a penalty equal to twenty-five per cent of such amount due and unpaid, or two hundred fifty dollars, whichever is greater. Such amount shall bear interest at the rate of one per cent per month or fraction thereof, from the due date of such tax until the date of payment. Subject to the provisions of section 12-3a of the general statutes, the commissioner may waive all or part of the penalties provided under this section when it is proven to the commissioner's satisfaction that the failure to pay any tax was due to reasonable cause and was not intentional or due to neglect. Any penalty that is waived shall be applied as a credit against tax liabilities owed by the cannabis retailer, hybrid retailer or micro-cultivator.

(e) Each person, other than a cannabis retailer, hybrid retailer or micro-cultivator, who is required, on behalf of such cannabis retailer, hybrid retailer or micro-cultivator, to collect, truthfully account for and pay over a tax imposed on such cannabis retailer, hybrid retailer or

micro-cultivator under this section and who wilfully fails to collect, truthfully account for and pay over such tax or who wilfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over, including any penalty or interest attributable to such wilful failure to collect or truthfully account for and pay over such tax or such wilful attempt to evade or defeat such tax, provided such penalty shall only be imposed against such person in the event that such tax, penalty or interest cannot otherwise be collected from such cannabis retailer, hybrid retailer or micro-cultivator. The amount of such penalty with respect to which a person may be personally liable under this section shall be collected in accordance with the provisions of section 12-555a of the general statutes and any amount so collected shall be allowed as a credit against the amount of such tax, penalty or interest due and owing from the cannabis retailer, hybrid retailer or micro-cultivator. The dissolution of the cannabis retailer, hybrid retailer or micro-cultivator shall not discharge any person in relation to any personal liability under this section for wilful failure to collect or truthfully account for and pay over such tax or for a wilful attempt to evade or defeat such tax prior to dissolution, except as otherwise provided in this section. For purposes of this section, "person" includes any individual, corporation, limited liability company or partnership and any officer or employee of any corporation, including a dissolved corporation, and a member of or employee of any partnership or limited liability company who, as such officer, employee or member, is under a duty to file a tax return under this section on behalf of a cannabis retailer, hybrid retailer or micro-cultivator or to collect or truthfully account for and pay over a tax imposed under this section on behalf of such cannabis retailer, hybrid retailer or micro-cultivator.

(f) The provisions of sections 12-548, 12-551 to 12-554, inclusive, and 12-555a of the general statutes shall apply to the provisions of this

section in the same manner and with the same force and effect as if the language of said sections had been incorporated in full into this section and had expressly referred to the tax under this section, except to the extent that any provision is inconsistent with a provision in this section.

(g) The commissioner shall not issue a refund of any tax paid by a cannabis retailer, hybrid retailer or micro-cultivator under this section.

(h) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section and sections 126 and 127 of this act. Notwithstanding the provisions of sections 4-168 to 4-172, inclusive, of the general statutes, prior to adopting any such regulations, the commissioner shall issue policies and procedures, which shall have the force and effect of law, to implement the taxes imposed under this section and sections 126 and 127 of this act. At least fifteen days prior to the effective date of any policy or procedure issued pursuant to this subsection, the commissioner shall post such policy or procedure on the department's Internet web site and submit such policy or procedure to the Secretary of the State for posting on the eRegulations System. Any such policy or procedure shall no longer be effective upon the adoption of such policy or procedure as a final regulation in accordance with the provisions of chapter 54 of the general statutes or forty-eight months of the effective date of this section, whichever is earlier.

(i) The tax received by the state under this section shall be deposited as follows:

(1) For the fiscal year ending June 30, 2022, in the cannabis regulatory and investment account established under section 128 of this act and for the fiscal year ending June 30, 2023, in the General Fund;

(2) For the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, sixty per cent of such tax received in the Social Equity and

Innovation Fund established under section 128 of this act, twenty-five per cent of such tax received in the Prevention and Recovery Services Fund established under section 128 of this act and fifteen per cent in the General Fund;

(3) For the fiscal years ending June 30, 2027, and June 30, 2028, sixty-five per cent of such tax received in the Social Equity and Innovation Fund established under section 128 of this act, twenty-five per cent of such tax received in the Prevention and Recovery Services Fund and ten per cent in the General Fund; and

(4) For the fiscal year ending June 30, 2029, and each fiscal year thereafter, seventy-five per cent of such tax received in the Social Equity and Innovation Fund established under section 128 of this act and twenty-five per cent of such tax received in the Prevention and Recovery Services Fund established under section 128 of this act.

(j) At the close of each fiscal year in which the tax imposed under the provisions of this section are received by the commissioner, the Comptroller is authorized to record as revenue for such fiscal year the amounts of such tax that are received by the commissioner not later than five business days from the July thirty-first immediately following the end of such fiscal year.

Sec. 126. (NEW) (*Effective July 1, 2021*) (a) (1) There is imposed a tax, which shall be administered in accordance with the provisions of chapter 219 of the general statutes, on each cannabis retailer, hybrid retailer and micro-cultivator at the rate of three per cent on the gross receipts from the sale of cannabis by a cannabis retailer, hybrid retailer or micro-cultivator. For the purposes of this section, "gross receipts" means the total amount received from sales of cannabis by a cannabis retailer, hybrid retailer or micro-cultivator.

(2) The tax under this section:

(A) Shall not apply to the sale of cannabis for palliative use;

(B) Shall not apply to the transfer of cannabis to a transporter for transport to any cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer or producer;

(C) Shall not apply to the sale of cannabis by a delivery service to a consumer;

(D) Shall be collected from the consumer at the time of sale, except as provided under subparagraphs (A) and (C) of this subdivision, and shall be in addition to the taxes imposed under section 125 of this act and chapter 219 of the general statutes; and

(E) When so collected, shall be held in trust until remitted to the municipality.

(b) (1) On or before the last day of each month in which a cannabis retailer, hybrid retailer or micro-cultivator may legally sell cannabis other than cannabis sold for palliative use, each such cannabis retailer, hybrid retailer and micro-cultivator shall file a return with the Department of Revenue Services. Such return shall be in such form and contain such information as the Commissioner of Revenue Services prescribes as necessary for administration of the tax under this section. Each cannabis retailer, hybrid retailer and micro-cultivator shall file such return electronically with the department, to the extent possible.

(2) Each municipality in which a cannabis retailer, hybrid retailer or micro-cultivator is located shall submit to the commissioner at least annually the name and contact information of the individual designated by the municipality to receive notifications from the commissioner under subdivision (3) of this subsection.

(3) Notwithstanding the provisions of section 12-15 of the general

statutes, the commissioner shall notify each individual designated pursuant to subdivision (2) of this subsection of the amount of tax reported to be due under this section from each cannabis retailer, hybrid retailer and micro-cultivator located in the applicable municipality. The commissioner shall establish policies and procedures for the provision to municipalities of the information required under this subdivision.

(4) Not later than sixty days after the receipt of the information under subdivision (3) of this subsection, each such municipality shall invoice each applicable cannabis retailer, hybrid retailer and micro-cultivator, in accordance with the provisions of section 12-2f of the general statutes, and such cannabis retailer, hybrid retailer and micro-cultivator shall remit payment to the municipality not later than thirty days after the date such invoice was sent. The amounts remitted pursuant to this subsection shall become part of the general revenue of such municipality and used for any of the purposes set forth in subdivision (5) of this subsection.

(5) The tax collected pursuant to this section shall be used by such municipality to (A) make improvements to the streetscapes and other neighborhood developments in and around each community in which a cannabis retailer, hybrid retailer or micro-cultivator is located, (B) fund education programs or youth employment and training programs in such municipality, (C) fund services for individuals released from the custody of the Commissioner of Correction, probation or parole and residing in such municipality, (D) fund mental health or addiction services, (E) fund youth service bureaus established pursuant to section 10-19m of the general statutes and to municipal juvenile review boards, or (F) fund efforts to promote civic engagement in communities in such municipality.

(c) If any cannabis retailer, hybrid retailer or micro-cultivator fails to pay the amount of tax invoiced by the municipality within the time period set forth under this section, there shall be imposed a penalty

equal to twenty-five per cent of such amount due and unpaid, or two hundred fifty dollars, whichever is greater. Such amount shall bear interest at the rate of one per cent per month or fraction thereof, from the due date of such tax until the date of payment. A municipality may waive, by vote of its legislative body, all or part of the penalties provided under this subsection upon a finding by such body that the failure to pay any tax was due to reasonable cause and was not intentional or due to neglect. Any penalty waiver shall be applied as a credit against future tax liabilities owed by the cannabis retailer, hybrid retailer or micro-cultivator.

(d) A municipality may impose a lien on the real property of a cannabis retailer, hybrid retailer or micro-cultivator for nonpayment of tax due under this section. The amount of such lien shall not exceed the amount of tax due under this section plus penalties and interest. Such lien shall have the same priority as a municipal lien for real property taxes.

(e) The commissioner may review and adjust any return filed by a cannabis retailer, hybrid retailer or micro-cultivator pursuant to subsection (b) of this section and may issue any assessments that may result therefrom, in accordance with the provisions of sections 12-548, 12-551 to 12-554, inclusive, and 12-555a of the general statutes. The provisions of said sections shall apply to the provisions of this section in the same manner and with the same force and effect as if the language of said sections had been incorporated in full into this section and had expressly referred to the tax under this section, except to the extent that any provision is inconsistent with a provision in this section.

(f) (1) No cannabis retailer, hybrid retailer, micro-cultivator or municipality shall issue a refund to a purchaser for any tax paid under this section by such purchaser.

(2) No municipality shall issue a refund to a cannabis retailer, hybrid

retailer or micro-cultivator for any tax paid under this section by such cannabis retailer, hybrid retailer or micro-cultivator.

(3) No overpayment of the tax under this section by a purchaser, cannabis retailer, hybrid retailer or micro-cultivator shall be applied to any other liability due to such municipality from such purchaser, cannabis retailer, hybrid retailer or micro-cultivator.

Sec. 127. (NEW) (*Effective July 1, 2021*) (a) The tax under chapter 219 of the general statutes shall not be imposed on the transfer of cannabis to a transporter by a cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer or producer, for transport to any other cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer or producer.

(b) No person may purchase cannabis on a resale basis and no exemption under chapter 219 of the general statutes shall apply to the sale of cannabis, except as provided under section 12-412 of the general statutes, for the sale of cannabis for palliative use.

(c) (1) No cannabis retailer, hybrid retailer, micro-cultivator or delivery service, nor the Department of Revenue Services, shall issue a refund to a purchaser for any tax paid under chapter 219 of the general statutes for the sale of cannabis.

(2) The Commissioner of Revenue Services shall not issue a refund to a cannabis retailer, hybrid retailer, micro-cultivator or delivery service of any tax paid under chapter 219 of the general statutes by such cannabis retailer, hybrid retailer or micro-cultivator.

(d) The provisions of subsection (g) of section 125 of this act, subsection (f) of section 126 of this act and subsection (c) of this section shall not be construed as authorizing suit against the state or any

political subdivision thereof by a person against whom any tax, penalty or interest has been erroneously or illegally assessed or from whom any tax, penalty or interest has been erroneously or illegally collected and shall not be construed as a waiver of sovereign immunity.

Sec. 128. (NEW) (*Effective July 1, 2021*) (a) (1) There is established an account to be known as the "cannabis regulatory and investment account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be allocated by the Secretary of the Office of Policy and Management to state agencies for the purpose of paying costs incurred to implement the activities authorized under RERACA, as defined in section 1 of this act.

(2) Notwithstanding the provisions of section 34 of this act, for the fiscal year ending June 30, 2022, the following shall be deposited in the cannabis regulatory and investment account: (A) All fees received by the state pursuant to section 30 of this act and subdivisions (1) to (11), inclusive, of subsection (c) of section 34 of this act; (B) the tax received by the state under section 125 of this act; and (C) the tax received by the state under chapter 219 of the general statutes from a cannabis retailer, hybrid retailer or micro-cultivator, as those terms are defined in section 125 of this act.

(b) (1) There is established an account to be known as the "social equity and innovation account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be allocated by the Secretary of the Office of Policy and Management to state agencies for the purpose of (A) paying costs incurred by the Social Equity Council, as defined in section 1 of this act, and (B) administering programs under RERACA to provide (i) access to capital for businesses, (ii) technical assistance for the start-up and operation of a business, (iii) funding for workforce education, and (iv)

funding for community investments.

(2) Notwithstanding the provisions of sections 34 and 149 of this act, for the fiscal year ending June 30, 2022, the following shall be deposited in the social equity and innovation account: All fees received by the state pursuant to sections 26, 145 and 149 of this act and subdivisions (12) and (13) of subsection (c) of section 34 of this act.

(c) (1) On and after July 1, 2022, there is established a fund to be known as the "Social Equity and Innovation Fund" which shall be a separate, nonlapsing fund. The fund shall contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. Moneys in the fund shall be appropriated for the purposes of providing the following: Access to capital for businesses; technical assistance for the start-up and operation of a business; funding for workforce education; and funding for community investments. All such appropriations shall be dedicated to expenditures that further the principles of equity, as defined in section 1 of this act.

(2) (A) For the purposes of subdivision (1) of this subsection, for the fiscal year ending June 30, 2023, and for each fiscal year thereafter, the Social Equity Council shall transmit, for even-numbered years, estimates of expenditure requirements and for odd-numbered years, recommended adjustments and revisions, if any, of such estimates, to the Secretary of the Office of Policy and Management, in the manner prescribed for a budgeted agency under subsection (a) of section 4-77 of the general statutes. The council shall recommend for each fiscal year commencing with the fiscal year ending June 30, 2023, appropriate funding for all credits payable to angel investors that invest in cannabis businesses pursuant to section 12-704d of the general statutes.

(B) The Office of Policy and Management may not make adjustments to any such estimates or adjustments and revisions of such estimates

transmitted by the council. Notwithstanding any provision of the general statutes or any special act, the Governor shall not reduce the allotment requisitions or allotments in force pursuant to section 4-85 of the general statutes or make reductions in allotments in order to achieve budget savings in the General Fund, concerning any appropriations made by the General Assembly for the purposes of subdivision (1) of this subsection.

(d) On and after July 1, 2022, there is established a fund to be known as the "Prevention and Recovery Services Fund" which shall be a separate, nonlapsing fund. The fund shall contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. Moneys in the fund shall be appropriated for the purposes of (1) substance abuse prevention, treatment and recovery services, and (2) collection and analysis of data regarding substance use.

Sec. 129. Subdivision (120) of section 12-412 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(120) **[**On and after April 1, 2015, sales**]** <u>(A) Sales</u> of the following nonprescription drugs or medicines available for purchase for use in or on the body: Vitamin or mineral concentrates; dietary supplements; natural or herbal drugs or medicines; products intended to be taken for coughs, cold, asthma or allergies, or antihistamines; laxatives; antidiarrheal medicines; analgesics; antibiotic, antibacterial, antiviral and antifungal medicines; antiseptics; astringents; anesthetics; steroidal medicines; anthelmintics; emetics and antiemetics; antacids; **[**and**]** any medication prepared to be used in the eyes, ears or nose<u>; and cannabis sold for palliative use under the provisions of chapter 420f</u>.

<u>(B)</u> Nonprescription drugs or medicines **[**shall**]** <u>do</u> not include cosmetics, **[**dentrifrices**]** <u>dentifrices</u>, mouthwash, shaving and hair care

products, soaps, **[**or**]** deodorants or products containing cannabis or cannabinoids. As used in this subparagraph, "cannabis" has the same meaning as provided in section 1 of this act and "cannabinoids" means manufactured cannabinoids or synthetic cannabinoids, as such terms are defined in section 21a-240.

Sec. 130. Section 12-650 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

[As used in this chapter:

(1) "Marijuana" means any marijuana, whether real or counterfeit, as defined in subdivision (29) of section 21a-240, that is held, possessed, transported, sold or offered to be sold in violation of any provision of the general statutes;

(2) "Controlled substance" means any controlled substance as defined in subdivision (9) of section 21a-240, that is held, possessed, transported, sold or offered to be sold in violation of any provision of the general statutes;

(3) "Dealer" means any person who, in violation of any provision of the general statutes, manufactures, produces, ships, transports, or imports into the state or in any manner acquires or possesses more than forty-two and one-half grams of marijuana or seven or more grams of any controlled substance or ten or more dosage units of any controlled substance which is not sold by weight; and

(4) "Commissioner" means the Commissioner of Revenue Services.**]**

Notwithstanding the provisions of this chapter, revision of 1958, revised to January 1, 2021, any outstanding liabilities or assessments, or any portion thereof, made under said chapter related to the sale, purchase, acquisition or possession within the state or the transport or importation into the state, of marijuana, as defined in section 21a-240,

shall be cancelled. The Commissioner of Revenue Services may take any action necessary to effectuate the cancellation of such liabilities and assessments. No cancellation of a liability or an assessment pursuant to this section shall entitle any person affected by such cancellation to a refund or credit of any amount previously paid or collected in connection with such liability or assessment.

Sec. 131. Subdivision (1) of subsection (a) of section 12-30a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) (1) Whenever the provisions of section 12-35, 12-204, 12-205, 12-206, 12-225, 12-226, 12-229, 12-235, 12-242d, 12-263c, 12-263d, 12-263m, 12-268d, 12-268h, 12-293a, 12-309, 12-330d, 12-330i, 12-376, 12-376a, 12-376b, 12-392, 12-414, 12-415, 12-416, 12-419, 12-419a, 12-439, 12-440, 12-458, 12-458d, 12-486a, 12-488, 12-547, 12-548, 12-590, 12-594, 12-638c, 12-638d, 12-646a, 12-647, **[**12-655,**]** 12-667, 12-722, 12-723, 12-728, 12-731, 12-735, 22a-132, 22a-232, 22a-237c, 38a-277 or 51-81b require interest to be paid to the Commissioner of Revenue Services at the rate of one per cent per month or fraction thereof or one per cent for each month or fraction thereof, the Commissioner of Revenue Services may adopt regulations in accordance with the provisions of chapter 54 that require interest to be paid to said commissioner at the equivalent daily rate in lieu of such monthly rate.

Sec. 132. Subsection (a) of section 12-35b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) For the purposes of sections 12-204, 12-212, 12-235, 12-268h, 12-309, 12-330i, 12-366, 12-398, 12-420, 12-441, 12-475, 12-488, 12-555a, 12-594, 12-638j **[**, 12-655**]** and 12-734:

(1) "Bona fide purchaser" means a person who takes a conveyance of

real estate in good faith from the holder of legal title, and pays valuable consideration, without actual, implied, or constructive notice of any tax delinquency.

(2) "Qualified encumbrancer" means a person who places a burden, charge or lien on real estate, in good faith, without actual, implied, or constructive notice of any tax delinquency.

(3) "Commissioner" means the Commissioner of Revenue Services or his or her authorized agent.

Sec. 133. Section 12-704d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) As used in this section:

(1) "Angel investor" means an accredited investor, as defined by the Securities and Exchange Commission, or network of accredited investors who review new or proposed businesses for potential investment and who may seek active involvement, such as consulting and mentoring, in a qualified Connecticut business or a qualified cannabis business, but "angel investor" does not include (A) a person controlling fifty per cent or more of the Connecticut business or cannabis business invested in by the angel investor, (B) a venture capital company, or (C) any bank, bank and trust company, insurance company, trust company, national bank, savings association or building and loan association for activities that are a part of its normal course of business;

(2) "Cash investment" means the contribution of cash, at a risk of loss, to a qualified Connecticut business or a qualified cannabis business in exchange for qualified securities;

(3) "Connecticut business" means any business, other than a cannabis business, with its principal place of business in Connecticut;

(4) "Bioscience" means manufacturing pharmaceuticals, medicines, medical equipment or medical devices and analytical laboratory instruments, operating medical or diagnostic testing laboratories, or conducting pure research and development in life sciences;

(5) "Advanced materials" means developing, formulating or manufacturing advanced alloys, coatings, lubricants, refrigerants, surfactants, emulsifiers or substrates;

(6) "Photonics" means generation, emission, transmission, modulation, signal processing, switching, amplification, detection and sensing of light from ultraviolet to infrared and the manufacture, research or development of opto-electronic devices, including, but not limited to, lasers, masers, fiber optic devices, quantum devices, holographic devices and related technologies;

(7) "Information technology" means software publishing, motion picture and video production, teleproduction and postproduction services, telecommunications, data processing, hosting and related services, custom computer programming services, computer system design, computer facilities management services, other computer related services and computer training;

(8) "Clean technology" means the production, manufacture, design, research or development of clean energy, green buildings, smart grid, high-efficiency transportation vehicles and alternative fuels, environmental products, environmental remediation and pollution prevention;

(9) "Qualified securities" means any form of equity, including a general or limited partnership interest, common stock, preferred stock, with or without voting rights, without regard to seniority position that must be convertible into common stock; **[**and**]**

(10) "Emerging technology business" means any business that is

engaged in bioscience, advanced materials, photonics, information technology, clean technology or any other emerging technology as determined by the Commissioner of Economic and Community Development; **[.]**

(11) "Cannabis business" means a cannabis establishment (A) for which a social equity applicant has been granted a provisional license or a license, (B) in which a social equity applicant or social equity applicants have an ownership interest of at least sixty-five per cent, and (C) such social equity applicant or social equity applicants have control of such establishment;

(12) "Social equity applicant" has the same meaning as provided in section 1 of this act;

(13) "Cannabis" has the same meaning as provided in section 1 of this act; and

(14) "Cannabis establishment" has the same meaning as provided in section 1 of this act.

(b) There shall be allowed a credit against the tax imposed under this chapter, other than the liability imposed by section 12-707, for a cash investment by an angel investor of not less than twenty-five thousand dollars in the qualified securities of a Connecticut business **[**by an angel investor**]** or a cannabis business. The credit shall be in an amount equal to (1) twenty-five per cent of such investor's cash investment in a Connecticut business, or (2) forty per cent of such investor's cash investment in a cannabis business, provided the total tax credits allowed to any angel investor shall not exceed five hundred thousand dollars. The credit shall be claimed in the taxable year in which such cash investment is made by the angel investor. The credit may be sold, assigned or otherwise transferred, in whole or in part.

(c) To qualify for a tax credit pursuant to this section, a cash

investment shall be in: [a]

(1) A Connecticut business that [(1)] (A) has been approved as a qualified Connecticut business pursuant to subsection (d) of this section; [(2)] (B) had annual gross revenues of less than one million dollars in the most recent income year of such business; [(3)] (C) has fewer than twenty-five employees, not less than seventy-five per cent of whom reside in this state; [(4)] (D) has been operating in this state for less than seven consecutive years; [(5)] (E) is primarily owned by the management of the business and their families; and [(6)] (F) received less than two million dollars in cash investments eligible for the tax credits provided by this section; [.] or

(2) A cannabis business that (A) has been approved as a qualified cannabis business pursuant to subsection (d) of this section; (B) had annual gross revenues of less than one million dollars in the most recent income year of such business; (C) has fewer than twenty-five employees, not less than seventy-five per cent of whom reside in this state; (D) is primarily owned by the management of the business and their families; and (E) received less than two million dollars in cash investments eligible for the tax credits provided by this section.

(d) (1) A Connecticut business or a cannabis business may apply to Connecticut Innovations, Incorporated, for approval as a Connecticut business or cannabis business, as applicable, qualified to receive cash investments eligible for a tax credit pursuant to this section. The application shall include (A) the name of the business and a copy of the organizational documents of such business, (B) a business plan, including a description of the business and the management, product, market and financial plan of the business, (C) a description of the business's innovative technology, product or service, (D) a statement of the potential economic impact of the business, including the number, location and types of jobs expected to be created, (E) a description of the qualified securities to be issued and the amount of cash investment

sought by the [qualified Connecticut] business, (F) a statement of the amount, timing and projected use of the proceeds to be raised from the proposed sale of qualified securities, and (G) such other information as the chief executive officer of Connecticut Innovations, Incorporated, may require.

(2) Said chief executive officer shall, on a monthly basis, compile a list of approved applications, categorized by the cash investments being sought by the qualified Connecticut business or the qualified cannabis business and type of qualified securities offered.

(e) (1) Any angel investor that intends to make a cash investment in a business on such list may apply to Connecticut Innovations, Incorporated, to reserve a tax credit in the amount indicated by such investor. Connecticut Innovations, Incorporated, shall not reserve tax credits under this section for any investments made on or after July 1, 2028.

(2) The aggregate amount of all tax credits under this section that may be reserved by Connecticut Innovations, Incorporated, shall not exceed (A) for cash investments made in Connecticut businesses, six million dollars annually for the fiscal years commencing July 1, 2010, to July 1, 2012, inclusive, and [shall not exceed] five million dollars [in] for each fiscal year thereafter, [. Each fiscal year,] and (B) for cash investments made in qualified cannabis businesses, fifteen million dollars annually for each fiscal year commencing on or after July 1, 2021.

(3) With respect to the tax credits available under this section for investments in Connecticut businesses, Connecticut Innovations, Incorporated, shall not reserve more than seventy-five per cent of [the] such tax credits [available under this section] for investments in emerging technology businesses, except if any such credits remain available for reservation after April first in any fiscal year, such remaining credits may be reserved for investments in such businesses

[,**]** and may be prioritized for veteran-owned, women-owned or minority-owned businesses and businesses owned by individuals with disabilities. **[**Connecticut Innovations, Incorporated, shall not reserve tax credits under this section for any investment made on or after July 1, 2024.**]**

[(2)**]** (4) The amount of the credit allowed to any investor pursuant to this section shall not exceed the amount of tax due from such investor under this chapter, other than section 12-707, with respect to such taxable year. Any tax credit that is claimed by the angel investor but not applied against the tax due under this chapter, other than the liability imposed under section 12-707, may be carried forward for the five immediately succeeding taxable years until the full credit has been applied.

(f) If the angel investor is an S corporation or an entity treated as a partnership for federal income tax purposes, the tax credit may be claimed by the shareholders or partners of the angel investor. If the angel investor is a single member limited liability company that is disregarded as an entity separate from its owner, the tax credit may be claimed by such limited liability company's owner, provided such owner is a person subject to the tax imposed under this chapter.

(g) A review of the cumulative effectiveness of the credit under this section shall be conducted by Connecticut Innovations, Incorporated, by **[**July 1, 2014, and by**]** July first annually. **[**thereafter.**]** Such review shall include, but need not be limited to, the number and type of Connecticut businesses and cannabis businesses that received angel investments, the number of angel investors and the aggregate amount of cash investments, the current status of each Connecticut business and cannabis business that received angel investments, the number of employees employed in each year following the year in which such Connecticut business or cannabis business received the angel investment **[**,**]** and the economic impact in the state **[**,**]** of the Connecticut

business or cannabis business that received the angel investment. Such review shall be submitted to the Office of Policy and Management and to the joint standing committee of the General Assembly having cognizance of matters relating to commerce, in accordance with the provisions of section 11-4a.

Sec. 134. (NEW) (*Effective July 1, 2021*) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate fifty million dollars.

(b) The proceeds of the sale of such bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Economic and Community Development jointly with the Social Equity Council for the purposes of providing (1) low-interest loans to social equity applicants, municipalities or organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, to facilitate the rehabilitation, renovation or development of unused, underused real property to be used as a cannabis establishment or as part of such establishment; (2) capital to social equity applicants seeking to start or maintain a cannabis establishment; (3) funding to assist in the development or ongoing expenses of the cannabis business accelerator program established under section 38 of this act; and (4) funding to assist in the development or ongoing expenses of workforce training programs developed by the Social Equity Council pursuant to section 39 of this act. As used in this subsection, "Social Equity Council", "cannabis establishment" and "social equity applicant" have the same meanings as provided in section 1 of this act.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, that are not inconsistent with the

provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section. Temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with section 3-20 of the general statutes and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of such bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization that is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 135. (NEW) (*Effective July 1, 2021*) (a) As used in this section, "Social Equity Council", "cannabis establishment" and "social equity applicant" have the same meanings as provided in section 1 of this act.

(b) (1) The Department of Economic and Community Development and the Social Equity Council shall jointly develop and establish:

(A) A revolving loan program for the purposes of subdivision (1) of subsection (b) of section 134 of this act, including (i) requirements for loan eligibility under the program, (ii) an application form and the information and documentation required to be submitted with such application, (iii) the terms of the loans to be offered, including the rates

of interest to be charged and the length of the loans, (iv) a plan for publicizing and marketing the program, and (v) any other requirements necessary to implement the program; and

(B) Application forms, applicant requirements and any other provisions the department and the council deem necessary for the purposes of subdivisions (2) to (4), inclusive, of subsection (b) of section 134 of this act.

(2) The department and the council shall post on the Internet web sites of the Department of Economic and Community Development and the Department of Consumer Protection information concerning the loan program and other available funding under this section.

Sec. 136. Section 21a-408e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

No person shall be subject to arrest or prosecution solely for being in the presence or vicinity of the palliative use of marijuana as permitted under sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive.

Sec. 137. Subsection (b) of section 21a-408i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with chapter 54, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the commissioner finds that such applicant

has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the commissioner pursuant to this subsection. At a minimum, such regulations shall:

(A) Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;

(B) Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;

(C) Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;

(D) Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive;

(E) Provide for renewal of such producer licenses at least every five years;

(F) Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;

(G) Establish financial requirements for producers, under which (i) each applicant demonstrates the financial capacity to build and operate a marijuana production facility, and (ii) each licensed producer may be

required to maintain an escrow account in a financial institution in this state in an amount of two million dollars;

(H) Establish health, safety and security requirements for licensed producers, which shall include, but need not be limited to, a requirement that the applicant or licensed producer demonstrate: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana cultivated by the producer, and (ii) the ability to cultivate pharmaceutical grade marijuana for palliative use in a secure indoor facility;

(I) Define "pharmaceutical grade marijuana for palliative use" for the purposes of this section;

(J) Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of producer licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182; and

(K) Establish other licensing, renewal and operational standards deemed necessary by the commissioner.

Sec. 138. Section 21a-408o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Nothing in sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, or section 21a-243 shall be construed to require health insurance coverage for the palliative use of marijuana.

Sec. 139. Subsection (d) of section 21a-408v of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act,

as defined in section 1-200, except that reasonable access to registry information obtained under this section shall be provided to (1) state agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law, (2) physicians and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the research program subject, (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed, (4) a licensed dispensary for the purpose of complying with sections 21a-408 to **[**21a-408n**]** 21a-408m, inclusive, or (5) a research program subject, but only with respect to information related to such research program subject.

Sec. 140. Subsection (a) of section 21a-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Consumer Protection may establish, combine or abolish divisions, sections or other units within the Department of Consumer Protection and allocate powers, duties and functions among such units, but no function vested by statute in any officer, division, board, agency or other unit within the department shall be removed from the jurisdiction of such officer, division, board, agency or other unit under the provisions of this section. The Governor shall appoint a deputy commissioner of the department, with the advice and consent of one house of the General Assembly in accordance with the provisions of section 4-7, who shall have responsibilities related to the regulation of cannabis under RERACA.

Sec. 141. Subdivision (29) of section 21a-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(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; **[**and**]** every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, **[**. Marijuana does 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**]** any product made using hemp, as defined in section 22-61*l*, which exceeds three-tenths per cent total THC concentration on a dry-weight basis; 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, **[**and which show a like potential for abuse,**]** which are controlled substances under this chapter, **[**unless**]** except cannabidiol derived from hemp, as defined in section 22-61*l*, with a total THC concentration of not more than three-tenths per cent on a dry-weight basis. "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*, with a total THC concentration of not more than three-tenths per cent on a dry-weight basis; (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;

Sec. 142. Section 21a-240 of the general statutes is amended by adding subdivisions (59) to (62), inclusive, as follows (*Effective July 1, 2021*):

(NEW) (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.

(NEW) (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 tetrahydrocannabinol.

(NEW) (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.

(NEW) (62) "Synthetic cannabinoid" 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.

Sec. 143. Subsection (q) of section 1-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(q) Except as otherwise specifically defined, the words "agriculture" and "farming" **[**shall**]** include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables,

as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The terms "agriculture" and "farming" do not include the cultivation of cannabis, as defined in section 1 of this act. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Sec. 144. (*Effective from passage*) Not later than January 1, 2025, the Social Equity Council established pursuant to section 22 of this act shall report to the Governor and, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and general law, data regarding the location of cannabis establishments and whether such establishments are predominantly located in communities of color.

Sec. 145. (NEW) (*Effective July 1, 2021*) (a) In order for a dispensary facility to convert its license to a hybrid-retailer license, a dispensary facility shall have a workforce development plan that has been approved by the Social Equity Council under section 22 of this act and shall either pay the fee of one million dollars established in section 34 of this act or, if such dispensary facility has committed to create one equity joint venture to be approved by the Social Equity Council for ownership purposes under section 22 of this act and subsequent to obtaining such approval, approved by the department for licensure under this section, pay a reduced fee of five hundred thousand dollars.

(b) Any equity joint venture created under this section shall be created for the development of a cannabis establishment business with a social equity applicant that owns at least fifty per cent of such business and where the dispensary facility owns at most fifty per cent of such business.

(c) An equity joint venture applicant shall submit an application to the Social Equity Council that may include, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The dispensary facility or social equity applicant of an equity joint venture shall submit an application to the Social Equity Council that may include, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The dispensary facility or social equity applicant of an equity joint venture shall submit to the Social Equity Council information including, but not limited to, the organizing documents of the entity that outline the ownership stake of each backer, initial backer investment and payout information to enable the council to determine the terms of ownership.

(d) Upon receipt of written approval of the equity joint venture by the Social Equity Council, the dispensary facility or social equity applicant of the equity joint venture shall apply for a license from the department in the same form as required by all other licensees of the same license type and subject to the same fees as required by all other licensees of the same license type.

(e) A dispensary facility, including the backers of such dispensary facility, shall not increase its ownership in an equity joint venture in excess of fifty per cent during the seven-year period after a license is issued by the department under this section.

(f) Equity joint ventures that are retailers or hybrid retailers that share

a common dispensary facility or dispensary facility backer owner shall not be located within twenty miles of another commonly owned equity joint venture.

(g) If a dispensary facility has paid the reduced conversion fee in accordance with subsection (a) of this section, and did not subsequently create one equity joint venture under this section, the dispensary facility shall be liable for the full conversion fee of one million dollars, established under section 34 of this act.

Sec. 146. (NEW) (*Effective January 1, 2022*) (a) There is established, within the Department of Public Health, a program to collect and abstract timely public health information on cannabis associated illness and adverse events, nonfatal and fatal injuries and cannabis use poisoning data, from state and national data sources. Such program shall include, but need not be limited to, the following: (1) Serving as a data coordinator, analysis and reporting source of cannabis data and statistics that include, but are not limited to, illness, adverse events, injury, pregnancy outcomes, childhood poisoning, adult and youth use, cannabis-related emergency room visits and urgent care episodic mental health visits; (2) performing epidemiologic analysis on demographic, health and mortality data to identify risk factors and changes in trends; (3) working with the Departments of Consumer Protection and Mental Health and Addiction Services and any other entity that the Commissioner of Public Health deems necessary to disseminate public health alerts; and (4) sharing state-wide data to inform policy makers and citizens on the impact of cannabis legalization by posting public health prevention information and cannabis use associated morbidity and mortality statistics to the Department of Public Health's Internet web site.

(b) The Department of Public Health shall, not later than April 1, 2023, and annually thereafter, report in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of

the General Assembly with cognizance relating to public health, human services, and appropriations and the budgets of state agencies about the public health information on cannabis collected by the department under subsection (a) of this section.

Sec. 147. (NEW) (*Effective July 1, 2021*) (a) As used in this section, "producer", "cultivator", "micro-cultivator", "product manufacturer", "hybrid retailer" and "retailer" have the same meanings as provided in section 1 of this act; and "hemp" and "hemp products" have the same meanings as provided in section 22-61*l* of the general statutes.

(b) Any producer, cultivator, micro-cultivator and product manufacturer may manufacture, market, cultivate or store hemp and hemp products in accordance with the provisions of chapter 424 of the general statutes and any regulations adopted under said chapter, except that a producer, cultivator, micro-cultivator and product manufacturer may obtain hemp and hemp products from a person authorized under the laws of this state or another state, territory or possession of the United States or another sovereign entity to possess and sell such hemp and hemp products.

(c) Hemp or hemp products purchased by a producer, cultivator, micro-cultivator or product manufacturer from a third party shall be tracked as a separate batch throughout the manufacturing process in order to document the disposition of such hemp or hemp products. Once hemp or hemp products are received by a producer, cultivator, micro-cultivator or product manufacturer, such hemp or hemp products shall be deemed cannabis and shall comply with the requirements for cannabis contained in the applicable provisions of the general statutes and any regulations adopted under such provisions. A producer, cultivator, micro-cultivator and product manufacturer shall retain a copy of the certificate of analysis for purchased hemp or hemp products and invoice and transport documents that evidence the quantity purchased and date received.

(d) No hemp or hemp products shall be sold or distributed within a dispensary facility that is licensed under chapter 420f of the general statutes or the business premises of a hybrid retailer or a retailer.

Sec. 148. (NEW) (*Effective July 1, 2021*) (a) As used in this section, "municipality" means any town, city or borough, consolidated town and city or consolidated town and borough, and a district establishing a zoning commission under section 7-326 of the general statutes.

(b) Any municipality may, by amendment to such municipality's zoning regulations or by local ordinance, (1) prohibit the establishment of a cannabis establishment, (2) establish reasonable restrictions regarding the hours and signage within the limits of such municipality, or (3) establish restrictions on the proximity of cannabis establishments to any of the establishments listed in subsection (a) of subdivision (1) of section 30-46 of the general statutes. The chief zoning official of a municipality shall report, in writing, any zoning changes adopted by the municipality regarding cannabis establishments pursuant to this subsection to the Secretary of the Office of Policy and Management and to the department not later than fourteen days after the adoption of such changes.

(c) Unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment shall be zoned as if for any other similar use, other than a cannabis establishment, would be zoned.

(d) Any restriction regarding hours, zoning and signage of a cannabis establishment adopted by a municipality shall not apply to an existing cannabis establishment located in such municipality if such cannabis establishment does not convert to a different license type, for a period of five years after the adoption of such prohibition or restriction.

(e) Until June 30, 2024, no municipality shall grant zoning approval

for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every twenty-five thousand residents of such municipality, as determined by the most recent decennial census.

(f) On and after July 1, 2024, the Commissioner of Consumer Protection may, in the discretion of the commissioner, post on the Department of Consumer Protection's Internet web site a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one retailer and one micro-cultivator for every such specific number of residents, as determined by the commissioner. Any such determination shall be made to ensure reasonable access to cannabis by consumers.

(g) For purposes of ensuring compliance with this section, a special permit or other affirmative approval shall be required for any retailer or micro-cultivator seeking to be located within a municipality. A municipality shall not grant such special permit or approval for any retailer or micro-cultivator applying for such special permit or approval if that would result in an amount that (1) until June 30, 2024, exceeds the density cap of one retailer and one micro-cultivator for every twenty-five thousand residents, and (2) on and after July 1, 2024, exceeds any density cap determined by the commissioner under subsection (f) of this section. When awarding final licenses for a retailer or micro-cultivator, the Department of Consumer Protection may assume that, if an applicant for such final license has obtained zoning approval, the approval of a final license for such applicant shall not result in a violation of this section or any other municipal restrictions on the number or density of cannabis establishments.

Sec. 149. (NEW) (*Effective July 1, 2021*) (a) Thirty days after the Social Equity Council posts the criteria for social equity applicants on its Internet web site, the department shall open up a three-month application period for cultivators during which a social equity applicant

may apply to the department for a provisional cultivator license and final license for a cultivation facility located in a disproportionately impacted area without participating in a lottery or request for proposals. Such application for a provisional license shall be granted upon (1) verification by the Social Equity Council that the applicant meets the criteria for a social equity applicant; (2) the applicant submitting to and passing a criminal background check; and (3) payment of a three-million-dollar fee to be deposited in the Social Equity and Innovation Fund established in section 128 of this act. Upon granting such provisional license, the department shall notify the applicant of the project labor agreement requirements of section 103 of this act.

(b) To obtain a final cultivator license under this section, the social equity applicant shall provide evidence of (1) a contract with an entity providing an approved electronic tracking system as described in section 56 of this act; (2) a right to exclusively occupy a location in a disproportionately impacted area at which the cultivation facility will be located; (3) any necessary local zoning approval and permits for the cultivation facility; (4) a business plan; (5) a social equity plan approved by the Social Equity Council; (6) written policies for preventing diversion and misuse of cannabis and sales of cannabis to underage persons; and (7) blueprints of the facility and all other security requirements of the department.

Sec. 150. (NEW) (*Effective July 1, 2021*) (a) The Governor may enter into one or more compacts, amendments to existing compacts, memoranda of understanding or agreements with the Mashantucket Pequot Tribe or with the Mohegan Tribe of Indians of Connecticut, or both, to coordinate the administration and execution of laws and regulations of this state, as set forth in RERACA, and of laws and regulations of said tribes relating to the possession, delivery, production, processing or use of cannabis. Any such compact, amendment to existing compact, memorandum of understanding or

agreement may contain provisions including, but not limited to, those relating to:

(1) Criminal and civil law enforcement;

(2) Laws and regulations relating to the possession, delivery, production, processing or use of cannabis; and

(3) Laws and regulations relating to taxation.

(b) Any compact, amendment to existing compact, memorandum of understanding or agreement entered into pursuant to subsection (a) of this section shall:

(1) Provide for the preservation of public health and safety;

(2) Ensure the security of any cannabis production, processing, testing or retail facilities on tribal land; and

(3) Regulate any business involving cannabis that passes between the reservation of the tribal nation that is a party to such compact, amendment to existing compact, memorandum of understanding or agreement, and other areas in the state.

(c) Notwithstanding the provisions of section 3-6c of the general statutes, any compact, amendment to existing compact, memorandum of understanding or agreement, or renewal thereof, entered into by the Governor with the Mashantucket Pequot Tribe or with the Mohegan Tribe of Indians of Connecticut pursuant to subsection (a) of this section, shall be considered approved by the General Assembly under section 3-6c of the general statutes upon the Governor entering into such compact, amendment to existing compact, memorandum of understanding or agreement, or renewal thereof, without any further action required by the General Assembly.

Sec. 151. (*Effective from passage*) The Legislative Commissioners' Office

shall, in codifying the provisions of this act, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this act, including, but not limited to, correcting inaccurate internal references.

Sec. 152. Section 32-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The purposes of the corporation shall be to stimulate and encourage the research and development of new technologies, businesses and products, to encourage the creation and transfer of new technologies, to assist existing businesses in adopting current and innovative technological processes, to stimulate and provide services to industry that will advance the adoption and utilization of technology, to achieve improvements in the quality of products and services, to stimulate and encourage the development and operation of new and existing science parks and incubator facilities, and to promote science, engineering, mathematics and other disciplines that are essential to the development and application of technology within Connecticut by the infusion of financial aid for research, invention and innovation in situations in which such financial aid would not otherwise be reasonably available from commercial or other sources, and for these purposes the corporation shall have the following powers:

(1) To have perpetual succession as a body corporate and to adopt bylaws, policies and procedures for the regulation of its affairs and conduct of its businesses as provided in section 32-36;

(2) To enter into venture agreements with persons, upon such terms and on such conditions as are consistent with the purposes of this chapter, for the advancement of financial aid to such persons for the research, development and application of specific technologies, products, procedures, services and techniques, to be developed and produced in this state, and to condition such agreements upon

contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and shall accrue to it;

(3) To solicit, receive and accept aid, grants or contributions from any source of money, property or labor or other things of value, to be held, used and applied to carry out the purposes of this chapter, subject to the conditions upon which such grants and contributions may be made, including but not limited to, gifts or grants from any department or agency of the United States or the state;

(4) To invest in, acquire, lease, purchase, own, manage, hold and dispose of real property and lease, convey or deal in or enter into agreements with respect to such property on any terms necessary or incidental to the carrying out of these purposes; provided, however, (A) all such acquisitions of real property for the corporation's own use with amounts appropriated by the state to the corporation or with the proceeds of bonds supported by the full faith and credit of the state shall be subject to the approval of the Secretary of the Office of Policy and Management and the provisions of section 4b-23, and (B) upon termination of a lease executed on or before, May 1, 2016, for its main office, the corporation shall consider relocating such main office to a designated innovation place, as defined in section 32-39j, and establishing a satellite office in one or more designated innovation places;

(5) To borrow money or to guarantee a return to the investors in or lenders to any capital initiative, to the extent permitted under this chapter;

(6) To hold patents, copyrights, trademarks, marketing rights, licenses, or any other evidences of protection or exclusivity as to any products as defined herein, issued under the laws of the United States or any state or any nation;

(7) To employ such assistants, agents and other employees as may be necessary or desirable, which employees shall be exempt from the classified service and shall not be employees, as defined in subsection (b) of section 5-270; establish all necessary or appropriate personnel practices and policies, including those relating to hiring, promotion, compensation, retirement and collective bargaining, which need not be in accordance with chapter 68, and the corporation shall not be an employer, as defined in subsection (a) of section 5-270; and engage consultants, attorneys and appraisers as may be necessary or desirable to carry out its purposes in accordance with this chapter;

(8) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(9) To sue and be sued, plead and be impleaded, adopt a seal and alter the same at pleasure;

(10) With the approval of the State Treasurer, to invest any funds not needed for immediate use or disbursement, including any funds held in reserve, in obligations issued or guaranteed by the United States of America or the state of Connecticut and in other obligations which are legal investments for retirement funds in this state;

(11) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;

(12) To the extent permitted under its contract with other persons, to consent to any termination, modification, forgiveness or other change of any term of any contractual right, payment, royalty, contract or agreement of any kind to which the corporation is a party;

(13) To do anything necessary and convenient to render the bonds to be issued under section 32-41 more marketable;

(14) To acquire, lease, purchase, own, manage, hold and dispose of personal property, and lease, convey or deal in or enter into agreements with respect to such property on any terms necessary or incidental to the carrying out of these purposes;

(15) In connection with any application for assistance under this chapter, or commitments therefor, to make and collect such fees as the corporation shall determine to be reasonable;

(16) To enter into venture agreements with persons, upon such terms and conditions as are consistent with the purposes of this chapter to provide financial aid to such persons for the marketing of new and innovative services based on the use of a specific technology, product, device, technique, service or process;

(17) To enter into limited partnerships or other contractual arrangements with private and public sector entities as the corporation deems necessary to provide financial aid which shall be used to make investments of seed venture capital in companies based in or relocating to the state in a manner which shall foster additional capital investment, the establishment of new businesses, the creation of new jobs and additional commercially-oriented research and development activity. The repayment of such financial aid shall be structured in such manner as the corporation deems will best encourage private sector participation in such limited partnerships or other arrangements. The board of directors, chief executive officer, officers and staff of the corporation may serve as members of any advisory or other board which may be established to carry out the purposes of this subdivision;

(18) To account for and audit funds of the corporation and funds of any recipients of financial aid from the corporation;

(19) To advise the Governor, the General Assembly, the Commissioner of Economic and Community Development and the

president of the Connecticut State Colleges and Universities on matters relating to science, engineering and technology which may have an impact on state policies, programs, employers and residents, and on job creation and retention;

(20) To promote technology-based development in the state;

(21) To encourage and promote the establishment of and, within available resources, to provide financial aid to advanced technology centers;

(22) To maintain an inventory of data and information concerning state and federal programs which are related to the purposes of this chapter and to serve as a clearinghouse and referral service for such data and information, provided such power shall be transferred to CTNext on September 1, 2016;

(23) To conduct and encourage research and studies relating to technological development;

(24) To provide technical or other assistance and, within available resources, to provide financial aid to the Connecticut Academy of Science and Engineering, Incorporated, in order to further the purposes of this chapter;

(25) To recommend a science and technology agenda for the state that will promote the formation of public and private partnerships for the purpose of stimulating research, new business formation and growth and job creation;

(26) To encourage and provide technical assistance and, within available resources, to provide financial aid to existing manufacturers and other businesses in the process of adopting innovative technology and new state-of-the-art processes and techniques;

(27) To recommend state goals for technological development and to establish policies and strategies for developing and assisting technology-based companies and for attracting such companies to the state;

(28) To promote and encourage and, within available resources, to provide financial aid for the establishment, maintenance and operation of incubator facilities, provided such power shall be transferred to CTNext on September 1, 2016;

(29) To promote and encourage the coordination of public and private resources and activities within the state in order to assist technology-based entrepreneurs and business enterprises;

(30) To provide services to industry that will stimulate and advance the adoption and utilization of technology and achieve improvements in the quality of products and services;

(31) To promote science, engineering, mathematics and other disciplines that are essential to the development and application of technology;

(32) To coordinate its efforts with existing business outreach centers, as described in section 32-9qq;

(33) To do all acts and things necessary and convenient to carry out the purposes of this chapter;

(34) To accept from the department: (A) Financial assistance, (B) revenues or the right to receive revenues with respect to any program under the supervision of the department, and (C) loan assets or equity interests in connection with any program under the supervision of the department; to make advances to and reimburse the department for any expenses incurred or to be incurred by it in the delivery of such assistance, revenues, rights, assets, or interests; to enter into agreements

for the delivery of services by the corporation, in consultation with the department and the Connecticut Housing Finance Authority, to third parties, which agreements may include provisions for payment by the department to the corporation for the delivery of such services; and to enter into agreements with the department or with the Connecticut Housing Finance Authority for the sharing of assistants, agents and other consultants, professionals and employees, and facilities and other real and personal property used in the conduct of the corporation's affairs;

(35) To transfer to the department: (A) Financial assistance, (B) revenues or the right to receive revenues with respect to any program under the supervision of the corporation, and (C) loan assets or equity interests in connection with any program under the supervision of the corporation, provided the transfer of such financial assistance, revenues, rights, assets or interests is determined by the corporation to be practicable, within the constraints and not inconsistent with the fiduciary obligations of the corporation imposed upon or established upon the corporation by any provision of the general statutes, the corporation's bond resolutions or any other agreement or contract of the corporation and to have no adverse effect on the tax-exempt status of any bonds of the state;

(36) With respect to any capital initiative, to create, with one or more persons, one or more affiliates and to provide, directly or indirectly, for the contribution of capital to any such affiliate, each such affiliate being expressly authorized to exercise on such affiliate's own behalf all powers which the corporation may exercise under this section, in addition to such other powers provided to it by law;

(37) To provide financial aid to enable biotechnology, bioscience and other technology companies to lease, acquire, construct, maintain, repair, replace or otherwise obtain and maintain production, testing, research, development, manufacturing, laboratory and related and

other facilities, improvements and equipment;

(38) To provide financial aid to persons developing smart buildings, as defined in section 32-23d, incubator facilities or other information technology intensive office and laboratory space;

(39) To provide financial aid to persons developing or constructing the basic buildings, facilities or installations needed for the functioning of the media and motion picture industry in this state;

(40) To coordinate the development and implementation of strategies regarding technology-based talent and innovation among state and quasi-public agencies, including the creation and administration of the Connecticut Small Business Innovation Research Office to act as a centralized clearinghouse and provide technical assistance to applicants in developing small business innovation research programs in conformity with the federal program established pursuant to the Small Business Research and Development Enhancement Act of 1992, P.L. 102-564, as amended, and other proposals, provided such power shall be transferred to CTNext on September 1, 2016;

(41) To invest in private equity investment funds, or funds of funds, and enter into related agreements of limited partnership or other contractual arrangements related to such funds. Any such fund may be organized and managed, and may invest in businesses, located within or outside the state, provided the characteristics, investment objectives and criteria for such fund shall be consistent with policies adopted by the corporation's board of directors, which shall include requirements that the fund manager have or establish an office in the state and that the fund manager agrees to make diligent and good faith efforts to source deals and make fund investments such that an amount at least equal to the amount invested in such fund by the corporation and not otherwise returned, net of customary fees, expenses and closing costs borne ratably by fund investors, is invested by or through such fund in

a manner that supports (A) the growth of business operations of companies in the technology, bioscience or precision manufacturing sectors in the state, or (B) the relocation of companies in such sectors to the state;

(42) To invest up to five million dollars in a venture capital funding round of an out-of-state business that has raised private capital, has been incorporated for ten years or less and whose annual gross revenue has increased by twenty per cent for each of the three previous income years of such business, provided (A) any such investment is contingent upon the business relocating its operations to the state, (B) no investment shall exceed fifty per cent of the total amount raised by the business in such venture capital funding round, and (C) the total amount of investments pursuant to this section shall not exceed ten million dollars;

(43) To establish a program to solicit private investment from state residents that Connecticut Innovations, Incorporated will invest in a private investment fund or funds of funds pursuant to subdivision (41) of this section or subsections (e) and (g) of section 32-41cc on behalf of such residents, provided any such private investment shall be invested by Connecticut Innovations, Incorporated in venture capital firms having offices located in the state; **[**and**]**

(44) To create financial incentives to induce (A) out-of-state businesses that have raised private capital, have been incorporated for ten years or less and whose annual gross revenue has increased by twenty per cent for each of the three previous income years of such business, to relocate to Connecticut, provided the corporation has made an equity investment in such business and (B) out-of-state venture capital firms to relocate to Connecticut, provided the corporation is investing funds in such firm as a limited partner; **[**.**]** <u>and</u>

<u>(45) To provide financial aid, including in the form of equity</u>

investments, to cannabis establishments, as defined in section 1 of this act.

Sec. 153. (NEW) (*Effective January 1, 2022*) Not later than January 1, 2022, the Police Officer Standards and Training Council shall issue guidance concerning how police officers shall determine whether the cannabis possessed by a person is in excess of such person's possession limit pursuant to subsection (a) of section 21a-279a of the general statutes.

Sec. 154. Subsection (h) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(h) In any trial for the alleged commission of an infraction, the practice, procedure, rules of evidence and burden of proof applicable in criminal proceedings shall apply. **[**, except that in any trial for the alleged commission of an infraction under subsection (d) of section 21a-267, the burden of proof shall be by the preponderance of the evidence.**]** Any person found guilty at the trial or upon a plea shall be guilty of the commission of an infraction and shall be fined not less than thirty-five dollars or more than ninety dollars or, if the infraction is for a violation of any provision of title 14, not less than fifty dollars or more than ninety dollars.

Sec. 155. Subdivision (4) of subsection (c) of section 19a-343 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(4) Offenses for the sale of controlled substances, possession of controlled substances with intent to sell, or maintaining a drug factory under section 21a-277, 21a-278 or 21a-278a or section 13 of this act use of the property by persons possessing controlled substances under section 21a-279. Nothing in this section shall prevent the state from also

proceeding against property under section 21a-259 or 54-36h.

Sec. 156. Subsection (a) of section 53-394 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to intentionally aid, solicit, coerce or intimidate another person to commit any crime which, at the time of its commission, was a felony chargeable by indictment or information under the following provisions of the general statutes then applicable: (1) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (2) chapter 949a, relating to extortionate credit transactions; (3) chapter 952, part IV, relating to homicide; (4) chapter 952, part V, relating to assault, except assault with a motor vehicle as defined in section 53a-60d; (5) sections 53a-85 to 53a-88, inclusive, relating to prostitution; (6) chapter 952, part VII, relating to kidnapping; (7) chapter 952, part VIII, relating to burglary, arson and related offenses; (8) chapter 952, part IX, relating to larceny, robbery and related offenses; (9) chapter 952, part X, relating to forgery and related offenses; (10) chapter 952, part XI, relating to bribery and related offenses; (11) chapter 952, part XX, relating to obscenity and related offenses; (12) chapter 952, part XIX, relating to coercion; (13) sections 53-202, 53-206, 53a-211 and 53a-212, relating to weapons and firearms; (14) section 53-80a, relating to the manufacture of bombs; (15) sections 36b-2 to 36b-34, inclusive, relating to securities fraud and related offenses; (16) sections 21a-277, 21a-278 and 21a-279, <u>and section 13 of this act,</u> relating to drugs; (17) section 22a-131a, relating to hazardous waste; (18) chapter 952, part XXIII, relating to money laundering; (19) section 53a-192a, relating to trafficking in persons; or (20) subsection (b) of section 12-304 or section 12-308, relating to cigarettes, or subsection (c) of section 12-330f or subsection (b) of section 12-330j, relating to tobacco products.

Sec. 157. Subsections (a) to (c), inclusive, of section 54-33g of the

general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) When any property believed to be possessed, controlled, designed or intended for use or which is or has been used or which may be used as a means of committing any criminal offense, or which constitutes the proceeds of the commission of any criminal offense, except a violation of section 21a-267, 21a-277, 21a-278 or 21a-279, <u>or section 13 of this act,</u> has been seized as a result of a lawful arrest or a lawful search that results in an arrest, which the state claims to be a nuisance and desires to have destroyed or disposed of in accordance with the provisions of this section, the Chief State's Attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney may petition the court not later than ninety days after the seizure, in the nature of a proceeding in rem, to order forfeiture of such property. Such proceeding shall be deemed a civil suit in equity, in which the state shall have the burden of proving all material facts by clear and convincing evidence. The court shall identify the owner of such property and any other person as appears to have an interest in such property, and order the state to give notice to such owner and any interested person by certified or registered mail.

(b) The court shall hold a hearing on the petition filed pursuant to subsection (a) of this section not more than two weeks after the criminal proceeding that occurred as a result of the arrest has been nolled, dismissed or otherwise disposed of. The court shall deny the petition and return the property to the owner if the criminal proceeding does not result in (1) a plea of guilty or nolo contendere to any offense charged in the same criminal information, (2) a guilty verdict after trial to a forfeiture-eligible offense for which the property was possessed, controlled, designed or intended for use, or which was or had been used as a means of committing such offense, or which constitutes the proceeds of the commission of such offense, or (3) a dismissal resulting

from the completion of a pretrial diversionary program.

(c) If the court finds the allegations made in such petition to be true and that the property has been possessed, controlled or designed for use, or is or has been or is intended to be used, with intent to violate or in violation of any of the criminal laws of this state, or constitutes the proceeds of a violation of any of the criminal laws of this state, except a violation of section 21a-267, 21a-277, 21a-278 or 21a-279, or section 13 of this act, and that a plea of guilty or nolo contendere to such offense or another charge in the same criminal information, or a guilty verdict after trial for such forfeiture-eligible offense, or a dismissal resulting from the completion of a pretrial diversionary program has been entered, the court shall render judgment that such property is a nuisance and order the property to be destroyed or disposed of to a charitable or educational institution or to a governmental agency or institution, except that if any such property is subject to a bona fide mortgage, assignment of lease or rent, lien or security interest, such property shall not be so destroyed or disposed of in violation of the rights of the holder of such mortgage, assignment of lease or rent, lien or security interest.

Sec. 158. Section 54-41b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The Chief State's Attorney or the state's attorney for the judicial district in which the interception is to be conducted may make application to a panel of judges for an order authorizing the interception of any wire communication by investigative officers having responsibility for the investigation of offenses as to which the application is made when such interception may provide evidence of the commission of offenses involving gambling, bribery, violations of section 53-395, violations of section 53a-70c, violations of subsection (a) of section 53a-90a, violations of section 53a-192a, violations of section 53a-196, violations of section 21a-277, violations of section 13 of this act, felonious crimes of violence or felonies involving the unlawful use or

threatened use of physical force or violence committed with the intent to intimidate or coerce the civilian population or a unit of government.

Sec. 159. Subsection (b) of section 18-100h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) Notwithstanding any provision of the general statutes, whenever a person is sentenced to a term of imprisonment for a violation of section 21a-267, [or] 21a-279 or 21a-279a, and committed by the court to the custody of the Commissioner of Correction, the commissioner may, after admission and a risk and needs assessment, release such person to such person's residence subject to the condition that such person not leave such residence unless otherwise authorized. Based upon the assessment of such person, the commissioner may require such person to be subject to electronic monitoring, which may include the use of a global positioning system and continuous monitoring for alcohol consumption, to drug testing on a random basis, and to any other conditions that the commissioner may impose. Any person released pursuant to this subsection shall remain in the custody of the commissioner and shall be supervised by employees of the department during the period of such release. Upon the violation by such person of any condition of such release, the commissioner may revoke such release and return such person to confinement in a correctional facility. For purposes of this subsection, "continuous monitoring for alcohol consumption" means automatically testing breath, blood or transdermal alcohol concentration levels and tamper attempts at least once every hour regardless of the location of the person being monitored.

Sec. 160. Subsection (a) of section 53a-39c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) There is established, within available appropriations, a

community service labor program for persons convicted of a first violation of section 21a-267, [or] 21a-279 or 21a-279a, who have not previously been convicted of a violation of section 21a-277 or 21a-278. Upon application by any such person for participation in such program the court may grant such application and, upon a plea of guilty without trial where a term of imprisonment is part of a stated plea agreement, suspend any sentence of imprisonment and make participation in such program a condition of probation or conditional discharge in accordance with section 53a-30. No person may be placed in such program who has previously been placed in such program.

Sec. 161. Subsection (c) of section 54-56e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) This section shall not be applicable: (1) To any person charged with (A) a class A felony, (B) a class B felony, except a violation of subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of subdivision (4) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and does not involve a violation by a person who is a public official, as defined in section 1-110, or a state or municipal employee, as defined in section 1-110, or (C) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, (3) to any person accused of a family violence crime

as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267, [or] 21a-279 or 21a-279a, who (A) is eligible for the pretrial drug education and community service program established under section 54-56i or the pretrial drug intervention and community service program established under section 166 of this act, or (B) has previously had (i) the pretrial drug education program [or] (ii) the pretrial drug education and community service program established under the provisions of section 54-56i, or (iii) the pretrial drug intervention and community service program established under section 166 of this act, invoked on such person's behalf, (5) unless good cause is shown, to (A) any person charged with a class C felony, or (B) any person charged with committing a violation of subdivision (1) of subsection (a) of section 53a-71 while such person was less than four years older than the other person, (6) to any person charged with a violation of section 9-359 or 9-359a, (7) to any person charged with a motor vehicle violation (A) while operating a commercial motor vehicle, as defined in section 14-1, or (B) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation, (8) to any person charged with a violation of subdivision (6) of subsection (a) of section 53a-60, or (9) to a health care provider or vendor participating in the state's Medicaid program charged with a violation of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

Sec. 162. (NEW) (*Effective July 1, 2023*) Notwithstanding the provisions of section 13 of this act, any consumer may cultivate up to three mature cannabis plants and three immature cannabis plants in the consumer's primary residence, provided such plants are secure from access by any individual other than the consumer and no more than twelve cannabis plants may be grown at any given time per household.

Sec. 163. (NEW) (*Effective October 1, 2021*) Any person twenty-three years of age or older who sells, delivers or gives cannabis, as defined in section 1 of this act, to any person under twenty-one years of age, and who knew or should have known that such person was under twenty-one years of age, shall be guilty of a class A misdemeanor.

Sec. 164. Subsection (i) of section 54-1m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(i) The Office of Policy and Management shall, within available resources, review the prevalence and disposition of traffic stops and complaints reported pursuant to this section, including any traffic stops conducted on suspicion of a violation of section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1, 2014, and annually thereafter, the office shall report the results of any such review, including any recommendations, to the Governor, the General Assembly and any other entity deemed appropriate.

Sec. 165. (NEW) (*Effective from passage*) Not later than January 1, 2022, the Commissioner of Emergency Services and Public Protection shall report to the Governor and, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public safety and security and transportation, regarding the merits and feasibility of establishing (1) a phlebotomy program for police departments in the state, and (2) a facility to train police officers on the symptoms of cannabis impairment.

Sec. 166. (NEW) (*Effective April 1, 2022*) (a) (1) There is established a pretrial drug intervention and community service program for persons charged with a violation of section 21a-257 of the general statutes, 21a-267 of the general statutes, 21a-279 of the general statutes or 21a-279a of the general statutes. The program shall consist of a twelve-session drug

education component or a substance use treatment program of not less than fifteen sessions, and the performance of community service as ordered by the court pursuant to subsection (c) of this section.

(2) The provisions of this section shall not apply to any person who has twice previously participated in: (A) The pretrial drug education program established under the provisions of section 54-56i of the general statutes; (B) the community service labor program established under section 53a-39c of the general statutes; (C) the pretrial drug intervention and community service program established under this section; or (D) any of such programs, except that the court may allow a person who has twice previously participated in such programs to participate in the program established under this section one additional time, for good cause shown.

(b) Upon application for participation in the program:

(1) The court shall, but only as to the public, order the court file sealed;

(2) The applicant shall pay to the court a nonrefundable application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars, both of which shall be credited to the pretrial account established under section 54-56k of the general statutes;

(3) The applicant shall agree that, if the court grants the application and places the applicant in the program:

(A) The statute of limitations for any alleged violations for which the court grants the application for the program shall be tolled;

(B) The applicant waives the right to a speedy trial;

(C) The applicant will begin participation in the components of the program ordered by the court not later than ninety days after the date

that the Court Support Services Division directs the applicant to attend such components pursuant to subsection (d) of this section, unless the applicant requests a later start date, and the division determines that a later start date is appropriate;

(D) The applicant will successfully complete any components of the program ordered by the court;

(E) The applicant will not engage in any conduct that would constitute a violation of section 21a-257 of the general statutes, 21a-267 of the general statutes, 21a-279 of the general statutes or 21a-279a of the general statutes; and

(F) To satisfactorily complete the program, the applicant may be required to participate in additional substance use treatment after completing the drug education or substance use treatment component of the program that the Court Support Services Division directs the applicant to attend pursuant to subsection (d) of this section, if a program component provider recommends such additional treatment and the division deems it appropriate, pursuant to subdivision (3) of subsection (h) of this section, or the court orders the additional treatment.

(c) (1) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant the application for, and place the applicant in, the pretrial drug intervention and community service program for a period of one year, subject to confirmation of the applicant's eligibility to participate in the program.

(2) If the court grants the application and places the applicant in the program, the court shall refer the person placed in the program to the Court Support Services Division for confirmation of eligibility to participate in the program, and:

(A) If the division confirms that such person is eligible for the program:

(i) Direct the division to refer the applicant to the Department of Mental Health and Addiction Services for evaluation and determination of the appropriate drug education or substance use treatment component of the program, if the court has granted the applicant's participation in the program established under the provisions of this section or the community service labor program established under section 53a-39c of the general statutes for the first or second time;

(ii) Direct the division to refer the applicant to a state-licensed substance use treatment provider for evaluation and determination of the appropriate substance use treatment component of the program, if the court has granted the applicant's participation in the program established under the provisions of this section or the community service labor program established under section 53a-39c of the general statutes for the third time; or

(iii) If the applicant is a veteran, may direct the division to refer the applicant to the Department of Veterans Affairs or the United States Department of Veterans Affairs for evaluation and determination of the appropriate drug education or substance use treatment component of the program; or

(B) If the division determines that such person is not eligible for the program, to inform the court of such determination and return such person's case to court for further proceedings.

(3) When granting an application and placing an applicant in the program:

(A) For the first time, the court shall order the applicant to participate in (i) either the drug education or substance use treatment component of the program recommended by the evaluation conducted pursuant to

subparagraph (A)(i) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of five days;

(B) For the second time, the court shall order the applicant to participate in (i) either the drug education or substance use treatment component of the program recommended by the evaluation conducted pursuant to subparagraph (A) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of fifteen days; or

(C) For the third time, the court shall order the applicant to participate in (i) the substance use treatment component recommended by the evaluation conducted pursuant to subparagraph (A) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of thirty days.

(d) (1) Except as provided in subdivisions (2) and (4) of this subsection, upon receipt of the evaluation of any person placed in the program conducted pursuant to subparagraph (A) of subdivision (2) of subsection (c) of this section, the Court Support Services Division shall (A) refer such person to the Department of Mental Health and Addiction Services or to a state-licensed substance use treatment provider with facilities that are in compliance with all state standards governing the operation of such facilities, as appropriate, for the purpose of receiving the drug education or substance use treatment component services recommended by such evaluation; and (B) direct such person to attend the recommended drug education or substance use treatment component within ninety days after referral unless the division determines that a later start date is appropriate.

(2) If any person placed in the program is a veteran, the division (A) may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs for the applicable drug education or substance use treatment component recommended by the

evaluation conducted pursuant to subparagraph (A) of subdivision (2) of subsection (c) of this section if: (i) the division determines that services for such component will be provided in a timely manner under standards substantially similar to, or higher than, the standards for services provided by the Department of Mental Health and Addiction Services or a state-licensed substance use treatment provider, and (ii) the applicable department agrees to submit timely component participation and completion reports to the division in the manner required by the division; and (B) shall direct such person to attend the recommended drug education or substance use treatment component within ninety days unless the division determines that a later start date is appropriate.

(3) The division shall direct such person to attend the applicable community service component ordered by the court, and shall supervise such person's participation in such community service component.

(4) The division may allow any person placed in the program whose employment, residence or education makes it unreasonable to participate in any component of the program ordered by the court in this state to participate in the applicable program components in another state if:

(A) The out-of-state component provider has standards substantially similar to, or higher than, those of this state;

(B) For any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and

(C) The person allowed to participate in any of the components of the program in another state pays the applicable program fee and participation costs provided in this section.

(5) If the division determines that any person placed in the program

has either failed to comply with the requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of section 21a-257 of the general statutes, 21a-267 of the general statutes, 21a-279 of the general statutes or 21a-279a of the general statutes, the division shall inform the court and return such person's case to court for further proceedings.

(e) (1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the drug education component, pay to the court a nonrefundable program fee of four hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and pay to the treatment provider any costs associated with such treatment. All program fees shall be credited to the pretrial account established under section 54-56k of the general statutes.

(2) (A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency and the court enters a finding of such indigency, or (ii) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296 of the general statutes. The court shall not require a person to perform community service in lieu of payment of any fee or cost, if such fee or cost is waived.

(B) If the court finds that a person is indigent and unable to pay for the program application or the evaluation fee for the program, the court may waive all or any portion of these fees.

(C) If the court finds that a person is indigent and unable to pay for the drug education component of the program, the court may waive all

or any portion of the program fee for that component, provided that such person participates in such drug education services offered by a provider located in this state.

(D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by the Department of Mental Health and Addiction Services.

(E) Notwithstanding any provision of this section, in no event shall the Department of Mental Health and Addiction Services pay any costs associated with education or substance use treatment provided outside of this state.

(f) (1) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has determined is not eligible for the program, and the court finds that such person is not eligible to participate in the program, the court shall revoke such person's placement in the program.

(2) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has learned has failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of section 21a-257 of the general statutes, 21a-267 of the general statutes, 21a-279 of the general statutes or 21a-279a of the general statutes, and the court finds that such person is no longer eligible to continue participating in the program, the court shall terminate such person's participation in the program.

(3) If the court revokes any person's placement in the program or

terminates any person's participation in the program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list, unless such person is eligible for, such person requests and the court grants such person reinstatement into the program pursuant to subsection (k) of this section.

(4) (A) If the court revokes any person's placement in the program, such person shall not be required to pay any program fee or participation costs specified in subsection (e) of this section.

(B) If the court terminates any person's participation in the program, no program fees or substance use treatment costs imposed pursuant to subsection (e) of this section shall be refunded.

(g) The Department of Mental Health and Addiction Services shall administer the drug education component of the program and shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish standards for such drug education component. The department may contract with service providers to provide the appropriate drug education component in accordance with the provisions of this section. The department may combine the services for the drug education component of the program under the provisions of this section with the services for the alcohol education component of the impaired driving intervention program under the provisions of section 167 of this act, if necessary to ensure the appropriate and timely access to court ordered education components. Participation by a person in any combined drug and alcohol education services provided by the department for the drug education component of the program under the provisions of this section shall not be deemed participation in, nor shall affect such person's eligibility for, the impaired driving intervention program under the provisions of section 167 of this act.

(h) (1) All program component providers shall provide the Court

Support Services Division with a certification regarding the participation of each person referred to such provider pursuant to this section in the manner required by the division. (A) If such person has successfully completed the applicable program component, the certification shall indicate such successful completion and state whether additional substance use treatment is recommended. (B) If such person has failed to successfully complete the applicable program component, the certification shall indicate the reasons for such failure, whether the person is no longer amenable to education or treatment, and whether the current referral was an initial referral under subsection (d) of this section or a reinstatement under subsection (k) of this section for the program component. The certification of failure shall also, to the extent practicable, include a recommendation as to whether an alternative drug education or substance use treatment component would best serve such person's needs.

(2) Except as provided in subdivision (3) of this subsection, upon receipt of a participation certification from any program component provider pursuant to this subsection, the Court Support Services Division shall provide the court with a final progress report indicating whether such person has successfully completed any components of the program ordered by the court, whether the division required such person to participate in any additional substance use treatment in accordance with subdivision (3) of this subsection and whether such person successfully completed any such additional substance use treatment. The final progress report shall also include any other information the division obtained during the supervision of such person relevant to such person's participation in the program, including whether the results of a criminal history record check, which the division shall complete prior to the submission of the final progress report, reveals that such person has engaged in any conduct that constitutes a violation of section 21a-257 of the general statutes, 21a-267 of the general statutes, 21a-279 of the general statutes or 21a-279a of the

general statutes, during such person's period of participation in the program.

(3) If a participation certification indicates that a person who was placed in the program successfully completed the drug education or substance use treatment component ordered by the court, but the program component provider recommends additional substance use treatment for such person, the Court Support Services Division may, if it deems such additional treatment appropriate, require such person to participate in the recommended additional substance use treatment in order to satisfactorily complete the pretrial drug intervention and community service program. If the division requires such additional substance use treatment, the division shall provide the court with a final progress report in accordance with subdivision (2) of this subsection upon receipt of the participation certification from the substance use treatment provider for such additional treatment.

(i) (1) If any person successfully completes all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division, such person may apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program. Upon application, the court shall review the final progress report submitted by the division regarding such person and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial drug intervention and community service program, the court shall dismiss the charges.

(2) If any person who has successfully completed all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division does not apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program, the court may, upon its own motion, review of the final progress report regarding such

person submitted by the division and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial drug intervention and community service program, the court shall dismiss the charges.

(3) Upon the motion of any person placed in the program and a showing of good cause, the court may extend the program placement period for a reasonable period of time to allow such person to complete the applicable program components.

(j) If, upon review of the final progress report submitted by the Court Support Services Division or any other relevant information, the court finds that any person placed in the program has failed to successfully complete any component of the program ordered by the court, is no longer amenable to treatment or is otherwise ineligible to continue participating in the program, the court shall terminate such person's participation in the program. No program fees or substance use treatment costs imposed pursuant to subsection (e) of this section shall be refunded to any person whose participation in the program is terminated. Unless such person requests, and the court grants, reinstatement into the program pursuant to subsection (k) of this section, the court shall order the court file of any person whose participation in the program is terminated to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list.

(k) (1) Any person whose participation in the program is terminated may ask the court to reinstate such person into the program up to two times. If a person requests reinstatement into the program, the Court Support Services Division shall verify that such person is eligible for such reinstatement. If a person requesting reinstatement into the program is eligible for reinstatement, the court may, in its discretion, grant such person reinstatement into the program. When granting such reinstatement, the court shall order the person to participate in an

appropriate drug education, substance use treatment or community service component of the program.

(2) Any person reinstated into the program shall (A) if ordered to participate in the drug education component of the program, pay to the court a nonrefundable program fee of two hundred fifty dollars, which shall be credited to the pretrial account established under section 54-56k of the general statutes, or (B) if ordered to participate in the substance use treatment component of the program, pay the costs of any substance use treatment. The court shall not waive the program fee or the costs of substance use treatment associated with reinstatement into the program unless such person is found eligible to have such fee or costs waived under subdivision (2) of subsection (e) of this section and such person participates in the applicable drug education at a service provider located in this state or substance use treatment at a substance use treatment provider licensed by and located in this state.

(l) (1) If any person applies for both the pretrial drug intervention and community service program under the provisions of this section and the pretrial impaired driving intervention program pursuant to section 167 of this act, for charges arising from the same arrest, and the Department of Mental Health and Addiction Services has already completed the required evaluation and determination of the appropriate alcohol education or substance use treatment component pursuant to section 167 of this act, the court and the Court Support Services Division may rely on such evaluation and determination for the purposes of ordering participation and directing attendance in the drug education or substance use treatment component of the program under the provisions of this section. If the court and the division rely on such evaluation and determination, such person shall not be required to pay the evaluation fee under the provisions of subdivision (2) of subsection (b) of this section, provided that such person has paid, or the court has waived, the evaluation fee pursuant to section 167 of this act.

(2) If any person is placed in both the pretrial drug intervention and community service program under the provisions of this section and the pretrial impaired driving intervention program under section 167 of this act, for charges arising from the same arrest, the court may find that:

(A) Such person's successful completion of the alcohol education component of the pretrial impaired driving intervention program pursuant to section 167 of this act, satisfies such person's required participation in the drug education component of the pretrial drug intervention and community service program under the provisions of this section; or

(B) Such person's successful completion of the substance use treatment component of the pretrial impaired driving intervention program under section 167 of this act, satisfies such person's required participation in the substance use treatment component of the pretrial drug intervention and community service program under the provisions of this section.

(3) Nothing in this subsection shall relieve any person placed in both the pretrial drug intervention and community service program pursuant to this section and the pretrial impaired driving intervention program pursuant to section 167 of this act, for charges arising from the same arrest, from the requirement to participate in the:

(A) Community service component of the pretrial drug intervention and community service program under the provisions of this section, in order to satisfactorily complete the pretrial drug intervention and community service program, or

(B) Victim impact component of the pretrial impaired driving intervention program, if ordered by the court pursuant to section 167 of this act, in order to satisfactorily complete the pretrial impaired driving intervention program.

(m) The Court Support Services Division shall retain a record of participation in the pretrial drug intervention and community service program for a period of ten years from the date the court grants the application for, and places the applicant in, the program pursuant to the provisions of this section.

(n) For purposes of this section, "veteran" has the same meaning as provided in subdivision (2) of subsection (a) of section 27-103 of the general statutes.

Sec. 167. (NEW) (*Effective April 1, 2022*) (a) (1) There is established a pretrial impaired driving intervention program for persons charged with a violation of section 14-227a of the general statutes, section 14-227g of the general statutes, section 14-227m of the general statutes, section 14-227n of the general statutes, subsection (d) of section 15-133 of the general statutes or section 15-140n of the general statutes. The program shall consist of a twelve-session alcohol education component or a substance use treatment component of not less than fifteen sessions, and may also include a victim impact component, as ordered by the court pursuant to subsection (d) of this section.

(2) The provisions of this section shall not apply to any person:

(A) Who has been placed in the pretrial impaired driving intervention program under this section or the pretrial alcohol education program established under section 54-56g of the general statutes, within ten years immediately preceding the application;

(B) Who has been convicted of a violation of section 14-227a of the general statutes, section 14-227g of the general statutes, section 14-227m of the general statutes, section 14-227n of the general statutes, section 15-132a of the general statutes, subsection (d) of section 15-133 of the general statutes, section 15-140*l* of the general statutes, section 15-140n of the general statutes, section 53a-56b of the general statutes or section

53a-60d of the general statutes;

(C) Who has been convicted in any other state at any time of an offense the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of this subdivision;

(D) Who is charged with a violation of section 14-227a of the general statutes, 14-227g of the general statutes, 14-227m of the general statutes or 14-227n of the general statutes (i) and held a commercial driver's license or commercial driver's instruction permit at the time of the violation; or (ii) while operating a commercial motor vehicle, as defined in section 14-1 of the general statutes; or

(3) Whose alleged violation caused the serious physical injury, as defined in section 53a-3 of the general statutes, of another person, unless good cause is shown.

(b) Upon application for participation in the program:

(1) The court shall, but only as to the public, order the court file sealed;

(2) The applicant shall pay to the court a nonrefundable application fee of one hundred dollars, which shall be credited to the Criminal Injuries Compensation Fund established under section 54-215 of the general statutes, and a nonrefundable evaluation fee of one hundred fifty dollars, which shall be credited to the pretrial account established under section 54-56k of the general statutes;

(3) The applicant shall agree that, if the court grants the application and places the applicant in the program:

(A) The statute of limitations for any alleged violations for which the court grants the application for the program shall be tolled;

(B) The applicant waives the right to a speedy trial;

(C) The applicant will begin participation in the components of the program ordered by the court not later than ninety days after the date that the Court Support Services Division directs the applicant to attend such components pursuant to subsection (e) of this section, unless the applicant requests a later start date and the division determines that a later start date is appropriate;

(D) The applicant will successfully complete any components of the program ordered by the court;

(E) The applicant will not engage in any conduct that would constitute a violation of (i) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (ii) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section;

(F) To satisfactorily complete the program, the applicant may be required to participate in additional substance use treatment after completing the alcohol education or substance use treatment component of the program that the Court Support Services Division directs the applicant to attend pursuant to subsection (e) of this section, if a program component provider recommends such additional treatment and the division deems it appropriate pursuant to subdivision (3) of subsection (j) of this section, or the court orders the additional treatment.

(c) (1) Immediately following application, the applicant shall send notice, by registered or certified mail on a form prescribed by the Office of the Chief Court Administrator, to any victim who sustained a serious physical injury, as defined in section 53a-3 of the general statutes, as a result of the applicant's alleged violation. The notice shall inform each such victim that the applicant has applied to participate in the pretrial impaired driving intervention program and that the victim has an

opportunity to be heard by the court on the application. The court shall provide each such victim an opportunity to be heard prior to granting an application under this section.

(2) If the court determines that any person not entitled to notice pursuant to subdivision (1) of this subsection should be provided an opportunity to be heard on the application, the court may also require the defendant or the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case to send notice of the application to any such person.

(d) (1) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, and the statement of any victim and any other person required to be notified pursuant to subsection (c) of this section, may, in its discretion, grant the application for, and place the applicant in, the pretrial impaired driving intervention program for a period of one year, subject to confirmation of the applicant's eligibility to participate in the program.

(2) If the court grants the application and places the applicant in the program, the court shall: (A) Refer the person placed in the program to the Court Support Services Division for confirmation of eligibility to participate in the program; and (B) direct the division, (i) if it confirms that such person is eligible for the program, to refer such person to the Department of Mental Health and Addiction Services for evaluation and determination of the appropriate alcohol education or substance use treatment component of the program; or (ii) if it determines that such person is not eligible for the program, to inform the court of such determination and return such person's case to the court for further proceedings.

(3) When granting an application and placing an applicant in the program, the court (A) shall order the applicant to participate in the

alcohol education or substance use treatment component of the program recommended by the evaluation conducted pursuant to subparagraph (B)(i) of subdivision (2) of this subsection, and (B) may also order the applicant to participate in a victim impact component for which the applicant must attend a victim impact panel provided by an organization approved by the Court Support Services Division pursuant to subsection (h) of this section.

(e) (1) Except as provided in subdivision (3) of this subsection, upon receipt of the evaluation of any person placed in the program conducted pursuant to subparagraph (B)(i) of subdivision (2) of subsection (d) of this section, the Court Support Services Division shall (A) refer such person to the Department of Mental Health and Addiction Services or to a state-licensed substance use treatment provider with facilities that are in compliance with all state standards governing the operation of such facilities, as appropriate, for the purpose of receiving the alcohol education or substance use treatment component services recommended by such evaluation; and (B) direct such person to attend the recommended alcohol education or substance use treatment component within ninety days unless the division determines that a later start date is appropriate. In making the determination of whether a later start date is appropriate, the division may consider any relevant factors, including, but not limited to, the date upon which the suspension of such person's motor vehicle operator's license pursuant to section 14-227b of the general statutes will expire.

(2) If the court has ordered any person placed in the program to participate in a victim impact component, the division shall (A) refer such person to an organization approved to conduct victim impact panels in accordance with subsection (h) of this section; and (B) direct such person to attend an appropriate victim impact panel.

(3) The division may allow any person placed in the program whose employment, residence, or education makes it unreasonable to

participate in any component of the program ordered by the court in this state to participate in the applicable program components in another state if:

(A) The out-of-state component provider has standards substantially similar to, or higher than, those of this state;

(B) For any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and

(C) The person allowed to participate in any components of the program in another state pays the applicable program fee and participation costs provided in this section.

(4) If the division determines that any person placed in the program has either failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, the division shall inform the court and return such person's case to court for further proceedings.

(f) (1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the alcohol education component, pay to the court a nonrefundable program fee of four hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and pay to the treatment provider any costs associated with such treatment. All program fees shall be credited to the pretrial account established under

section 54-56k of the general statutes.

(2) Any person directed to attend the victim impact component shall, at the time such person attends the victim impact panel, pay the organization conducting the victim impact panel the participation fee required by such organization.

(3) (A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency and the court enters a finding of such indigency, or (ii) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296 of the general statutes. The court shall not require a person to perform community service in lieu of payment of any fee or cost, if such fee or cost is waived.

(B) If the court finds that a person is indigent and unable to pay for the program application or evaluation fee for the program, the court may waive all or any portion of these fees.

(C) If the court finds that a person is indigent and unable to pay for the alcohol education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in alcohol education services offered by a provider located in this state.

(D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by the Department of Mental Health and Addiction Services.

(E) Notwithstanding any provision of this section, in no event shall the Department of Mental Health and Addiction Services pay any fees or costs associated with education or substance use treatment provided outside of this state.

(g) (1) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has determined is not eligible for the program, and the court finds that such person is not eligible to participate in the program, the court shall revoke such person's placement in the program.

(2) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has learned has failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, and the court finds that such person is no longer eligible to continue participating in the program, the court shall terminate such person's participation in the program.

(3) If the court revokes any person's placement in the program or terminates any person's participation in the program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list unless such person is eligible for, such person requests and the court grants such person reinstatement into the program pursuant to subsection (m) of this section.

(4) (A) If the court revokes any person's placement in the program, such person shall not be required to pay any program fee or

participation costs specified in subsection (f) of this section.

(B) If the court terminates any person's participation in the program, no program fees or substance use treatment costs imposed pursuant to subsection (f) of this section shall be refunded.

(h) The Court Support Services Division shall approve a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or drugs, or both, to provide victim impact panels for the victim impact component of the program. Victim impact panels shall provide a non-confrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences of the impact of alcohol-related or drug-related incidents in their lives. Such organization may assess a participation fee of not more than seventy-five dollars per panel on any person ordered to participate in the victim impact component of the program, provided that such organization offers a hardship waiver of the participation fee when it determines that the imposition of the fee would pose an economic hardship for such person.

(i) The Department of Mental Health and Addiction Services shall administer the alcohol education component of the program and shall adopt regulations, in accordance with chapter 54 of the general statutes, to establish standards for such alcohol education component. The department may contract with service providers to provide the appropriate alcohol education component in accordance with the provisions of this section. The department may combine the services for the alcohol education component of the program under the provisions of this section with the services for the drug education component of the drug intervention and community service program under section 166 of this act, if necessary to ensure the appropriate and timely access to court ordered education components. Participation by a person in any combined alcohol and drug education services provided by the

department for the alcohol education component of the program under the provisions of this section shall not be deemed participation in, nor shall affect such person's eligibility for, the drug intervention and community service program under the provisions of section 166 of this act.

(j) (1) All program component providers shall provide the Court Support Services Division with a certification regarding the participation of each person referred to such provider pursuant to this section in the manner required by the division. (A) If such person has successfully completed the applicable program component, the certification shall indicate such successful completion and state whether additional substance use treatment is recommended. (B) If such person has failed to successfully complete the applicable program component, the certification shall indicate the reasons for such failure, whether the person is no longer amenable to education or treatment and whether the current referral was an initial referral under subsection (e) of this section or a reinstatement under subsection (m) of this section for the program component. The certification of failure shall also, to the extent practicable, include a recommendation as to whether an alternative alcohol education or substance use treatment component would best serve such person's needs.

(2) Except as provided in subdivision (3) of this subsection, upon receipt of a participation certification from any program component provider pursuant to this subsection, the Court Support Services Division shall provide the court with a final progress report indicating whether such person has successfully completed any components of the program ordered by the court, whether the division required such person to participate in any additional substance use treatment in accordance with subdivision (3) of this subsection and whether such person successfully completed any such additional substance use treatment. The final progress report shall also include any other

information the division obtained during the supervision of such person relevant to such person's participation in the program, including whether the results of a criminal history record check, which the division shall complete prior to the submission of the final progress report, reveals that such person has engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, during such person's period of participation in the program.

(3) If a participation certification indicates that a person who was placed in the program successfully completed the alcohol education or substance use treatment component ordered by the court, but the program component provider recommends additional substance use treatment for such person, the Court Support Services Division may, if it deems such additional treatment appropriate, require such person to participate in the recommended additional substance use treatment in order to satisfactorily complete the pretrial impaired driving intervention program. If the division requires such additional substance use treatment, the division shall provide the court with a final progress report in accordance with subdivision (2) of this subsection upon receipt of the participation certification from the substance use treatment provider for such additional treatment.

(k) (1) If any person successfully completes all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division, such person may apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program. Upon application, the court shall review the final progress report submitted by the division regarding such person and any other relevant

information. If the court finds that such person has satisfactorily completed the pretrial impaired driving intervention program, the court shall dismiss the charges.

(2) If any person who has successfully completed all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division does not apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program, the court may, upon its own motion, review the final progress report regarding such person submitted by the division and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial impaired driving intervention program, the court shall dismiss the charges.

(3) Upon the motion of any person placed in the program and a showing of good cause, the court may extend the program placement period for a reasonable period of time to allow such person to complete the applicable program components.

(l) If, upon review of the final progress report submitted by the Court Support Services Division or any other relevant information, the court finds that any person placed in the program has failed to successfully complete any component of the program ordered by the court, is no longer amenable to treatment or is otherwise ineligible to continue participating in the program, the court shall terminate such person's participation in the program. No program fees or substance use treatment costs imposed pursuant to subsection (f) of this section shall be refunded to any person whose participation in the program is terminated. Unless such person requests, and the court grants, reinstatement into the program pursuant to subsection (m) of this section, the court shall order the court file of any person whose participation in the program is terminated to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial

list.

(m) (1) Any person whose participation in the program is terminated may ask the court to reinstate such person into the program up to two times. If a person requests reinstatement into the program, the Court Support Services Division shall verify that such person is eligible for such reinstatement. If a person requesting reinstatement into the program is eligible for reinstatement, the court may, in its discretion, grant such person reinstatement into the program. When granting such reinstatement, the court shall order the defendant to participate in an appropriate alcohol education, substance use treatment or victim impact component of the program.

(2) Any person reinstated into the program shall: (A) If ordered to participate in the alcohol education component of the program, pay to the court a nonrefundable program fee of two hundred fifty dollars, which shall be credited to the pretrial account established under section 54-56k of the general statutes, or (B) if ordered to participate in the substance use treatment component of the program, pay the costs of any substance use treatment. The court shall not waive the program fee or the costs of substance use treatment associated with reinstatement into the program unless such person is found eligible to have such fee or cost waived under subdivision (3) of subsection (f) of this section and such person participates in the applicable alcohol education at a service provider located in this state or substance use treatment at a substance use treatment provider licensed by and located in this state.

(n) (1) If any person applies for both the pretrial impaired driving intervention program under the provisions of this section and the pretrial drug intervention and community service program pursuant to section 166 of this act, for charges arising from the same arrest, and the Department of Mental Health and Addiction Services, a licensed substance use treatment provider, the Department of Veterans Affairs or the United States Department of Veterans Affairs has already

completed the required evaluation and determination of the appropriate drug education or substance use treatment component pursuant to section 166 of this act, the court and the Court Support Services Division may rely on such evaluation and determination for the purposes of ordering participation and directing attendance in the alcohol education or substance use treatment component of the program under the provisions of this section. If the court and the division rely on such evaluation and determination, such person shall not be required to pay the evaluation fee under the provisions of subdivision (2) of subsection (b) of this section, provided that such person has paid, or the court has waived, the evaluation fee pursuant to section 166 of this act.

(2) If any person is placed in both the pretrial impaired driving intervention program under the provisions of this section and the pretrial drug intervention and community service program pursuant to section 166 of this act, for charges arising from the same arrest, the court may find that (A) such person's successful completion of the drug education component of the pretrial drug intervention and community service program pursuant to section 166 of this act, satisfies such person's required participation in the alcohol education component of the pretrial impaired driving intervention program under the provisions of this section; or (B) such person's successful completion of the substance use treatment component of the pretrial drug intervention and community service program pursuant to section 166 of this act, satisfies such person's required participation in the substance use treatment component of the pretrial impaired driving intervention program under the provisions of this section.

(3) Nothing in this subsection shall relieve any person placed in both the pretrial impaired driving intervention program pursuant to this section and the pretrial drug intervention and community service program pursuant to section 166 of this act, for charges arising from the same arrest, from the requirement to participate in the:

(A) Victim impact component of the pretrial impaired driving intervention program, if ordered by the court under the provisions of this section, in order to satisfactorily complete the pretrial impaired driving intervention program, or

(B) Community service component of the pretrial drug intervention and community service program pursuant to section 166 of this act, in order to satisfactorily complete the pretrial drug intervention and community service program.

(o) (1) The Court Support Services Division shall retain a record of participation in the pretrial impaired driving intervention program for a period of ten years from the date the court grants the application for, and places the applicant in, the program pursuant to the provisions of this section.

(2) For any person charged with a violation of section 14-227a of the general statutes, section 14-227g of the general statutes, section 14-227m of the general statutes or section 14-227n of the general statutes whose charges were dismissed pursuant to the provisions of this section, the division shall transmit to the Department of Motor Vehicles the record of such person's participation in the program. The Department of Motor Vehicles shall maintain the record of any person's participation in such program as part of such person's driving record for a period of ten years.

(3) For any person charged with a violation of subsection (d) of section 15-133 of the general statutes or section 15-140n of the general statutes whose charges were dismissed pursuant to the provisions of this section, the division shall transmit to the Department of Energy and Environmental Protection the record of such person's participation in the program. The Department of Energy and Environmental Protection shall maintain the record of any person's participation in such program as a part of such person's boater certification record for a period of ten years.

Sec. 168. Section 54-56g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) There shall be a pretrial alcohol education program for persons charged with a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-133 or 15-140n. Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, and such person shall state under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that: (A) If such person is charged with a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133 or section 15-140n, such person has not had such program invoked in such person's behalf within the preceding ten years for a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133 or section 15-140n, (B) such person has not been convicted of a violation of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a before, on or after October 1, 1981, a violation of subdivision (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985, a violation of section 14-227g, a violation of section 14-227m or a violation of subdivision (1) or (2) of subsection (a) of section 14-227n, (C) such person has not been convicted of a violation of section 15-132a, subsection (d) of section 15-133, section 15-140*l* or section 15-140n, (D) such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as section 53a-56b, 53a-60d, 15-132a, 15-140*l* or 15-140n, subdivision (1) or (2) of subsection (a) of section 14-227a, section 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or subsection (d) of section 15-133, and (E) notice has been given by such person, by registered or

certified mail on a form prescribed by the Office of the Chief Court Administrator, to each victim who sustained a serious physical injury, as defined in section 53a-3, which was caused by such person's alleged violation, that such person has applied to participate in the pretrial alcohol education program and that such victim has an opportunity to be heard by the court on the application.

(2) The court shall provide each such victim who sustained a serious physical injury an opportunity to be heard prior to granting an application under this section. Unless good cause is shown, a person shall be ineligible for participation in such pretrial alcohol education program if such person's alleged violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or subsection (d) of section 15-133 caused the serious physical injury, as defined in section 53a-3, of another person.

(3) The application fee imposed under this subsection shall be credited to the Criminal Injuries Compensation Fund established under section 54-215. The evaluation fee imposed under this subsection shall be credited to the pretrial account established under section 54-56k.

(b) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant such application. If the court grants such application, the court shall refer such person to the Court Support Services Division for assessment and confirmation of the eligibility of the applicant and to the Department of Mental Health and Addiction Services for evaluation. The Court Support Services Division, in making its assessment and confirmation, may rely on the representations made by the applicant under oath in open court with respect to convictions in other states of offenses specified in subsection (a) of this section. Upon confirmation of eligibility and receipt of the evaluation report, the defendant shall be referred to the Department of Mental Health and Addiction Services by the Court Support Services

Division for placement in an appropriate alcohol intervention program for one year, or be placed in a state-licensed substance abuse treatment program. The alcohol intervention program shall include a ten-session intervention program and a fifteen-session intervention program. Any person who enters the pretrial alcohol education program shall agree: (1) To the tolling of the statute of limitations with respect to such crime, (2) to a waiver of such person's right to a speedy trial, (3) to complete ten or fifteen counseling sessions in an alcohol intervention program or successfully complete a substance abuse treatment program of not less than twelve sessions pursuant to this section dependent upon the evaluation report and the court order, (4) to commence participation in an alcohol intervention program or substance abuse treatment program not later than ninety days after the date of entry of the court order unless granted a delayed entry into a program by the court, (5) upon completion of participation in the alcohol intervention program, to accept placement in a substance abuse treatment program upon the recommendation of a provider under contract with the Department of Mental Health and Addiction Services pursuant to subsection (f) of this section or placement in a state-licensed substance abuse treatment program which meets standards established by the Department of Mental Health and Addiction Services, if the Court Support Services Division deems it appropriate, and (6) if ordered by the court, to participate in at least one victim impact panel. The suspension of the motor vehicle operator's license of any such person pursuant to section 14-227b shall be effective during the period such person is participating in the pretrial alcohol education program, provided such person shall have the option of not commencing the participation in such program until the period of such suspension is completed. If the Court Support Services Division informs the court that the defendant is ineligible for such program and the court makes a determination of ineligibility or if the program provider certifies to the court that the defendant did not successfully complete the assigned program or is no longer amenable to treatment and such person does not request, or the court denies,

program reinstatement under subsection (e) of this section, the court shall order the court file to be unsealed, enter a plea of not guilty for such defendant and immediately place the case on the trial list. If such defendant satisfactorily completes the assigned program, such defendant may apply for dismissal of the charges against such defendant and the court, on reviewing the record of the defendant's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If the defendant does not apply for dismissal of the charges against such defendant after satisfactorily completing the assigned program the court, upon receipt of the record of the defendant's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Upon motion of the defendant and a showing of good cause, the court may extend the one-year placement period for a reasonable period for the defendant to complete the assigned program. A record of participation in such program shall be retained by the Court Support Services Division for a period of ten years from the date the court grants the application for participation in such program. The Court Support Services Division shall transmit to the Department of Motor Vehicles a record of participation in such program for each person who satisfactorily completes such program. The Department of Motor Vehicles shall maintain for a period of ten years the record of a person's participation in such program as part of such person's driving record. The Court Support Services Division shall transmit to the Department of Energy and Environmental Protection the record of participation of any person who satisfactorily completes such program who has been charged with a violation of the provisions of subsection (d) of section 15-133 or section 15-140n. The Department of Energy and Environmental Protection shall maintain for a period of ten years the record of a person's participation in such program as a part of such person's boater certification record.

(c) At the time the court grants the application for participation in the pretrial alcohol education program, such person shall also pay to the court a nonrefundable program fee of three hundred fifty dollars if such person is ordered to participate in the ten-session intervention program and a nonrefundable program fee of five hundred dollars if such person is ordered to participate in the fifteen-session intervention program. If the court grants the application for participation in the pretrial alcohol education program and such person is ordered to participate in a substance abuse treatment program, such person shall be responsible for the costs associated with participation in such program. No person may be excluded from either program for inability to pay such fee or cost, provided (1) such person files with the court an affidavit of indigency or inability to pay, (2) such indigency or inability to pay is confirmed by the Court Support Services Division, and (3) the court enters a finding thereof. If the court finds that a person is indigent or unable to pay for a treatment program, the costs of such program shall be paid from the pretrial account established under section 54-56k. If the court finds that a person is indigent or unable to pay for an intervention program, the court may waive all or any portion of the fee for such intervention program. If the court denies the application, such person shall not be required to pay the program fee. If the court grants the application and such person is later determined to be ineligible for participation in such pretrial alcohol education program or fails to complete the assigned program, the program fee shall not be refunded. All program fees shall be credited to the pretrial account established under section 54-56k.

(d) If a person returns to court with certification from a program provider that such person did not successfully complete the assigned program or is no longer amenable to treatment, the provider, to the extent practicable, shall include a recommendation to the court as to whether a ten-session intervention program, a fifteen-session intervention program or placement in a state-licensed substance abuse

treatment program would best serve such person's needs. The provider shall also indicate whether the current program referral was an initial referral or a reinstatement to the program.

(e) When a person subsequently requests reinstatement into an alcohol intervention program or a substance abuse treatment program and the Court Support Services Division verifies that such person is eligible for reinstatement into such program and thereafter the court favorably acts on such request, such person shall pay a nonrefundable program fee of one hundred seventy-five dollars if ordered to complete a ten-session intervention program or two hundred fifty dollars if ordered to complete a fifteen-session intervention program, as the case may be. Unless good cause is shown, such fees shall not be waived. If the court grants a person's request to be reinstated into a treatment program, such person shall be responsible for the costs, if any, associated with being reinstated into the treatment program. All program fees collected in connection with a reinstatement to an intervention program shall be credited to the pretrial account established under section 54-56k. No person shall be permitted more than two program reinstatements pursuant to this subsection.

(f) The Department of Mental Health and Addiction Services shall contract with service providers, develop standards and oversee appropriate alcohol programs to meet the requirements of this section. Said department shall adopt regulations, in accordance with chapter 54, to establish standards for such alcohol programs. Any person ordered to participate in a treatment program shall do so at a state-licensed treatment program which meets the standards established by said department. Any defendant whose employment or residence makes it unreasonable to attend an alcohol intervention program or a substance abuse treatment program in this state may attend a program in another state which has standards substantially similar to, or higher than, those of this state, subject to the approval of the court and payment of the

application, evaluation and program fees and treatment costs, as appropriate, as provided in this section.

(g) The court may, as a condition of granting such application, require that such person participate in a victim impact panel program approved by the Court Support Services Division of the Judicial Department. Such victim impact panel program shall provide a nonconfrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences on the impact of alcohol-related or drug-related incidents in their lives. Such victim impact panel program shall be conducted by a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or any drug, or both. Such organization may assess a participation fee of not more than seventy-five dollars on any person required by the court to participate in such program, provided such organization shall offer a hardship waiver when it has determined that the imposition of a fee would pose an economic hardship for such person.

(h) The provisions of this section shall not be applicable in the case of any person charged with a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n (1) while operating a commercial motor vehicle, as defined in section 14-1, or (2) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation.

(i) A court may not grant an application to participate in the pretrial alcohol education program under this section on or after April 1, 2022. Anyone participating in the program on April 1, 2022, may continue such participation until successful completion of the program or termination of participation in the program after any possible reinstatements in the program.

Sec. 169. Section 54-56i of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a pretrial drug education and community service program for persons charged with a violation of section 21a-267, 21a-279 or 21a-279a. The pretrial drug education and community service program shall include a fifteen-session drug education program and a substance abuse treatment program of not less than fifteen sessions, and the performance of community service.

(b) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars. A person shall be ineligible for participation in such pretrial drug education and community service program if such person has twice previously participated in (1) the pretrial drug education program established under the provisions of this section in effect prior to October 1, 2013, (2) the community service labor program established under section 53a-39c, (3) the pretrial drug education and community service program established under this section, or (4) any of such programs, except that the court may allow a person who has twice previously participated in such programs to participate in the pretrial drug education and community service program one additional time, for good cause shown. The evaluation and application fee imposed under this subsection shall be credited to the pretrial account established under section 54-56k.

(c) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant such application. If the court grants such application, the court shall refer such person (1) to the Court Support Services Division for confirmation of the eligibility of the applicant, (2) to the Department of Mental Health and Addiction Services for evaluation and determination of an appropriate drug

education or substance abuse treatment program for the first or second time such application is granted, and (3) to a state-licensed substance abuse treatment program for evaluation and determination of an appropriate substance abuse treatment program for the third time such application is granted, except that, if such person is a veteran, the court may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs, as applicable, for any such evaluation and determination. For the purposes of this subsection and subsection (d) of this section, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103.

(d) (1) (A) Upon confirmation of eligibility and receipt of the evaluation and determination required under subsection (c) of this section, such person shall be placed in the pretrial drug education and community service program and referred by the Court Support Services Division for the purpose of receiving appropriate drug education services or substance abuse treatment program services, as recommended by the evaluation conducted pursuant to subsection (c) of this section and ordered by the court, to the Department of Mental Health and Addiction Services or to a state-licensed substance abuse treatment program for placement in the appropriate drug education or substance abuse treatment program, except that, if such person is a veteran, the division may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs, subject to the provisions of subdivision (2) of this subsection.

(B) Persons who have been granted entry into the pretrial drug education and community service program for the first time shall participate in either a fifteen-session drug education program or a substance abuse treatment program of not less than fifteen sessions, as ordered by the court on the basis of the evaluation and determination required under subsection (c) of this section. Persons who have been

granted entry into the pretrial drug education and community service program for the second time shall participate in either a fifteen-session drug education program or a substance abuse treatment program of not less than fifteen sessions, as ordered by the court based on the evaluation and determination required under subsection (c) of this section. Persons who have been granted entry into the pretrial drug education and community service program for a third time shall be referred to a state-licensed substance abuse program for evaluation and participation in a course of treatment as ordered by the court based on the evaluation and determination required under subsection (c) of this section.

(C) Persons who have been granted entry into the pretrial drug education and community service program shall also participate in a community service program administered by the Court Support Services Division pursuant to section 53a-39c. Persons who have been granted entry into the pretrial drug education and community service program for the first time shall participate in the community service program for a period of five days. Persons who have been granted entry into the pretrial drug education and community service program for the second time shall participate in the community service program for a period of fifteen days. Persons who have been granted entry into the pretrial drug education and community service program for a third or additional time shall participate in the community service program for a period of thirty days.

(D) Placement in the pretrial drug education and community service program pursuant to this section shall not exceed one year. Persons receiving substance abuse treatment program services in accordance with the provisions of this section shall only receive such services at state-licensed substance abuse treatment program facilities that are in compliance with all state standards governing the operation of such facilities, except that, if such person is a veteran, such person may

receive services from facilities under the supervision of the Department of Veterans Affairs or the United States Department of Veterans Affairs, subject to the provisions of subdivision (2) of this subsection.

(E) Any person who enters the pretrial drug education and community service program shall agree: (i) To the tolling of the statute of limitations with respect to such crime; (ii) to a waiver of such person's right to a speedy trial; (iii) to complete participation in the pretrial drug education and community service program, as ordered by the court; (iv) to commence participation in the pretrial drug education and community service program not later than ninety days after the date of entry of the court order unless granted a delayed entry into the program by the court; and (v) upon completion of participation in the pretrial drug education and community service program, to accept (I) placement in a treatment program upon the recommendation of a provider under contract with the Department of Mental Health and Addiction Services or a provider under the supervision of the Department of Veterans Affairs or the United States Department of Veterans Affairs, or (II) placement in a treatment program that has standards substantially similar to, or higher than, a program of a provider under contract with the Department of Mental Health and Addiction Services, if the Court Support Services Division deems it appropriate.

(2) The Court Support Services Division may only refer a veteran to the Department of Veterans Affairs or the United States Department of Veterans Affairs for the receipt of services under the program if (A) the division determines that such services will be provided in a timely manner under standards substantially similar to, or higher than, standards for services provided by the Department of Mental Health and Addiction Services under the program, and (B) the applicable department agrees to submit timely program participation and completion reports to the division in the manner required by the division.

(e) If the Court Support Services Division informs the court that such person is ineligible for the program and the court makes a determination of ineligibility or if the program provider certifies to the court that such person did not successfully complete the assigned program and such person did not request, or the court denied, reinstatement in the program under subsection (i) of this section, the court shall order the court file to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list.

(f) If such person satisfactorily completes the assigned program, such person may apply for dismissal of the charges against such person and the court, on reviewing the record of such person's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If such person does not apply for dismissal of the charges against such person after satisfactorily completing the assigned program, the court, upon receipt of the record of such person's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Upon motion of such person and a showing of good cause, the court may extend the placement period for a reasonable period of time to allow such person to complete the assigned program. A record of participation in such program shall be retained by the Court Support Services Division for a period of ten years from the date the court grants the application for participation in the program.

(g) At the time the court grants the application for participation in the pretrial drug education and community service program, any person ordered to participate in such drug education program shall pay to the court a nonrefundable program fee of six hundred dollars. If the court orders participation in a substance abuse treatment program, such person shall pay to the court a nonrefundable program fee of one hundred dollars and shall be responsible for the costs associated with

such program. No person may be excluded from any such program for inability to pay such fee or cost, provided (1) such person files with the court an affidavit of indigency or inability to pay, (2) such indigency or inability to pay is confirmed by the Court Support Services Division, and (3) the court enters a finding thereof. The court may waive all or any portion of such fee depending on such person's ability to pay. If the court finds that a person is indigent or unable to pay for a substance abuse treatment program, the costs of such program shall be paid from the pretrial account established under section 54-56k. If the court denies the application, such person shall not be required to pay the program fee. If the court grants the application, and such person is later determined to be ineligible for participation in such pretrial drug education and community service program or fails to complete the assigned program, the program fee shall not be refunded. All program fees shall be credited to the pretrial account established under section 54-56k.

(h) If a person returns to court with certification from a program provider that such person did not successfully complete the assigned program or is no longer amenable to treatment, the provider, to the extent practicable, shall include a recommendation to the court as to whether placement in a drug education program or placement in a substance abuse treatment program would best serve such person's needs. The provider shall also indicate whether the current program referral was an initial referral or a reinstatement to the program.

(i) When a person subsequently requests reinstatement into a drug education program or a substance abuse treatment program and the Court Support Services Division verifies that such person is eligible for reinstatement into such program and thereafter the court favorably acts on such request, any person reinstated into such drug education program shall pay a nonrefundable program fee of two hundred fifty dollars, and any person reinstated into a substance abuse treatment

program shall be responsible for the costs, if any, associated with being reinstated into the treatment program. Unless good cause is shown, such program fee shall not be waived. All program fees collected in connection with a reinstatement to a drug education program shall be credited to the pretrial account established under section 54-56k. No person shall be permitted more than two program reinstatements pursuant to this subsection.

(j) The Department of Mental Health and Addiction Services shall develop standards and oversee appropriate drug education programs that it administers to meet the requirements of this section and may contract with service providers to provide such programs. The department shall adopt regulations, in accordance with chapter 54, to establish standards for such drug education programs.

(k) Any person whose employment or residence or schooling makes it unreasonable to attend a drug education program or substance abuse treatment program in this state may attend a program in another state that has standards similar to, or higher than, those of this state, subject to the approval of the court and payment of the program fee or costs as provided in this section.

(l) A court may not grant an application to participate in the pretrial drug education and community service program under this section on or after April 1, 2022. Anyone participating in the program on April 1, 2022, may continue such participation until successful completion of the program or termination of participation in the program after any possible reinstatements in the program.

Sec. 170. Subsection (b) of section 14-227j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(b) Any person who has been arrested for a violation of section 14-

227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d, may be ordered by the court not to operate any motor vehicle unless such motor vehicle is equipped with an ignition interlock device. Any such order may be made as a condition of such person's release on bail, as a condition of probation or as a condition of granting such person's application for participation in the pretrial alcohol education program under section 54-56g <u>or the pretrial impaired driving intervention program under section 167 of this act</u> and may include any other terms and conditions as to duration, use, proof of installation or any other matter that the court determines to be appropriate or necessary.

Sec. 171. Section 54-66a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

Any bail bond posted in any criminal proceeding in this state shall be automatically terminated and released whenever the defendant: (1) Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is granted admission to the pretrial alcohol education program pursuant to section 54-56g; (3) is granted admission to the pretrial family violence education program pursuant to section 46b-38c; (4) is granted admission to the pretrial drug education and community service program pursuant to section 54-56i; (5) has the complaint or information filed against such defendant dismissed; (6) has the prosecution of the complaint or information filed against such defendant terminated by entry of a nolle prosequi; (7) is acquitted; (8) is sentenced by the court and a stay of such sentence, if any, is lifted; (9) is granted admission to the pretrial school violence prevention program pursuant to section 54-56j; (10) is charged with a violation of section 29-33, 53-202*l* or 53-202w, and prosecution has been suspended pursuant to subsection (h) of section 29-33; (11) is charged with a violation of section 29-37a and prosecution has been suspended pursuant to subsection (i) of section 29-37a; (12) is granted admission to the supervised diversionary program

for persons with psychiatric disabilities, or persons who are veterans, pursuant to section 54-56*l*; **[**or**]** (13) is granted admission to a diversionary program for young persons charged with a motor vehicle violation or an alcohol-related offense pursuant to section 54-56p; (14) is granted admission to the pretrial drug intervention and community service program pursuant to section 166 of this act; or (15) is granted admission to the pretrial impaired driving intervention program pursuant to section 167 of this act.

Sec. 172. Section 54-56k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2022*):

(a) There is established an account to be known as the pretrial account. The account shall contain any moneys required by law to be deposited in the account and shall be a separate, nonlapsing account of the General Fund. Investment earnings credited to the account shall become part of the assets of the account. Any balance remaining in said account at the end of any fiscal year shall be carried forward in the account for the next fiscal year.

(b) There shall be deposited in the pretrial account (1) all evaluation fees collected pursuant to subsection (a) of section 54-56g and subsection (b) of section 54-56i **[**and**]** (2) all program fees collected pursuant to subsections (c) and (e) of section 54-56g and subsections (g) and (i) of section 54-56i **[**and**]** funds appropriated in subsection (a) of section 47 of special act 01-1 of the June special session, (3) fees collected pursuant to subdivision (2) of subsection (b), subdivision (1) of subsection (e) and subparagraph (A) of subdivision (2) of subsection (k) of section 166 of this act, and (4) the evaluation fee collected pursuant to subdivision (2) of subsection (b), and fees collected pursuant to subdivision (1) of subsection (f) and subparagraph (A) of subdivision (2) of subsection (m) of section 167 of this act.

(c) Amounts in the pretrial account shall be available to fund the cost

of operating the pretrial alcohol and drug education programs established under sections 54-56g and 54-56i, the pretrial drug intervention and community service program established under section 166 of this act and the pretrial impaired driving intervention program established under section 167 of this act.

Sec. 173. Sections 12-651 to 12-660, inclusive, and 21a-408n of the general statutes are repealed. (*Effective July 1, 2021*)

Approved June 22, 2021