AN ACT RESPONSIBLY AND EQUITABLY REGULATING 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 this section, sections 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act and sections 78 to 89, inclusive, of this act, unless the context otherwise requires:

(1) "Backer" means any person with a direct or indirect financial interest in a cannabis establishment. "Backer" does not include a person with an investment interest in a cannabis establishment, provided the interest held by such person and such person's coworkers, employees, 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 such person does not participate directly or indirectly in the control, management or operation of the cannabis establishment;
(2) "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;

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

(4) "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) industrial hemp, as defined in 7 USC 5940, as amended from time to time;

(5) "Cannabis trim" means all parts, including abnormal and immature flowers, of a plant of the genus cannabis, other than cannabis flowers, 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 22-61l of the general statutes;

(6) "Cannabis product" means 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;

(7) "Cannabis concentrate" means any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis or a cannabis product;

(8) "Commissioner" means the Commissioner of Consumer Protection;

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

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

(11) "Cultivator" means a person engaged in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space;

(12) "Delivery service" means a person that is licensed to transport cannabis and cannabis product between cannabis establishments and from micro-cultivators, retailers, dispensary facilities and hybrid retailers to consumers, qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the general statutes;

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

(14) "Dispensary facility" has the same meaning as provided in section 21a-408-1 of the regulations of Connecticut state agencies;

(15) "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;

(16) "Dispensary technician" means an individual who has had an active pharmacy technician registration in Connecticut within the past five years, is affiliated with a licensed dispensary and is registered with the department in accordance with chapter 420f of the general statutes and any regulations promulgated thereunder;

(17) "Employee" means any person who is not a backer or key employee, 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 or cannabis products, including, but not limited to, an independent contractor who has routine access to the premises of such establishment or to the cannabis or cannabis products handled by such establishment;

(18) "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;

(19) "Food and beverage manufacturer" means a person, excluding a producer, whose license permits them to own and operate a place of business that acquires cannabis and creates food and beverages;

(20) "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. Grow space does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested;

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

(22) "Key employee" means an individual 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 that reports to the president or chief officer who is generally responsible for oversight of the financial operations of the cannabis licensee, including, but not limited to, revenue generation, distributions, tax compliance and budget implementation; or (C) compliance manager, who is the individual that 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 business establishment;

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

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

(25) "Manufacture" means to add or incorporate cannabis into other products or ingredients or create a cannabis product;

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

(27) "Micro-cultivator" means a person engaged 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
five thousand square feet of grow space, prior to any expansion authorized by the commissioner;

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

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

(30) "Person" means every 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;

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

(32) "Product manufacturer" means a person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments;

(33) "Product packager" means a person that is licensed to package and label cannabis and cannabis products;

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

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

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

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

(38) "THC" means 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 in sesame oil and
encapsulated in a soft gelatin capsule in a federal Food and Drug
Administration approved product, and (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; and

(39) "Third-party lottery operator" means a person that conducts the
initial selection of cannabis establishment applicants from the lottery
pursuant to section 26 of this act and that has no direct or indirect
oversight of or investment in a cannabis establishment.

Sec. 2. Subsection (a) of section 21a-279 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective January
1, 2022):

(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] any quantity of cannabis or
cannabis product, as defined by section 1 of this act, and except as
authorized in this chapter, 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 January 1, 2022):

(a) Any person twenty-one years of age or older may possess, use and otherwise consume cannabis and cannabis products, provided the amount of all such cannabis, including the amount contained in any cannabis product, does not exceed such consumer’s possession limit of (1) one and one-half ounces of cannabis plant material, (2) an equivalent amount of cannabis product, as provided in subsection (g) of this section, or (3) an equivalent amount of a combination of cannabis and cannabis product, as provided in subsection (g) of this section.

(b) Any person under twenty-one years of age who possesses or has under such person’s control less than (1) two and one-half ounces of cannabis plant material, (2) an equivalent amount of cannabis product, as provided in subsection (g) of this section, or (3) an equivalent amount of a combination of cannabis and cannabis product, as provided in subsection (g) of this section, except as authorized in this chapter or chapter 420f, shall [(1)] (A) for a first offense, be fined one hundred fifty dollars, and [(2)] (B) for a subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars.

(c) Any person twenty-one years of age or older 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) two and one-half ounces of cannabis plant material, (2) an equivalent amount of cannabis product, as provided in subsection (g) of this section, or (3) an
equivalent amount of a combination of cannabis and cannabis product,
as provided in subsection (g) of this section, except as authorized in this
chapter or chapter 420f, shall (A) for a first offense, be fined one hundred
fifty dollars, and (B) for a subsequent offense, be fined not less than two
hundred dollars or more than five hundred dollars.

(d) (1) Any person who possesses or has under such person's control
(A) two and one-half ounces or more of cannabis plant material, (B) an
equivalent amount of cannabis product, as provided in subsection (g) of
this section, or (C) an equivalent amount of a combination of cannabis
and cannabis product, as provided in subsection (g) of this section,
extcept as authorized in this chapter, chapter 420f or sections 18 to 29,
inclusive, of this act, sections 31 to 33, inclusive, of this act or section
21a-408t, as amended by this act, shall (i) for a first offense, be fined five
hundred dollars, and (ii) for a 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)] (e) The law enforcement officer issuing a complaint for a
violation of subsection [(a)] (b), (c) or (d) of this section shall seize the
[cannabis-type substance] cannabis or cannabis product and cause such
substance to be destroyed as contraband in accordance with law.

[(c)] (f) 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)] (b), (c) or (d) 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.
(g) (1) For purposes of any possession limit specified in this section and sections 10 and 13 of this act and section 21a-408b, as amended by this act, one ounce of cannabis plant material shall be considered equivalent to (A) five grams of cannabis concentrate or such other amount of cannabis concentrate as specified in regulations adopted pursuant to subdivision (5) of this subsection, or (B) any other cannabis product or products with up to five hundred milligrams of THC or such other cannabis product or products with levels of THC as specified in regulations adopted pursuant to subdivision (5) of this subsection.

(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 such other amount of cannabis concentrate as specified pursuant to subdivision (5) of this subsection, or (B) any other cannabis product or products with up to seven hundred fifty milligrams of THC or such other cannabis product or products with levels of THC as specified in regulations adopted pursuant to subdivision (5) of this subsection.

(3) For purposes of subsection (b), (c) or (d) of this section, two and one-half ounces of cannabis plant material shall be considered equivalent to (A) twelve and one-half grams of cannabis concentrate or such other amount of cannabis concentrate as specified pursuant to subdivision (5) of this subsection, or (B) any other cannabis product or products with up to one thousand two hundred fifty milligrams of THC or such other cannabis product or products with levels of THC as specified in regulations adopted pursuant to subdivision (5) of this subsection.

(4) For purposes of any possession limit specified in this section and sections 10 and 13 of this act and section 21a-408b, as amended by this act, the amount possessed shall be calculated by converting any quantity of cannabis product to its equivalent quantity of cannabis plant material, and then taking the sum of any such quantities.
(5) The Commissioner of Consumer Protection may adopt regulations in accordance with the provisions of chapter 54 of the general statutes, that (A) further specify quantities of cannabis product equivalent to one ounce of cannabis plant material, or (B) specify, when cannabis and cannabis products are possessed in combination, permissible ratios and associated permissible amounts of various combinations of cannabis and cannabis product.

(h) (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 industrial hemp, as defined in 7 USC 5940, as amended from time to time.

Sec. 4. Section 54-142d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) Whenever any person has been convicted of an offense in any court in this state and such offense has been decriminalized subsequent to the date of such conviction, such person 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 [with the records center of the Judicial Department] 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 exist for criminal prosecution, for an order of erasure, and the Superior Court [or records center of the Judicial Department] shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense to be physically destroyed.
(b) Any person who has been convicted on October 1, 2015, or thereafter, in any court in this state of a violation of section 21a-279, as amended by this act, for possession of a cannabis-type substance and the amount possessed was less than or equal to four ounces of such substance, 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. As part of such petition, such person shall include a copy of the arrest record or an affidavit supporting such person's petition that such person possessed four ounces or less of a cannabis-type substance for which such person was convicted. 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. No fee may be charged in any court with respect to any petition under this subsection.

(c) 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 destruction or erasure. If the records pertaining to all counts are not entitled to destruction, the court shall direct the records of any offenses that would otherwise be entitled to destruction pursuant to this section to be erased pursuant to section 54-142a, as amended by this act.

Sec. 5. (NEW) (Effective July 1, 2022) (a) Whenever 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 (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) Nothing in this section shall be construed to require the redaction of records held internally by the Department of Correction.

Sec. 6. (NEW) (Effective January 1, 2022) Notwithstanding any provision of the general statutes, no cannabis establishment, cannabis 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
Sec. 7. (NEW) (Effective January 1, 2022) 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, as amended by this act, or chapter 420f of the general statutes, as amended by this act; or (3) cannabis use or possession conviction for an amount less than four ounces.

Sec. 8. (NEW) (Effective January 1, 2022) Any drug paraphernalia or other property relating to cannabis or cannabis product held by the Commissioner of Consumer Protection pursuant to section 21a-263 of the general statutes, a law enforcement agency, or court official that was seized from a consumer in connection with suspected possession or control of cannabis or cannabis product in violation of the provisions of subsection (a) of section 21a-279a of the general statutes, as amended by this act, shall be returned to the consumer immediately upon a determination that such consumer did not possess or have under his or her control cannabis or cannabis product in violation of subsection (a) of section 21a-279a of the general statutes, as amended by this act, as evidenced by a decision not to prosecute or a dismissal of charges, an acquittal or any other final determination by a court that such consumer was not in violation of subsection (a) of section 21a-279a of the general statutes, as amended by this act.
Sec. 9. (NEW) (Effective January 1, 2022) Notwithstanding any provision of chapter 420b of the general statutes, a consumer may manufacture, possess or purchase paraphernalia related to cannabis or distribute or sell paraphernalia related to cannabis to another consumer.

Sec. 10. (NEW) (Effective January 1, 2022) Any consumer may give cannabis or cannabis products to another consumer, without compensation, provided such other consumer may possess such cannabis or cannabis products without exceeding the possession limit pursuant to subsection (a) of section 21a-279a of the general statutes, as amended by this act.

Sec. 11. Subsection (b) of section 21a-277 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2022):

(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) narcotic substance, or (B) hallucinogenic substance.

(2) [Any] Except as provided in subdivision (3) or (4) of this subsection, 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) Any person who violates subdivision (1) of this subsection by growing up to six cannabis plants in such person's own residence for personal use (A) for a first offense, shall be guilty of a class C misdemeanor, and (B) for a second offense, shall be guilty of a class A
(4) Any person who violates subdivision (1) of this subsection by

growing up to six cannabis plants outside such person's own residence

for personal use (A) for a first offense, shall be guilty of a class A

misdemeanor, and (B) for a second offense, shall be guilty of a class E

felony.

(5) For purposes of this subsection, "cannabis" has the same meaning

as provided in section 1 of this act.

Sec. 12. (NEW) (Effective January 1, 2022) (a) Use or possession of
cannabis or cannabis products by a person that does not violate section
21a-279 or section 21a-279a of the general statutes or chapter 420f of the
general statutes, as amended by this act, shall not be grounds for
revocation of such person's parole, special parole or probation.

(b) Notwithstanding the provisions of subsection (a) of this section, if
a person's conditions of parole, special parole or probation include a
finding that such person is a drug-dependent person and a condition
that such person not use or possess cannabis or cannabis products, use
or possession of cannabis or cannabis products may be grounds for
revocation of parole, special parole or probation.

Sec. 13. (NEW) (Effective January 1, 2022) (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 or
cannabis product without evidence that (A) the person in possession or
under suspicion of possession of cannabis or cannabis product is under
twenty-one years of age, or (B) the quantity of cannabis or cannabis
product is or suspected to be in excess of the possession limit pursuant
to section 21a-279a of the general statutes, as amended by this act; or

(3) The presence of cash or currency in proximity to cannabis or
cannabis product without evidence that such cash or currency exceeds
one 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. 14. (NEW) (Effective October 1, 2021) Any person who knowingly
feeds or recklessly provides cannabis or a cannabis product to a
domesticated animal, or knowingly or recklessly makes such product
available to a domesticated animal through criminal negligence, shall be
guilty of a class C misdemeanor.

Sec. 15. (NEW) (Effective from passage) (a) There is established a
Cannabis Equity Commission, which shall be administered by the Office
of Policy and Management.

(b) The commission shall consist of eleven members appointed as
follows:

(1) Two appointed by the Governor who shall have 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 Governor who shall have a professional
background of not less than five years working in the field of economic
development;

(3) One appointed by the Governor who shall have 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;

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

(5) Two appointed by the Governor from communities that have been disproportionately harmed by cannabis prohibition and enforcement;

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

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

(8) The Commissioner of Revenue Services, or the commissioner's designee; and

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

(c) The commission shall terminate upon the establishment of another entity authorized by the General Assembly, in consideration of the recommendation of the Cannabis Equity Commission made pursuant to subdivision (9) of subsection (c) of section 16 of this act.

(d) The Governor shall make all appointments not later than thirty days after the effective date of this section and shall appoint the chairperson of the commission.

(e) The Governor shall fill any vacancy for the unexpired term. Each commissioner shall take the oath prescribed for executive officers.

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

(h) In making the appointments in subsection (b) of this section, the Governor shall use his or her best efforts to make appointments that reflect the racial, gender and geographic diversity of the population of the state.

Sec. 16. (NEW) (Effective from passage) (a) The commission established pursuant to section 15 of this act shall promote and encourage full participation in the cannabis industry by persons from communities that have been disproportionately harmed by cannabis prohibition and enforcement.

(b) The commission established pursuant to section 15 of this act shall oversee a study conducted by an independent third party to analyze how to (1) target a portion of revenue to communities that have been disproportionately harmed by cannabis prohibition and enforcement, and (2) create licensure programs to ensure that members of communities that have been disproportionately harmed by cannabis prohibition and enforcement are provided equal access to licenses for cannabis establishments.

(c) Not later than November 15, 2021, the commission shall, taking into account the results of the study conducted in accordance with subsection (a) 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, the judiciary and public health regarding legislation to implement the provisions of this act. The commission shall make recommendations regarding:

(1) The distribution of a portion of tax revenues to support residents in communities that have been disproportionately harmed by cannabis
prohibition and enforcement as further defined by the study described
in subsection (a) of this section;

(2) The distribution of a portion of the tax revenues to support
prevention and recovery programs;

(3) Establishing the specific qualifications for equity applicant status
for potential owners of cannabis establishments based on the study
described in subsection (a) of this section;

(4) Providing for expedited or priority license processing for each
class of license established pursuant to this act for equity applicants;

(5) Requiring that any cannabis establishment licensed on or after
January 1, 2022, that is not owned by an equity applicant comply with
an approved plan to reinvest or provide employment and training
opportunities in disproportionately impacted census tract areas or in
communities disproportionately impacted by high rates of drug-related
arrests, marijuana sale arrests or marijuana possession arrests. For any
licenses issued prior to the termination of the commission, the
commission shall approve and certify to the Commissioner of
Consumer Protection that the applicant has such plan;

(6) Establishing a lower fee structure for equity applicants;

(7) Requiring that any cannabis establishment owned by an equity
applicant shall be not less than a specified per cent, owned and
controlled by one or more equity applicants, whose primary addresses
have been in this state for the past five years and who manage the day-
to-day operations and make long-term decisions for the business;

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

(9) Establishing the entity that shall be responsible for implementing
and regulating the equity program established in accordance with these
Sec. 17. (NEW) (Effective July 1, 2021) Any person shall be eighteen years of age or older to: (1) Hold any cannabis establishment license issued pursuant to this act; (2) be a backer or key employee of a cannabis establishment that is licensed pursuant to this act; (3) be an employee of a cannabis establishment that is licensed pursuant to this act; or (4) be employed by a cannabis establishment or a licensee pursuant to chapter 420f of the general statutes.

Sec. 18. (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. 

(b) It is the public policy of this state that contracts related to the operation of a cannabis establishment licensed in accordance with this section 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, 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 this subtitle.

(e) An officer may not expend state or local resources, including the officer's time, to provide any information or logistical support related to
such activity to any federal law enforcement authority or prosecuting entity.

Sec. 19. (NEW) (Effective July 1, 2021) (a) In addition to activity permitted under chapter 420f of the general statutes, a producer may sell, deliver or transport cannabis or cannabis products to cannabis establishments, except for delivery licensees, upon authorization in writing by the commissioner. Such authorization may be granted only after receipt of a complete license conversion application to the department on a form prescribed by the commissioner, submission and approval of a medical cannabis preservation plan to the department to ensure against supply shortages of medical marijuana products and payment of a license conversion fee pursuant to subdivision (13) of subsection (b) of section 11 of this act.

(b) Except as provided in this act and chapter 420b or 420f of the general statutes, no person, other than a retailer, hybrid retailer, dispensary facility, micro-cultivator or delivery service, or an employee of one of such establishments in the course of their employment, may deliver, sell or offer cannabis or cannabis products to a consumer.

Sec. 20. (NEW) (Effective July 1, 2021) No cannabis or cannabis product shall be sold from, obtained from or transferred to a location outside of this state by a cannabis establishment if such activity would be in violation of federal law.

Sec. 21. (NEW) (Effective July 1, 2021) (a) No cannabis retailer or hybrid retailer shall accept payment or other form of compensation from a cultivator, micro-cultivator, producer, food and beverage manufacturer or product manufacturer to carry a cannabis product or for placement or promotion of such product in a retailer or hybrid retailer's location. No retailer or hybrid retailer shall enter into a contract with a cultivator, micro-cultivator, producer, food and beverage manufacturer or product manufacturer that requires 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 or cannabis products that are intended for use or consumption by animals.

(c) A retailer or hybrid retailer shall not knowingly sell to an individual more than one ounce of cannabis or its dry weight equivalent in cannabis products per day. Notwithstanding the foregoing, a hybrid retailer or dispensary facility may sell up to five ounces of cannabis or cannabis product to a qualifying patient or caregiver, which amount represents such qualifying patient's maximum monthly allotment. 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 earlier of the expiration of six months from publication or 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, micro-cultivator or research program, may acquire or possess a live cannabis plant.

(e) No person issued a license or registration pursuant to this act shall assign or transfer such license or registration without the commissioner's prior approval.

Sec. 22. (NEW) (Effective July 1, 2021) (a) Each employee of a cannabis establishment, 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.
(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, and (3) obtain such other information as the department determines is consistent with the requirements of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act and sections 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as amended by this act, or chapter 420f of the general statutes. A backer or key employee shall be denied a license in the event their background check reveals a disqualifying conviction.

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

Sec. 23. (NEW) (Effective July 1, 2021) (a) On and after July 1, 2021, the commissioner shall require each applicant for an initial backer and key employee license under this chapter 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 a backer
or key employee 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 record check.

Sec. 24. (NEW) (Effective from passage) The commissioner shall adopt
regulations in accordance with chapter 54 of the general statutes to
implement the provisions of this section. Notwithstanding the
requirements of sections 4-168 to 4-172, inclusive, of the general statutes,
in order to effectuate the purposes of this section and protect public
health and safety, prior to adopting such regulations the commissioner
shall issue requirements to implement the provisions of this section that
shall have the force and effect of law. The commissioner shall post all
requirements on the department's Internet web site, and submit
requirements for posting on the Secretary of the State's Internet web site,
at least fifteen days prior to the effective date of any requirement.
Requirements shall no longer be effective upon the earlier of either
codification by the Secretary of the State as a final regulation 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. The commissioner shall issue
requirements and final regulations that include, but are not limited to,
the following:

(1) Setting appropriate dosage, potency and serving size limits and
delineation requirements for cannabis and cannabis products, provided
that a standardized serving of edible cannabis product shall contain no
more than ten milligrams of THC;

(2) Requiring that each single standardized serving of cannabis
product in a multiple-serving edible product 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 
per multiple-serving edible product;

(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, the product shall
contain no more than ten milligrams of THC per unit of sale;

(4) Establishing consumer health materials, in consultation with the
Department of Mental Health and Addiction Services, 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 advertisements and advisories;

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

(A) A universal symbol to indicate that a 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 or cannabis product to affect an individual, including that
certain forms of cannabis or cannabis products take longer to have an
affect;

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

(D) A list of ingredients for cannabis and cannabis products;

(E) Child-resistant packaging;

(F) Product tracking information sufficient to determine where and
when the cannabis was grown and manufactured such that a product
call 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, (i) requirements regarding branding or logos, and (ii)
requirements that all packaging is opaque;

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

(7) Prohibiting product types that appeal to children;

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

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

(10) Requiring producers, cultivators, micro-cultivators, product
manufacturers and food and beverage manufacturers to register brand
names for cannabis and cannabis products in accordance with the
procedures set forth in section 21a-408-61(a) of the regulations of state
agencies and subject to the fee set forth in section 21a-408-29 of the
regulations of state agencies.

Sec. 25. (NEW) (Effective January 1, 2022) (a) Cannabis licensees and
establishments shall not:

(1) Advertise cannabis or cannabis products and cannabis
paraphernalia in ways that target or are designed to appeal to individuals under the legal age to purchase cannabis products, including, but not limited to, depictions of a person under twenty-one years of age consuming cannabis or cannabis products, or, includes 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 unless the advertiser has reliable evidence that not less than 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 and cannabis products is restricted to persons twenty-one years of age or older;

(4) Advertise cannabis in a manner that represents that products have curative or therapeutic effects, shall not make medical claims or promote cannabis for a wellness purpose unless such claims are substantiated as set forth in sections 21a-408-68 and 21a-408-69 of the regulations of state agencies or verbally conveyed by a licensed pharmacist in the course of business in a hybrid retail or dispensary facility;

(5) Sponsor charitable, sports, musical, artistic, cultural, social or other similar event 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 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 form or through any medium whatsoever within five hundred feet of an elementary or secondary school grounds or on any billboard in the state;

(7) Cultivate cannabis or manufacture cannabis products for distribution outside of this state in violation of federal law; and

(8) Exhibit within or upon the outside of the cannabis establishment, 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.

(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 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 any cannabis brand name that:

(1) Is identical to, or confusingly similar to, the name of an existing noncannabis 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.

Sec. 26. (NEW) (Effective July 1, 2021) (a) On and after July 1, 2021, 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, and (8) delivery service.

(b) The following fees shall be paid by each applicant:

(1) Retailer 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 shall be twenty-five thousand dollars.

(2) Hybrid retailer 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 shall be twenty-five thousand dollars.

(3) Cultivator 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 shall be seventy-five thousand dollars.

(4) Micro-cultivator 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 shall be one thousand dollars.

(5) Product manufacturer 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 shall be twenty-five thousand dollars.

(6) Food and beverage manufacturer 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 shall be five thousand dollars.

(7) Product packager 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 shall be twenty-five thousand dollars.

(8) Delivery service 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 shall be five thousand dollars.

(9) The license fee for a backer shall be one hundred dollars.

(10) The license fee for a key employee shall be one hundred dollars.

(11) The registration fee for all employees who are not backers or key employees shall be fifty dollars.

(12) The license conversion fee for a dispensary facility to become a hybrid retailer shall be two hundred fifty thousand dollars.

(13) The license conversion fee for a producer to engage in the adult use cannabis market shall be seven hundred fifty thousand dollars.

(c) For each license type:

(1) Applicants shall apply on a form and in a manner prescribed by the commissioner;

(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. Only complete license applications received by the department during the application period shall be considered.

(d) Prior to the first date that the department will accept applications
for a license type, the department shall, within its discretion, determine
the maximum number of applications that shall be considered for that
license type and post such information on its Internet web site.

(e) If, upon the close of the application period for a license type, the
department receives more applications than the maximum number to
be considered as set forth in subsection (d) of this section, a third-party
lottery operator shall conduct a lottery to select applications for review
by the department in accordance with subsection (h) of this section.

(f) The third-party lottery operator shall:

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

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

(3) Conduct an independent lottery for each license type that results
in each application being randomly ranked starting with one and
continuing sequentially; and

(4) Provide the department with all applications to be considered,
which shall consist of the applications ranked numerically one to the
maximum number set forth in accordance with subsection (c) of this
section. If the department determined that it would review ten
applications for a license type, the lottery shall provide the department
with the applications ranked one through ten. Any application not
selected through this lottery process shall not be reviewed and will not
be eligible for licensure.

(g) The third-party lottery operator shall rank all applications
numerically, including those that exceed the number to be considered.
Nothing in this section shall prevent the third-party lottery operator
from providing the numerical rankings of all applications for each
license type for which a lottery is performed or the department from
obtaining the numerical rankings of all applications for each license type for which a lottery is performed by the third-party lottery operator.

(h) Upon being notified by the third-party lottery operator of the applications chosen for review, the department shall review each application 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 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. If the number of applications submitted is equal to or less than the number posted on the department's Internet web site, the department may immediately begin to review the applications in accordance with this subsection without use of a lottery process.

(i) If an applicant or a single backer of an applicant is disqualified on the basis of any of the criteria set forth in subsection (h) of this section, the entire application shall be denied and such denial shall be a final decision of the department. Notwithstanding the foregoing, backers of the applicant entity named in the lottery application submission may be removed prior to submission of a final license application. However, no additional backers may be added to a cannabis establishment application between the time of lottery entry and when a final license is awarded to the cannabis establishment. If the applicant removes any backer that would cause the applicant to be denied based on subsection (h) 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 disqualification of a backer. Not later than thirty days after service of notice upon the applicant of a denial, the applicant may take an appeal therefrom to the Superior Court in accordance with section 4-183 of the general statutes.
(j) For each application denied pursuant to subsection (h) of this section, the department may, within its discretion, request that the lottery provide the next-ranked application. This process may continue until the department has identified for further consideration the number of applications set forth on its Internet web site pursuant to subsection (c) of this section. If the number of applications remaining is less than the number posted on the department's Internet web site, the department may, within its discretion, reopen the application period or award fewer licenses.

(k) 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.

(l) 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.

(m) Upon receiving a provisional application from an applicant, the department shall review the application for completeness and to confirm that all information provided regarding any business plans, backers or third-party vendors is acceptable and in compliance with this section and any regulations promulgated thereunder.

(n) If a provisional application meets the standards set forth in this section, the applicant shall be provided a provisional license. 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.

(o) A provisional license shall expire after twelve months and shall
not be renewed.

(p) A provisional licensee may apply for a final license of the license type for which they applied during the initial application period.

(q) 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 approved seed-to-sale vendor in accordance with the provisions of this act;

   (2) A right to occupy the location at which the establishment shall be located;

   (3) Zoning approval for the cannabis establishment;

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

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

(r) 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. In addition, the department may conduct a site inspection prior to issuing a final license.

(s) 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 with the department.
section until June 30, 2025, the department shall not award a cannabis establishment license to any applicant that, at the time the lottery is conducted, has two or more licenses or includes a backer that is a backer of two or more licenses in the same license category for which the applicant has entered the lottery. Applicants entering the lottery for a cannabis establishment license on or before June 30, 2025, shall be disqualified if a review of cannabis establishment affiliations held by the business entity or any backer shows that the cannabis establishment applicant or its backers also have an ownership interest of five per cent or greater in or managerial control over two other cannabis establishments of the same license type. Individuals applying for a backer license shall be denied if they exceed the ownership thresholds set forth in this section.

Sec. 28. (NEW) (Effective July 1, 2021) (a) On and after the effective date of this section, 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 or cannabis products from a cultivator, micro-cultivator, producer, product packager, food and beverage manufacturer or product manufacturer. A retailer may sell or transfer cannabis to a delivery service, laboratory or research program. A retailer may sell cannabis or cannabis products to a consumer, except that 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 or cannabis products 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
(d) All employees of a retailer shall obtain a registration from the department on a form and in a manner prescribed by the commissioner.

(e) A retailer may deliver cannabis and cannabis products through a delivery service or by utilizing its own employees.

Sec. 29. (NEW) (Effective July 1, 2021) (a) On and after the effective date of this section, 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 or cannabis products from a cultivator, micro-cultivator, producer, product packager, food and beverage manufacturer or product manufacturer. A hybrid retailer may sell or transfer cannabis to a delivery service, laboratory or research program. A hybrid retailer shall not gift or transfer cannabis or cannabis products 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 medical marijuana products, cannabis or cannabis products to qualifying patients and caregivers. Any cannabis or cannabis products sold to qualifying patients and caregivers shall be dispensed by a licensed pharmacist and shall be recorded in real-time upon completion of dispensing into the prescription drug monitoring program. Only a licensed pharmacist or registered 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 qualifying patients and caregivers.

(e) The hybrid retailer location shall include a private consultation department's Internet web site.
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) A hybrid retailer may deliver cannabis and cannabis products through a delivery service or by utilizing its own employees. 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 by an employee or delivery service 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.

(g) Cannabis or cannabis products 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 or cannabis products from the delivery service.

(h) Each employee of a hybrid retailer shall obtain a registration from the department on a form and in a manner prescribed by the commissioner.

(i) A hybrid retailer may not convert its license to a retailer license. To obtain a retail 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. 30. (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 a detailed medical preservation plan for how they will prioritize sales and access to cannabis and 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) A dispensary facility may not convert its license to a retailer license. To obtain a retail license, a dispensary facility shall apply through the lottery application process.

(c) 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, 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 (d) of this section prior to October 1, 2021, the commissioner may eliminate the requirement for designated dispensary facilities prior to said date.

(d) On and after October 1, 2021, dispensary facilities and hybrid retailers shall be required to perform real-time uploads to the prescription drug monitoring program. Any cannabis or cannabis products sold to qualifying patients or caregivers shall be dispensed by a licensed pharmacist and shall be recorded into the prescription drug monitoring program 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.

(e) On and after September 1, 2021, a dispensary facility may apply to the department, in a form and in a manner prescribed by the commissioner, to provide delivery services to qualifying patients and caregivers utilizing dispensary facility employees. The dispensary facility may deliver cannabis only from the inventory of the dispensary facility to qualifying patients and caregivers. If such application is
approved by the commissioner, the dispensary facility may commence delivery services on and after January 1, 2022. Notwithstanding the foregoing, the commissioner may authorize dispensary facilities to commence delivery services prior to January 1, 2022, upon forty-five days advance written notice, which shall be published on the department's Internet web site. Dispensary facilities and hybrid retailers shall only utilize their employees to perform delivery of cannabis to qualifying patients and caregivers prior to July 1, 2022. On or after July 1, 2022, dispensary facilities and hybrid retailers may utilize their own employees or a delivery service to deliver cannabis to qualifying patients and caregivers.

(f) Dispensary facilities and hybrid retailers may commence delivery of cannabis direct to consumers as of the date the first adult use cannabis sales are permitted by the commissioner as set forth in subsection (g) of this section. Dispensary facilities and hybrid retailers shall not utilize their own employees to perform delivery of cannabis to consumers and shall solely utilize a delivery service for any delivery to consumers who are not qualifying patients or caregivers until the earlier of May 1, 2023, or one year from the date the commissioner authorizes the adult use cannabis market to open to the public as set forth in subsection (g) of this section. After such date, dispensary facilities and hybrid retailers may deliver cannabis to qualifying patients, caregivers and consumers utilizing their own employees or a delivery service, or a combination of thereof.

(g) Dispensary facilities that convert to hybrid retailers may open their premises to the general public and commence adult use cannabis sales on and after May 4, 2022. The commissioner may authorize the adult use cannabis market to open prior to said date upon forty-five days advance written notice, which shall be published on the department's Internet web site.

Sec. 31. (NEW) (Effective July 1, 2021) (a) On and after the effective date of this section, 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 or cannabis concentrates 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 incorporating cannabis or cannabis concentrates prepared by the food and beverage manufacturer at the licensed establishment.

(d) A food and beverage manufacturer may transport its own products to a cannabis establishment or research program provided such transportation is performed by its employees. A food and beverage manufacturer may not transport any cannabis, cannabis products or food or beverage incorporating cannabis or cannabis concentrates directly to consumers or through a delivery service.

(e) All products created by a food and beverage manufacturer shall be labeled in accordance with this act 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 and cannabis products is sanitary and inspected regularly to deter the adulteration of cannabis in accordance with this act as well as federal Food and Drug Administration and United States Department of Agriculture requirements.

(g) Each employee of a food and beverage manufacturer shall obtain a registration from the department on a form and in a manner
Sec. 32. (NEW) (Effective July 1, 2021) (a) On and after the effective date of this section, 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 and cannabis products manufactured at its licensed establishment.

(d) A product manufacturer may transport its own products to a cannabis establishment or research program provided such transportation is performed by its employees. A product manufacturer may not transport any cannabis and cannabis products directly to consumers or through a delivery service.

(e) All products created by a product manufacturer shall be labeled in accordance with this act 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 and cannabis products is sanitary and inspected regularly to deter the adulteration of cannabis in accordance with this act as well as federal Food and Drug Administration requirements.

(g) All employees of a product manufacturer shall obtain a registration from the department on a form and in a manner prescribed by the commissioner.

Sec. 33. (NEW) (Effective July 1, 2021) (a) On and after the effective
date of this section, 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 or cannabis products from a producer, cultivator, micro-cultivator, food and beverage manufacturer or a product manufacturer. The product packager may transfer or transport cannabis or cannabis products to any cannabis establishment or research program except delivery service provided it only transports cannabis or cannabis products packaged at its licensed establishment and with its employees.

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

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

(e) Each employee of a product packager that directly engages in the physical packaging, security controls or contract management with other cannabis establishments, or as otherwise determined by the commissioner to require registration based on their access to or contact with cannabis or oversight over the distribution of cannabis, shall obtain a registration from the department on a form and in a manner prescribed by the commissioner. Employees excluded from the registration requirement may include staff assigned to marketing, communications, human resources and information technology support that have no access to cannabis or cannabis products.

Sec. 34. (NEW) (Effective July 1, 2021) (a) On and after the effective date of this section, the department may issue or renew a license for a person to be a delivery service. No person may act as a delivery service
or represent that such person is a licensed delivery service unless such person has obtained a license from the department pursuant to this section.

(b) Upon application for a delivery service license, the applicant shall indicate whether they are applying to transport cannabis and cannabis products between cannabis establishments, from certain cannabis establishments to consumers or qualifying patients, or a combination thereof.

(c) A delivery service that delivers direct to consumers or qualifying patients and caregivers is authorized to transport cannabis and cannabis products from a micro-cultivator, retailer, hybrid retailer or a dispensary facility directly to a consumer or qualifying patient or caregiver. A delivery service may not store or maintain control of cannabis or cannabis products for more than twenty-four hours between the point when a consumer, qualifying patient, or a caregiver places an order, until the time that the cannabis or cannabis product is delivered to such consumer, qualifying patient or caregiver.

(d) A delivery service may deliver cannabis and cannabis products between cannabis establishments, research programs or laboratories. If transporting cannabis or cannabis products between cannabis establishments, research programs or laboratories, the delivery service shall not store or maintain control of cannabis or cannabis products for more than twenty-four hours from the point the delivery service picks up the cannabis from a cannabis establishment until the time such product is delivered to the destination cannabis establishment.

(e) All employees of a delivery service that engage in the transport, storage or distribution of, or may have access to, cannabis or cannabis products shall obtain a registration from the department on a form and in a manner prescribed by the commissioner.

(f) The commissioner shall adopt regulations in accordance with chapter 54 of the general statutes to implement the provisions of this
Governor's Bill No.

section. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, of the general statutes, in order to effectuate the purposes of this act and protect public health and safety, prior to adopting such regulations the commissioner shall issue requirements to implement the provisions of this section that shall have the force and effect of law. The commissioner shall post all requirements on the department's Internet web site, and submit requirements for posting on the Secretary of the State's Internet web site, at least fifteen days prior to the effective date of any requirement. Requirements shall no longer be effective upon the earlier of either codification by the Secretary of the State as a final regulation 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. The commissioner shall issue requirements and final regulations that shall specify that: (1) The delivery service shall meet certain security requirements related to the vehicles employed, the conduct of employees and agents, and the documentation that shall be maintained by the delivery service and its drivers; (2) a delivery service that delivers cannabis to consumers shall maintain an online interface that verifies the age of consumers ordering cannabis or cannabis products 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, shall verify the identity of the qualifying patient, caregiver or consumer and the age of the consumer upon delivery of products 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 or, in the case of a qualifying patient, the individual accepting the delivery may be the caregiver of such qualifying patient.

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

Sec. 35. (NEW) (Effective July 1, 2021) (a) On and after the effective
date of this section, 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. 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 or cannabis product 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 or transfer its cannabis to a dispensary
facility, hybrid dispensary, retailer, food and beverage manufacturer,
product manufacturer, research program or product packager. A
cultivator shall not sell directly to consumers or through a delivery
service.

(e) A cultivator may transport cannabis and cannabis products to any
cannabis establishment or research program, except a delivery service,
provided the cannabis and cannabis products are grown, cultivated,
propagated, manufactured, labeled or packaged at its licensed
establishment and transported by its employees. A cultivator shall not
transport cannabis and cannabis products directly to consumers or
through a delivery service.

(f) All employees of a cultivator shall obtain a registration from the
department on a form and in a manner prescribed by the commissioner.
date of this section, 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
five thousand square feet of grow space, prior to any expansion
authorized by the commissioner. Micro-cultivator facilities 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 the licensee has
pending or final administrative actions or judicial findings against them,
the department shall conduct a suitability review analysis 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 facility annually upon renewal of its
credential until said licensee reaches a maximum of fifteen thousand
square feet of grow space. If a micro-cultivator desires to expand beyond
fifteen 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
credential, including payment of the cultivator license fee, they shall be
granted a cultivator license.

(d) A micro-cultivator may sell or transfer its cannabis to a dispensary
facility, hybrid dispensary, retailer, delivery service, food and beverage
manufacturer, product manufacturer, research facility or product packager. A micro-cultivator shall not gift or transfer cannabis or cannabis products at no cost to a consumer as part of a commercial transaction.

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

(f) A micro-cultivator may transport cannabis and cannabis products to any cannabis establishment or research program provided the cannabis and cannabis products are cultivated, grown, propagated, labeled, manufactured or packaged at its licensed establishment and transported with its employees.

(g) Micro-cultivators shall be allowed to sell their own cannabis or cannabis products to consumers, excluding qualifying patients and caregivers, either through a delivery service or via delivery using their own employees. Any micro-cultivator that engages in the home delivery of cannabis, either through their own employees or a delivery service, 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.

(h) All employees of a micro-cultivator shall obtain a registration from the department on a form and in a manner prescribed by the commissioner.

Sec. 37. (NEW) (Effective July 1, 2021) (a) On or before 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. 38. (NEW) (Effective from passage) No employee of the department who carries out the duties and responsibilities of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act and sections 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act, and any regulations enacted pursuant thereto may, directly, individually or as a member of a partnership, have any management or financial interest whatsoever in the cultivation, manufacture, sale, transportation, delivery or testing of cannabis, nor receive any commission or profit whatsoever from nor have any interest whatsoever in purchases or sales made by persons authorized to make such purchases or sales pursuant to said sections. No provision of this section shall prevent any such employee from purchasing and keeping in his or her possession, for his or her personal use or the use of such employee's family or guests, any cannabis which may be purchased or kept by any person by virtue of said sections.

Sec. 39. (NEW) (Effective July 1, 2021) Notwithstanding any provision of the general statutes, the purchase, possession, display, sale or transportation of cannabis or cannabis products 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. 40. (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. 41. (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 and cannabis products, 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 and cannabis products. 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 or cannabis products from the market or any action undertaken to promote public health and safety by replacing existing cannabis or cannabis products with improved products or packaging;

2. Preparing for, protecting against and handling any crisis that affects the security or operation of any cannabis establishment facility 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 or cannabis products are segregated from all other inventory and destroyed. Such procedure shall provide for written documentation of the cannabis and cannabis product disposition; and

4. Ensuring the oldest stock of a cannabis or cannabis product 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 and cannabis products in such a manner as to prevent diversion, theft or loss, (2) make cannabis and cannabis products accessible only to the minimum number of specifically authorized employees essential for efficient operation, and (3) return any cannabis and cannabis products to a secure location at the end of the scheduled business day.

Sec. 42. (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 and cannabis products 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.

(b) Notwithstanding any provision of the general statutes, the sale or delivery of drug paraphernalia to a qualifying patient or person licensed pursuant to the provisions of this act or chapter 420f of the general statutes, shall not be considered a violation of the provisions of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act.

Sec. 43. (NEW) (Effective January 1, 2022) (a) Each cannabis establishment, licensed pursuant to chapter 420f of the general statutes and the provisions of this act, shall maintain a record of all cannabis grown, manufactured, wasted and distributed between cannabis establishments and to end-user consumers, qualifying patients and
caregivers in a form and manner prescribed by the commissioner. The commissioner shall require an electronic tracking system to monitor the production, harvesting, storage, manufacturing and transfer of cannabis from the point of planting cannabis seeds through the point when the final product is sold to an end-user. Cannabis establishments shall be required to utilize such electronic tracking system and enter the data points required by the commissioner to ensure cannabis and cannabis products are 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 the cannabis or cannabis product.

(c) The electronic tracking system shall track each cannabis seed, clone, seedling or other commencement of the growth of a cannabis plant intended for use by a cannabis establishment.

(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 reasonable access to cannabis tracking data obtained under this section may be provided to: (1) State agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (2) public or private entities for research or educational purposes, provided no individually identifiable information may be disclosed; (3) as part of disciplinary action taken by the department, by another state agency or local law enforcement; and (4) the Office of the Attorney General for any review or investigation. The commissioner shall provide access to the electronic tracking system to the Department of Revenue Services for the purposes of enforcement of any tax-related investigations and audits.
Sec. 44. (NEW) (Effective July 1, 2021) (a) Each cannabis establishment shall maintain all records necessary to fully demonstrate business transactions related to cannabis and cannabis products 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 sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, 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 sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as amended by this act, and section 21a-408t of the general statutes, as amended by this act, 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 sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section 21a-408t of the general statutes, as amended by this act, and section 21a-243 of the general statutes, as amended by this act, the commissioner is authorized to:

(1) Enter any place, including a vehicle, in which cannabis or cannabis products are 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 cannabis products and obtain samples of any cannabis or cannabis product, any labels or containers, paraphernalia and of any finished or unfinished material.

Sec. 45. (NEW) (Effective July 1, 2021) (a) For sufficient cause found pursuant to subsection (b) of this section, the commissioner may suspend, revoke, 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 this act, or place such licensee on probation, place conditions on such licensee or take other actions permitted by statute or regulation.

(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 and cannabis products;

(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 or cannabis product where:

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

(B) The cannabis or cannabis product 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 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) 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 a cannabis establishment or laboratory or in connection with a research program; or

(16) Failure to comply with any provision of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act.

(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 days, 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 shall not apply for a new cannabis establishment or employee license or
employee registration for a period of at least 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 at least one year after the date
of such revocation.

(e) If a license or registration is voluntarily surrendered or is not
renewed, the commissioner shall not be prohibited from suspending or
revoking such license or registration or imposing other penalties
permitted by sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as
amended by this act, or section 21a-408t of the general statutes, as
amended by this act.

Sec. 46. (NEW) (Effective from passage) 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 sections 1, 3 and 4 of
this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive,
of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61,
inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74
to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section
21a-243 of the general statutes, as amended by this act, and section 21a-
408t of the general statutes, as amended by this act.

Sec. 47. (NEW) (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, as to:

(1) Whether to allow consumers or qualifying patients and caregivers under chapter 420f of the general statutes, who are twenty-one years of age and older, to cultivate cannabis for the qualifying patient's use. In making such recommendation the commissioner shall consider: (A) Reasonable precautions to ensure that the plants are secure from unauthorized access or access by any individual under twenty-one years of age; (B) the location where such cannabis may be grown; (C) how other states allow home growing and how such states are regulating personal cultivation; (D) if personal cultivation in other states has improved access for patients and consumers; and (E) any other related public safety or regulatory issues the department deems necessary; and

(2) 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. 48. (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) "Medical marijuana business" means a medical marijuana dispensary facility or production facility, licensed pursuant to chapter 420f of the general statutes and the regulations promulgated thereunder;

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

(5) "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 acquisition from a person required to file notification with respect to such acquisition.
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. 49. (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. 50. (NEW) (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 sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act,
sections 78 to 89, inclusive, of this act, section 21a-243 of the general
statutes, as amended by this act, and section 21a-408t of the general
statutes, as amended by this act, to facilitate the use of electronic
payments by cannabis establishments and consumers and regarding
access for cannabis establishments to (1) depository banking, and (2)
Sec. 51. (NEW) (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. 52. (NEW) (Effective from passage) Not later than January 1, 2023, the Alcohol and Drug Policy Council 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, 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; and (2) the collection and reporting of data so as to allow for surveillance and review of cannabis consumption and the impacts thereof in the state.

Sec. 53. 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) "Cultivation" includes planting, propagating, cultivating, growing and harvesting;

(3) "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
Governor's Bill No.

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;

(4) "Dispensary facility" means a place of business where marijuana
may be dispensed, sold or distributed in accordance with section 21a-
408-35 of the regulations of state agencies to qualifying patients and
caregivers and for which the department has issued a dispensary facility
license pursuant to chapter 420f and section 21a-408-14 of the
regulations of state agencies;

(5) "Employee" has the same meaning as provided in section 1 of this
act;

[(4)] (6) "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)] (7) "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)] (8) "Laboratory" means a laboratory located in the state that is
licensed [to provide analysis of controlled substances pursuant to
"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;]

"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;

"Licensed producer" or "producer" means a person who is
licensed as a producer pursuant to section 21a-408i;

"Marijuana" means marijuana, as defined in section 21a-
240;

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

"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;

"Paraphernalia" means drug paraphernalia, as defined in
section 21a-240;

"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;

["Primary caregiver"] "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;

"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;

"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, processing, medical attributes, dosage forms, administration or
use of marijuana to treat or alleviate symptoms of any medical
conditions or the effects of such symptoms;
"Research program employee" means a person who (A) is licensed or registered as a research program employee under section 21a-408t, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408t;

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

"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

"Written certification" means a written certification issued by a physician or an advanced practice registered nurse pursuant to section 21a-408c.

Sec. 54. 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, 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] five ounces; and

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

(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.
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, 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] the maximum possession limit set forth in chapter 420f. For the purposes of this subsection, [“distribution” or “distributed”] "distribution" or "distributed" means the transfer of marijuana and paraphernalia related to marijuana from the [primary] caregiver to the qualifying patient.

(c) A dispensary shall not dispense any marijuana product in a smokable, inhalable or vaporizable form to a [primary] caregiver for a qualifying patient who is under eighteen years of age.

Sec. 56. 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] facility or a producer licensed under section 21a-408i.

(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
Governor's Bill No.

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. 57. 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.]

[(c)] (b) 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)] (c) 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, 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. 58. 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) The Commissioner of Consumer Protection shall determine the number of 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 dispensary facilities in this state and specify the maximum number of 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, 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) 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) Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of this state;

(D) 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, inclusive;

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

(F) 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) Establish health, safety and security requirements for [licensed dispensaries] dispensary facilities, which may include, but need not be limited to: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the [licensed] dispensary facility, and (ii) 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)] (G) 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)] (H) 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. 59. 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 marijuana or cannabis 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 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; or (F) a delivery licensee;
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, 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, inclusive.

Sec. 60. 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, (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, 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, transporting or distributing marijuana to licensed [dispensaries] dispensary facilities under sections 21a-408 to 21a-408n, inclusive.

Sec. 61. 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, as amended by this act. Such
regulations, if any, shall be adopted after consultation with the Board of
Physicians established in section 21a-408l.

(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, 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-408l. At a
minimum, such regulations shall] or amend regulations, as applicable,
in accordance with chapter 54 to implement the provisions of this
section. Notwithstanding the requirements of sections 4-168 to 4-172,
inclusive, of the general statutes, in order to effectuate the purposes of
this section and protect public health and safety, prior to adopting or
amending such regulations the commissioner shall issue requirements
to implement the provisions of this section that shall have the force and
effect of law. The commissioner shall post all requirements on the
department's Internet web site, and submit requirements for posting on
the Secretary of the State's Internet web site, at least fifteen days prior to
the effective date of any requirements. Requirements shall no longer be
effective upon the earlier of either codification by the Secretary of the State as a final regulation or forty-eight months from the effective date of this section if such requirements have not been submitted to the Legislative Regulation Review Committee for consideration. Such requirements 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) 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) 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]
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

Distribution of marijuana for palliative use to qualifying patients or their primary caregivers by licensed dispensaries and by delivery services, as defined in this act; and

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.

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. 62. Section 21a-408l 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 submit regulations pursuant to subsections (b) and (c) of this section to the standing legislative regulation review committee not later than July 1, 2013.
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, which recommendations shall be accepted or rejected by the commissioner at his or her discretion;

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 the effective date of the section, 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.

Sec. 63. 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 obtained a license from the Commissioner of Consumer Protection pursuant to this section. Notwithstanding, a person may act as a laboratory or represent that such person is a laboratory so long as such person has (1) been granted approval by the department as of the effective date of this section, and (2) submitted an application to the department for licensure pursuant to this section in a form and manner prescribed by the commissioner. Such
person may continue to do so until such application for licensure under this section is approved or denied by the department.

[(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 license 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. 64. 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 or product manufacturer, as such terms are defined in section 1 of this act, or (D) a [licensed] dispensary facility, hybrid retailer or cannabis 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. 65. 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] producer, cultivator, micro-cultivator, food and beverage manufacturer, product packager, product manufacturer or 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) deliver, transport, or distribute marijuana to (A) a person who is not a producer, cultivator, micro-cultivator, food and beverage manufacturer, product packager, product manufacturer and was not the producer, cultivator, micro-cultivator, food and beverage manufacturer, product packager or product manufacturer 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.
Governor’s Bill No.

(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, cultivator, micro-cultivator, food and beverage manufacturer, product packager, product manufacturer 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, cultivator, micro-cultivator, food and beverage manufacturer, product packager, product manufacturer 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 interest in the laboratory shall have a direct or indirect financial interest in a cannabis establishment or any other entity that may benefit from the certification of qualifying patients, or the production, manufacture, dispensing, sale, purchase or use of marijuana.

(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 regulations promulgated thereunder.

Sec. 66. 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 facility or laboratory, (2) deliver, transport or distribute marijuana to a person who is not (A) a [licensed] dispensary facility, (B) a licensed producer, 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 facility, a licensed producer or a research program subject or distributing or administering marijuana to an animal research subject under the provisions of this chapter.

Sec. 67. (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. 68. (NEW) (Effective July 1, 2021) (a) Any municipality may, by amendment to such municipality's zoning regulations or zoning ordinances, (1) prohibit the establishment of a cannabis establishment, except for a dispensary facility or producer, (2) establish reasonable restrictions regarding the hours and signage within the limits of such municipality, (3) establish reasonable restrictions regarding the number or density of cannabis establishments, except for a dispensary facility or producer, or (4) 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. Such amendment shall be approved by a municipality’s legislative body before going into effect. 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.

(b) Unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment shall be zoned as if any other similar use, except a cannabis establishment, would be zoned.

(c) Any restriction regarding hours and signage of a cannabis establishment adopted by a municipality shall not apply to an existing cannabis establishment located in such municipality, for a period of five years after the adoption of such prohibition or restriction.

(d) No municipality shall prohibit delivery of cannabis or cannabis products 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 sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as amended by this act, or section 21a-408t of the general statutes, as amended by this act. No municipality shall prohibit the transport of cannabis or cannabis products to, from or through such municipality by any person licensed or registered pursuant to this act to transport cannabis and cannabis products.

(e) 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.

(f) For up to thirty days after the opening of a cannabis 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. 69. 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, as amended by this act, or vapor products, as defined in said section, containing cannabis. Municipalities 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. No municipality may issue a fine in excess of fifty dollars to an individual for a violation of this clause
regarding consumption by such individual. No municipality may issue a fine in excess of one thousand dollars to any business for a violation of this clause;

Sec. 70. 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 22-61l.

(b) (1) Notwithstanding the provisions of section 31-40q, as amended by this act, 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,] 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, as amended by this act.

(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 or tobacco specialist, provided no tobacco bar shall
expand in size or change its location from its size or location as of
December 31, 2002; or (F) any location licensed for on-site smoking of
cannabis. 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, and "tobacco specialist" means an establishment engaged in
the sale of tobacco products that generates at least seventy-five per cent
of its annual gross income from the on-site sale of tobacco products and
the rental of on-site humidors.

[(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 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 any smoking area 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. 71. 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. "Electronic nicotine delivery
system" does not include a medicinal or therapeutic product that is (A)
used by a licensed healthcare provider to treat a patient in a healthcare
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 federal 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;

(4) "Electronic cigarette liquid" does not include a medicinal or
therapeutic product that is (A) used by a licensed healthcare provider to
treat a patient in a healthcare 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 federal 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 healthcare provider to treat a patient in a
healthcare 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 federal 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 federal 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
Governor's Bill No. LCO No. 3311

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; [L,
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 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,
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

LCO No. 3311  97 of 163
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) any location licensed for on-site use of an electronic cannabis delivery system; (F) 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)] (G) 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.]
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.

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.

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.

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. 72. 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;[1]

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision thereof;[1]

(3) "Employee" means any person engaged in service to an employer in the business of his employer;[1]

(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, as amended by this act, or subdivision (2) of subsection (b) of section 19a-342a, as amended by this act; (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;[1]

(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, as amended by this act;

(8) "Electronic cannabis delivery system" has the same meaning as provided in section 19a-342a, as amended by this act;
"Vapor product" has the same meaning as provided in section 19a-342a, as amended by this act; and

"Any area" has the same meaning as provided in section 19a-342a, as amended by this act; and

"Hemp" has the same meaning as provided in section 22-61/.

(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) Each employer with five or more employees shall prohibit smoking 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. 73. (NEW) (Effective July 1, 2022) (a) No hotel, motel or similar lodging shall prohibit the legal possession or consumption of cannabis, as defined in section 1 of this act, in any nonpublic area of such institution, hotel, motel or similar lodging.

(b) Notwithstanding the provisions of subsection (a) of this section, a hotel, motel and similar lodging shall prohibit the smoking of cannabis and the use of an electronic cannabis delivery system, as defined in section 19a-342a of the general statutes, as amended by this act, and vapor product, as defined in said section, containing cannabis in any location of such institution or hotel, motel or similar lodging.

Sec. 74. (NEW) (Effective July 1, 2022) (a) Except as provided in this section, a landlord or property manager may not refuse to rent to a potential tenant or a current tenant, or otherwise discriminate against potential tenant or a current 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 (g) of section 21a-279a, as amended by this act, in any other jurisdiction.

(b) Except as provided in this section, in the case of the rental of a residential dwelling, 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 defined in section 19a-342a of the general statutes, as amended by this act.

(c) This section does not apply if:

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

(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 would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

Sec. 75. (NEW) (Effective July 1, 2022) The use of cannabis or cannabis products 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.

Sec. 76. (NEW) (Effective July 1, 2021) The Commissioner of Correction may prohibit the possession of cannabis in any Department of Correction facility and by any person under the custody of the department.

Sec. 77. (NEW) (Effective July 1, 2022) As used in sections 78 and 83 of this act, "minor" means a person under twenty-one years of age.

Sec. 78. (NEW) (Effective July 1, 2022) Any cannabis establishment licensee or any servant or agent of a licensee who sells or delivers cannabis or cannabis products to any minor shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.
Sec. 79. (NEW) (Effective January 1, 2022) (a) A cannabis establishment issued a license pursuant to this chapter 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 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 or cannabis products to a minor in violation of this act, it shall be an affirmative defense that such licensee, agent or employee sold or delivered cannabis or cannabis products to such minor in good faith and in reasonable reliance upon the identification presented by such minor and, pursuant to subsection (a) of this section, photographed the minor 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 may require a cannabis establishment to use an online age verification system.

Sec. 80. (NEW) (Effective January 1, 2022) Any person who induces any
minor to procure cannabis or cannabis products from any person licensed to sell such cannabis products shall be fined not more than one thousand dollars or imprisoned not more than one year or both. The provisions of this section shall not apply to any such inducement in furtherance of an official investigation or enforcement activity conducted by a law enforcement agency.

Sec. 81. (NEW) (Effective January 1, 2022) (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 this act.

(b) Any person who, for the purpose of procuring cannabis or cannabis products, misrepresents his or her age or uses or exhibits an operator's license belonging to any other person shall, on a first offense, be fined not more than two hundred fifty dollars, and on a subsequent offense, be guilty of a class D misdemeanor.

(c) Notwithstanding subsection (b) of this section, an individual who is employed or contracted directly or indirectly by a state agency to purchase cannabis or cannabis products for the purposes of testing the age verification and product controls of cannabis retailers shall not have broken the law or be fined or imprisoned.

Sec. 82. (NEW) (Effective January 1, 2022) (a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall: (1) Knowingly, recklessly or with criminal negligence permit any minor to possess cannabis or cannabis products in violation of section 74 of this act in such dwelling unit or on such private property, or (2) knowing that any minor possesses cannabis or cannabis products in violation section 74 of this act 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. 83. (NEW) (Effective January 1, 2022) No retailer or hybrid retailer, nor their employees or agents, shall permit any minor or any person to whom the sale or gift of cannabis or cannabis products has been forbidden according to law to loiter on his or her premises where such cannabis or cannabis product is kept for sale, or shall allow any minor other than a minor accompanied by his or her parent or guardian, to be in any room where cannabis or cannabis products are consumed. A first violation of this section shall be an infraction with a penalty not to exceed one thousand dollars, and a subsequent violation of this subsection shall be a class B misdemeanor. This section shall not apply to any employee at a cannabis establishment who is eighteen to twenty years of age.

Sec. 84. (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, 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 as provided in section 21a-408p of the general statutes and except possession of palliative cannabis by a qualifying patient under chapter 420f, provided such policy is: (A) In writing, (B) equally applicable to each employee, and (C) made available to each employee prior to the enactment of such policy. The employer shall provide any such policy in writing to each prospective employee at the time the employer makes an offer of employment to the prospective employee.

(2) 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 that person
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.

(c) Nothing in this act: (1) Requires an employer to (A) amend or
repeal, or affect, restrict or preempt the rights and obligations of
employers to maintain a drug and alcohol-free workplace, or (B) permit
or accommodate the use, consumption, being under the influence of,
possession, transfer, display, transportation, sale or growth of cannabis
or cannabis products in the workplace, except possession of palliative
cannabis by a qualifying patient under chapter 420f, (2) affects the ability
of employers to have policies prohibiting the use of cannabis products
or intoxication by employees during work hours, or (3) shall limit an
employer from taking appropriate employment action, including, but
not limited to, requiring an employee to take a drug test, upon
reasonable suspicion of an employee's usage of cannabis while engaged
in the performance of the employee's work responsibilities, or that an
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.

Sec. 85. (NEW) (Effective July 1, 2022) (a) A drug test of an individual,
other than a prospective or current employee as set forth in this act, that
solely yields a positive result for 11-nor-9-carboxy-delta-9-
tetrahydrocannabinol shall not be construed as proof that such
individual is under the influence of or impaired by cannabis unless the
(b) A drug test of a student, prospective or current employee, other than as set forth in this act, or tenant, that solely yields a positive result for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol shall not form the sole basis for refusal to enroll or continue to enroll, employ or continue to employ, lease to or continue to lease to, or otherwise penalize that person, unless failing to do so would put the educational institution, employer or landlord in violation of a federal contract or cause it to lose federal funding.

Sec. 86. (NEW) (Effective July 1, 2022) 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 transplant, 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, however, that 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. 87. (NEW) (Effective July 1, 2022) (a) (1) If an employer has violated any provision of section 84 or 85 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 and shall be awarded payment of
back wages and reasonable attorney's fees and costs, to be taxed by the
court.

(2) There shall be no cause of action for: (A) Actions 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 or while performing the employee's job duties or while on
call in violation of the employer's employment policies; (B) actions,
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 or while performing the
employee's job duties or while on call in violation of the employer's
workplace drug policy; or (C) 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.

(b) The provisions of sections 84 and 85 of this act shall not 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
adopts 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 preemployment drug testing of such applicant.

(c) The provisions of this act shall not apply in the following instances and if the prospective employee is applying for a position as, or if a current employee holds a position as:

(1) A firefighter;

(2) An emergency medical technician;

(3) A police officer or peace officer, or in a position with a law enforcement or investigative function at a state or local agency;

(4) An employee required to operate a motor vehicle, for which federal or state law requires such employee to submit to screening tests, including, but not limited to, any position requiring a commercial driver's license;

(5) The extent that such provisions are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement;

(6) To the extent that such provisions are inconsistent or otherwise in conflict with any provision of federal law;

(7) A position of employment funded in whole or in part by a federal grant;

(8) Any position requiring certification of completion of a course in construction safety and health approved by the United States
Department of Labor's occupational safety and health administration;

(9) Any position requiring the supervision or care of children, medical patients or vulnerable persons;

(10) Any position with the potential to adversely impact the health or safety of employees or members of the public, in the determination of the employer; or

(11) Any position at a nonprofit organization or corporation the primary purpose of which is to discourage use of cannabis products by the general public.

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

Sec. 88. (NEW) (Effective October 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 a cannabis product, 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
Sec. 89. (NEW) (Effective October 1, 2021) (a) A person is guilty of smoking cannabis in a motor vehicle when he or she smokes cannabis, as defined in section 1 of this act, 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 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 cannabis in a motor vehicle is a class D misdemeanor.

Sec. 90. (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.

(c) Not later than April 1, 2022, the Police Officer Standards and Training Council shall develop and promulgate a model drug recognition expert 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.

(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 first 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. 91. 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, as amended by this act, and section 14-227c, as amended by this act, (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 a twelve-part
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
cauing 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) (1) 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)] (A) 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)] (B) 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)] (C) 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)] (D) the
device used for such test was checked for accuracy in accordance with
the regulations adopted under subsection (d) of this section; [(5)] (E) 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 (i) such additional test was not performed or was not performed within a reasonable time, or (ii) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and [(6)] (F) 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.

(2) If a law enforcement officer who is a drug recognition expert conducts a drug influence evaluation, the officer's testimony concerning such evaluation shall be admissible and competent as evidence of operation of a motor vehicle while under the influence of liquor or any drug, or both, under subdivision (1) of subsection (a) of this section.

(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. A person qualified to withdraw blood or any hospital, laboratory or other clinic employing or utilizing the services of such a person shall not incur any civil liability as a result of such activities if requested by a police officer acting in accordance with this section or section 14-227c, as amended by this act, to withdraw blood unless the actions of the person while performing such activities constitute gross negligence.

(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, as amended by this act, 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) A drug recognition expert may testify as to his or her opinion or
otherwise as to the significance of any symptoms of impairment or intoxication for which evidence has been admitted or on the condition that such evidence be introduced.

(3) 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, cannabis products or THC, as those terms are defined in section 1 of this act, the court may take judicial notice that the ingestion of THC (A) can impair a person's ability to operate a motor vehicle; (B) can impair a person's motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control and memory; and (C) does not enhance a person's ability to safely operate a motor vehicle.

Sec. 92. 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, as amended by this act, 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, as amended by this act, 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
believes there is substantial evidence to conclude 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 results indicate that the person does not have an elevated blood
alcohol content, the police officer may request that the person submit to
a different type of 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 believes
there is substantial evidence to conclude 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, except that failure of an officer to mail or transmit such report within three business days shall not impact a decision to suspend such person's license or operating privilege and shall not render such report inadmissible at a hearing under this section.

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, as amended by this act, 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, as amended by this act, 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 believes there is substantial evidence to conclude 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, as amended by this act, or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (B) whether the officer believes that there is substantial evidence to conclude 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
believes there is substantial evidence to conclude 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, as amended by this act, 14-227m or 14-227n, as amended by this act, 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) is there substantial evidence to conclude that such person was 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, 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, 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, as amended by this act, 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, as amended by this act, 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 the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content, or there is substantial evidence to conclude that 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, as amended by this act.

(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. 93. 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, as amended by this act, 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, as amended by this act. 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, as amended by this act, or was there substantial evidence that the person was 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. 94. 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, as amended by this act, or (3) was found to have been operating under the influence of intoxicating liquor or any
Governor's Bill No.

[361x708]LCO No. 3311

133 of 163

drug, or both based on a report filed pursuant to the provisions of subsection (d) of section 14-227b, as amended by this act, 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, as amended by this act. 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" and "nontestimonial portion of a drug influence evaluation" have the same meanings as provided in section 14-227a, as amended by this act.

Sec. 95. (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. 96. 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, as amended by this act, 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, 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 believes there is substantial evidence to conclude 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 a person submits to a breath test and the results indicate that the person does not have an elevated blood alcohol content, the peace officer may request that the person submit to a different type of 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 believes there is substantial evidence to conclude that such person was operating a vessel under the influence of intoxicating liquor or any drug, or both.

(c) (1) 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, except that failure of an officer to mail or transmit such report within three business days shall not impact a decision to suspend a 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 and shall not render such report inadmissible at a hearing under this section. 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 believes
there is substantial evidence to conclude that such person was operating
a vessel under the influence of intoxicating liquor or any drug, or both;
(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 believes that there is substantial evidence to conclude 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 believes there is substantial evidence to conclude 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
there is substantial evidence to conclude that 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, 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, as amended by this act, 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 (i) 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 15-140l 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 the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content, or there is substantial evidence to conclude that 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, as amended by this act.

(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.
The state shall pay the reasonable charges of any physician who, at the request of a law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section.

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.

The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

For purposes of this section and section 15-140r, as amended by this act, (1) "drug influence evaluation" means a twelve-part 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. 97. Section 15-140r of the general statutes is repealed and the following is substituted in lieu thereof (Effective April 1, 2022):

(a) (1) 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 15-1401 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)] (A) 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)] (B) 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)] (C) 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)] (D) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (b) of this section; [(5)] (E) 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 (i) such additional test was not performed or was not performed within a reasonable time, or (ii) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and [(6)] (F) 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.

(2) If a law enforcement officer who is a drug recognition expert
conducts a drug influence evaluation, the officer's testimony concerning
such evaluation shall be admissible and competent as evidence of the
operation of a vessel while under the influence of liquor or any drug, or
both under subdivision (1) of subsection (a) of this section.

(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 15-140l 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 15-140l 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, as amended by this act, 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 15-140l 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 subdivision (1) of subsection (a) of this section, a drug recognition expert may testify as to his or her opinion or otherwise as to the significance of any symptoms of impairment or intoxication for which evidence has been admitted or on the condition that such evidence be introduced.

(3) 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 vessel was impaired, in whole or in part, by consumption of cannabis, cannabis products or THC, as those terms are defined in section 1 of this act, the court may take judicial notice that the ingestion of THC (i) can impair a person's ability to operate a vessel; (ii) can impair a person's motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control and memory; and (iii) does not enhance a person's ability to safely operate a vessel.
Sec. 98. (NEW) (Effective July 1, 2021) (a) As used in this section and sections 99 and 100 of this act:

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

(2) "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) industrial hemp, as defined in 7 USC 1639o, as amended from time to time;

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

(4) "Cannabis retailer" means "retailer", as defined in section 1 of this act;

(5) "Cannabis trim" means all parts, including abnormal or immature parts, of a plant of the genus cannabis, other than cannabis flowers, 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 7 USC 1639o, as amended from time to time;

(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
"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; and

(18) "Wet cannabis" means the whole plant of the genus cannabis, including abnormal and immature plants, that has been harvested and weighed within two hours of harvesting and has not undergone any processing such as drying, curing, trimming or increasing the ambient temperature in the room in which such plant is held.

(b) Beginning on the first day of the month in which a cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager or delivery service may legally operate within the state or a cannabis retailer, hybrid retailer or producer may legally sell cannabis other than cannabis for palliative use, there is
imposed a tax on the first sale or first use in the state by a producer, cultivator or micro-cultivator of cannabis flowers, cannabis trim or wet cannabis, at the rate of (1) one dollar and twenty-five cents per dry-weight gram of cannabis flowers, (2) fifty cents per dry-weight gram of cannabis trim, and (3) twenty-eight cents per gram of wet cannabis.

(c) On or before the last day of each month in which a cultivator or micro-cultivator may legally operate within the state or a producer may legally sell cannabis other than cannabis for palliative use, each such cultivator, micro-cultivator and producer shall file with the Commissioner of Revenue Services a return for the calendar month immediately preceding. Such return shall be in such form and contain such information as the commissioner prescribes, and shall be accompanied by a payment of the amount of the tax shown to be due thereon.

(d) If any cultivator, micro-cultivator or producer 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.

(e) Each person, other than a cultivator, micro-cultivator or producer, who is required, on behalf of such cultivator, micro-cultivator or producer, to collect, truthfully account for and pay over a tax imposed on such cultivator, micro-cultivator or producer under this section and who willfully fails to collect, truthfully account for and pay over such tax or who willfully 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 cultivator, micro-cultivator or producer. 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 cultivator, micro-cultivator or producer. The dissolution of the cultivator, micro-cultivator or producer 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 cultivator, micro-cultivator or producer or to collect or truthfully account for and pay over a tax imposed under this section on behalf of such cultivator, micro-cultivator or producer.

(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 cultivator, micro-cultivator or producer 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.

(i) (1) The tax received by the state under this section shall be deposited as follows: (A) For the fiscal years ending June 30, 2022, and June 30, 2023, in the General Fund; and (B) for the fiscal year ending June 30, 2024, and each fiscal year thereafter, fifty per cent of such tax received in the community aid PILOT account established under subdivision (2) of this section and fifty per cent in the General Fund.

(2) (A) On and after July 1, 2023, there is established an account to be known as the "community aid PILOT 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.

(B) For the fiscal year commencing July 1, 2023, and each fiscal year thereafter, moneys in the account shall be expended by the Office of Policy and Management for the payment of grants in lieu of taxes to municipalities under the provisions of section 12-18b of the general statutes.

(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 that 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. 99. (NEW) (Effective July 1, 2021) (a) (1) There is imposed a tax at the rate of three per cent on the gross receipts from the sale of cannabis and cannabis products by a cannabis retailer, hybrid retailer or micro-cultivator. For the purposes of this section, "gross receipts" means the total amount of the sales price from sales of cannabis and cannabis products 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 or cannabis products to a delivery service for transport to any other cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer or producer;

(3) Shall not apply to the sale of cannabis or cannabis products by a delivery service to a consumer;

(4) Shall be collected from the purchaser at the time of sale and shall be in addition to the tax imposed under chapter 219 of the general statutes; and

(5) Shall be held in trust until remitted to the municipality.

(b) 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 tax collector of the municipality, or the individual designated by the municipality to receive such returns, in which such cannabis retailer, hybrid retailer or micro-cultivator is located. Such return shall report such cannabis retailer's, hybrid retailer's or micro-cultivator's gross receipts from the sale of cannabis and cannabis products other than cannabis sold for palliative use, for the calendar month immediately preceding and the amount of tax imposed under this section shown to be due thereon. Such return shall be in such form and contain such information as the tax collector of the municipality or the individual designated by the municipality to collect the tax imposed under this section, in consultation with the Department of Revenue Services and the Office of Policy and Management, prescribes, and shall be accompanied by a payment of the amount of the tax shown to be due.
thereon, such amount to become part of the general revenue of such municipality.

(c) If any cannabis retailer, hybrid retailer or micro-cultivator fails to pay the amount of tax reported due on its return 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.

(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) (1) If the tax collector, or the individual designated by the municipality to collect the tax imposed under this section, of a municipality in which a cannabis retailer, hybrid retailer or micro-cultivator is located has good cause to believe a cannabis retailer, hybrid retailer or micro-cultivator has underpaid the tax under this section or otherwise has made a material misrepresentation in a return filed pursuant to subsection (b) of this section, the tax collector or such individual may require such cannabis retailer, hybrid retailer or micro-cultivator to have an audit. Such audit shall be performed in the same manner and with the same time periods for completion and extension as for a nonstate entity under the provisions of section 4-232 of the general statutes. An audit shall not be ordered more than once per fiscal year.
(2) The cannabis retailer, hybrid retailer or micro-cultivator shall file a copy of the audit report with the tax collector of the municipality or the individual designated by the municipality to collect the tax imposed under this section. Any cannabis retailer, hybrid retailer or micro-cultivator, or auditor for such cannabis retailer, hybrid retailer or micro-cultivator, that fails to have the audit report filed within the time period set forth in subdivision (2) of subsection (b) of section 4-232 of the general statutes may be assessed a penalty by the tax collector or such individual, in an amount as provided under subdivision (2) of subsection (b) of section 4-232 of the general statutes.

(3) If an audit report shows that the tax under this section was underpaid by a cannabis retailer, hybrid retailer or micro-cultivator, there shall be imposed a penalty equal to twenty-five per cent of the 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.

(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. 100. (NEW) (Effective July 1, 2021) (a) The tax under chapter 219
of the general statutes shall not be imposed on the transfer of cannabis
or cannabis products to a delivery service 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 or cannabis products on a
resale basis and no exemption under chapter 219 of the general statutes
shall apply to the sale of cannabis or cannabis products, except as
provided under section 12-412 of the general statutes, as amended by
this act, 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 or cannabis products.

(2) The Commissioner of Revenue Services shall not issue a refund to
a cannabis retailer, hybrid retailer or micro-cultivator 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 98 of this act,
subsection (f) of section 99 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. 101. Subdivision (120) of section 12-412 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective July 1,
2021):
(A) Sales 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; and palliative marijuana sold under the provisions of chapter 420f.

(B) Nonprescription drugs or medicines shall not include cosmetics, dentifrices, mouthwash, shaving and hair care products, soaps or deodorants or products containing cannabis, as defined in section 1 of this act, or cannabinoids.

Sec. 102. Subparagraph (U) of subdivision (37) of subsection (a) of section 12-407 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(U) (i) [Advertising] Except as provided in clause (ii) of this subparagraph, advertising or public relations services, including layout, art direction, graphic design, mechanical preparation or production supervision, not related to the development of media advertising or cooperative direct mail advertising;

(ii) Advertising or public relations services, including layout, art direction, graphic design, mechanical preparation or production supervision, related to cannabis, as defined in section 1 of this act, or cannabis products;

Sec. 103. 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. 104. 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-
Governor's Bill No.

4886 206, 12-225, 12-226, 12-229, 12-235, 12-242d, 12-263c, 12-263d, 12-263m,
4887 12-268d, 12-268h, 12-293a, 12-309, 12-330d, 12-330i, 12-376, 12-376a, 12-
4888 376b, 12-392, 12-414, 12-415, 12-416, 12-419, 12-419a, 12-439, 12-440, 12-
4889 458, 12-458d, 12-486a, 12-547, 12-548, 12-590, 12-594, 12-638c, 12-
4890 638d, 12-646a, 12-647, [12-655] 12-667, 12-722, 12-723, 12-728, 12-731, 12-
4891 735, 22a-132, 22a-232, 22a-237c, 38a-277 or 51-81b require interest to be
4892 paid to the Commissioner of Revenue Services at the rate of one per cent
4893 per month or fraction thereof or one per cent for each month or fraction
4894 thereof, the Commissioner of Revenue Services may adopt regulations
4895 in accordance with the provisions of chapter 54 that require interest to
4896 be paid to said commissioner at the equivalent daily rate in lieu of such
4897 monthly rate.

4898 Sec. 105. Subsection (a) of section 12-35b of the general statutes is
4899 repealed and the following is substituted in lieu thereof (Effective July 1,
4900 2021):
4901 (a) For the purposes of sections 12-204, 12-212, 12-235, 12-268h, 12-
4902 309, 12-330i, 12-366, 12-398, 12-420, 12-441, 12-475, 12-488, 12-555a, 12-
4903 594, 12-638j [, 12-655] and 12-734:
4904 (1) "Bona fide purchaser" means a person who takes a conveyance of
4905 real estate in good faith from the holder of legal title, and pays valuable
4906 consideration, without actual, implied, or constructive notice of any tax
4907 delinquency.
4908 (2) "Qualified encumbrancer" means a person who places a burden,
4909 charge or lien on real estate, in good faith, without actual, implied, or
4910 constructive notice of any tax delinquency.
4911 (3) "Commissioner" means the Commissioner of Revenue Services or
4912 his or her authorized agent.

4913 Sec. 106. Sections 12-651 to 12-660, inclusive, of the general statutes
4914 are repealed. (Effective July 1, 2021)
This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section 1</th>
<th>from passage</th>
<th>New section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 2</td>
<td>January 1, 2022</td>
<td>21a-279(a)</td>
</tr>
<tr>
<td>Sec. 3</td>
<td>January 1, 2022</td>
<td>21a-279a</td>
</tr>
<tr>
<td>Sec. 4</td>
<td>July 1, 2022</td>
<td>54-142d</td>
</tr>
<tr>
<td>Sec. 5</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 6</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 7</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 8</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 9</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 10</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 11</td>
<td>January 1, 2022</td>
<td>21a-277(b)</td>
</tr>
<tr>
<td>Sec. 12</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 13</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 14</td>
<td>October 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 15</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 16</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 17</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 18</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 19</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 20</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 21</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 22</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 23</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 24</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 25</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 26</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 27</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 28</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 29</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 30</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 31</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 32</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 33</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 34</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 35</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 36</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Section</td>
<td>Effective Date</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Sec. 37</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 38</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 39</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 40</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 41</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 42</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 43</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 44</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 45</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 46</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 47</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 48</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 49</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 50</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 51</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 52</td>
<td>from passage</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 53</td>
<td>October 1, 2021</td>
<td>21a-408</td>
</tr>
<tr>
<td>Sec. 54</td>
<td>July 1, 2021</td>
<td>21a-408a</td>
</tr>
<tr>
<td>Sec. 55</td>
<td>July 1, 2021</td>
<td>21a-408b</td>
</tr>
<tr>
<td>Sec. 56</td>
<td>July 1, 2021</td>
<td>21a-408c</td>
</tr>
<tr>
<td>Sec. 57</td>
<td>October 1, 2021</td>
<td>21a-408d</td>
</tr>
<tr>
<td>Sec. 58</td>
<td>July 1, 2021</td>
<td>21a-408h</td>
</tr>
<tr>
<td>Sec. 59</td>
<td>October 1, 2021</td>
<td>21a-408j</td>
</tr>
<tr>
<td>Sec. 60</td>
<td>July 1, 2021</td>
<td>21a-408k</td>
</tr>
<tr>
<td>Sec. 61</td>
<td>October 1, 2021</td>
<td>21a-408m</td>
</tr>
<tr>
<td>Sec. 62</td>
<td>October 1, 2021</td>
<td>21a-408l</td>
</tr>
<tr>
<td>Sec. 63</td>
<td>October 1, 2021</td>
<td>21a-408r</td>
</tr>
<tr>
<td>Sec. 64</td>
<td>July 1, 2021</td>
<td>21a-408t</td>
</tr>
<tr>
<td>Sec. 65</td>
<td>July 1, 2021</td>
<td>21a-408s</td>
</tr>
<tr>
<td>Sec. 66</td>
<td>July 1, 2021</td>
<td>21a-408u</td>
</tr>
<tr>
<td>Sec. 67</td>
<td>October 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 68</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 69</td>
<td>October 1, 2021</td>
<td>7-148(c)(7)(H)</td>
</tr>
<tr>
<td>Sec. 70</td>
<td>October 1, 2021</td>
<td>19a-342</td>
</tr>
<tr>
<td>Sec. 71</td>
<td>October 1, 2021</td>
<td>19a-342a</td>
</tr>
<tr>
<td>Sec. 72</td>
<td>October 1, 2021</td>
<td>31-40q</td>
</tr>
<tr>
<td>Sec. 73</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 74</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 75</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Section</td>
<td>Effective Date</td>
<td>Type</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Sec. 76</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 77</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 78</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 79</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 80</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 81</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 82</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 83</td>
<td>January 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 84</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 85</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 86</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 87</td>
<td>July 1, 2022</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 88</td>
<td>October 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 89</td>
<td>October 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 90</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 91</td>
<td>April 1, 2022</td>
<td>14-227a(a) to (e)</td>
</tr>
<tr>
<td>Sec. 92</td>
<td>April 1, 2022</td>
<td>14-227b</td>
</tr>
<tr>
<td>Sec. 93</td>
<td>April 1, 2022</td>
<td>14-227c</td>
</tr>
<tr>
<td>Sec. 94</td>
<td>April 1, 2022</td>
<td>14-44k(c)</td>
</tr>
<tr>
<td>Sec. 95</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 96</td>
<td>April 1, 2022</td>
<td>15-140q</td>
</tr>
<tr>
<td>Sec. 97</td>
<td>April 1, 2022</td>
<td>15-140r</td>
</tr>
<tr>
<td>Sec. 98</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 99</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 100</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 101</td>
<td>July 1, 2021</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 102</td>
<td>July 1, 2021</td>
<td>12-412(120)</td>
</tr>
<tr>
<td>Sec. 103</td>
<td>July 1, 2021</td>
<td>12-407(a)(37)(U)</td>
</tr>
<tr>
<td>Sec. 104</td>
<td>July 1, 2021</td>
<td>12-650</td>
</tr>
<tr>
<td>Sec. 105</td>
<td>July 1, 2021</td>
<td>12-30a(a)(1)</td>
</tr>
<tr>
<td>Sec. 106</td>
<td>July 1, 2021</td>
<td>12-35b(a)</td>
</tr>
</tbody>
</table>

**Statement of Purpose:**
To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]