



General Assembly

January Session, 2021

Governor's Bill No.

LCO No. 3311



Referred to Committee on

Introduced by:

Request of the Governor Pursuant
to Joint Rule 9

AN ACT RESPONSIBLY AND EQUITABLY REGULATING ADULT-USE CANNABIS.

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

1 Section 1. (NEW) (*Effective from passage*) As used in this section,
2 sections 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections
3 12 to 45, inclusive, of this act, sections 47 to 52, inclusive, of this act,
4 sections 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this
5 act, sections 74 to 76, inclusive, of this act and sections 78 to 89, inclusive,
6 of this act, unless the context otherwise requires:

7 (1) "Backer" means any person with a direct or indirect financial
8 interest in a cannabis establishment. "Backer" does not include a person
9 with an investment interest in a cannabis establishment, provided the
10 interest held by such person and such person's coworkers, employees,
11 spouse, parent or child, in the aggregate, does not exceed five per cent
12 of the total ownership or interest rights in such cannabis establishment
13 and such person does not participate directly or indirectly in the control,
14 management or operation of the cannabis establishment;

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

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

21 (4) "Cannabis flower" means the flower, including abnormal and
22 immature flowers, of a plant of the genus cannabis that has been
23 harvested, dried and cured, and prior to any processing whereby the
24 flower material is transformed into a cannabis product. "Cannabis
25 flower" does not include (A) the leaves or stem of such plant, or (B)
26 industrial hemp, as defined in 7 USC 5940, as amended from time to
27 time;

28 (5) "Cannabis trim" means all parts, including abnormal and
29 immature flowers, of a plant of the genus cannabis, other than cannabis
30 flowers, that have been harvested, dried and cured, and prior to any
31 processing whereby the plant material is transformed into a cannabis
32 product. "Cannabis trim" does not include hemp, as defined in section
33 22-611 of the general statutes;

34 (6) "Cannabis product" means a cannabis concentrate or a product
35 that contains cannabis, which may be combined with other ingredients,
36 and is intended for use or consumption. Cannabis product does not
37 include the raw cannabis plant;

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

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

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

44 or older;

45 (10) "Cultivation" has the same meaning as provided in section 21a-
46 408 of the general statutes;

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

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

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

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

58 (15) "Disqualifying conviction" means a conviction within the last ten
59 years which has not been the subject of an absolute pardon under the
60 provisions of section 54-130a of the general statutes, or an equivalent
61 pardon process under the laws of another state or the federal
62 government, for an offense under (A) section 53a-276, 53a-277 or 53a-
63 278 of the general statutes; (B) section 53a-291, 53a-292 or 53a-293 of the
64 general statutes; (C) section 53a-215 of the general statutes; (D) section
65 53a-138 or 53a-139 of the general statutes; (E) section 53a-142a of the
66 general statutes; (F) sections 53a-147 to 53a-162, inclusive, of the general
67 statutes; (G) sections 53a-125c to 53a-125f, inclusive, of the general
68 statutes; (H) section 53a-129b, 53a-129c or 53a-129d of the general
69 statutes; (I) subsection (b) of section 12-737 of the general statutes; (J)
70 section 53a-48 or 53a-49 of the general statutes, if the offense which is
71 attempted or is an object of the conspiracy is an offense under the
72 statutes listed in subparagraphs (A) to (I), inclusive, of this subdivision;
73 or (K) the law of any other state or of the federal government, if the

74 offense on which such conviction is based is defined by elements that
75 substantially include the elements of an offense under the statutes listed
76 in subparagraphs (A) to (J), inclusive, of this subdivision;

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

82 (17) "Employee" means any person who is not a backer or key
83 employee, but is a member of the board of a company with an
84 ownership interest in a cannabis establishment, and any person
85 employed by a cannabis establishment or who otherwise has access to
86 such establishment or the vehicles used to transport cannabis or
87 cannabis products, including, but not limited to, an independent
88 contractor who has routine access to the premises of such establishment
89 or to the cannabis or cannabis products handled by such establishment;

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

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

97 (20) "Grow space" means the portion of a premises owned and
98 controlled by a producer, cultivator or micro-cultivator that is utilized
99 for the cultivation, growing or propagation of the cannabis plant. Grow
100 space does not include space used to cure, process, store harvested
101 cannabis or manufacture cannabis once the cannabis has been
102 harvested;

103 (21) "Hybrid retailer" means a person that is licensed to purchase

104 cannabis and sell cannabis, cannabis products and medical marijuana
105 products;

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

119 (23) "Laboratory" has the same meaning as provided in section 21a-
120 408 of the general statutes;

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

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

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

131 (27) "Micro-cultivator" means a person engaged in the cultivation,
132 growing and propagation of the cannabis plant at an establishment
133 containing not less than two thousand square feet and not more than

134 five thousand square feet of grow space, prior to any expansion
135 authorized by the commissioner;

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

138 (29) "Paraphernalia" means drug paraphernalia, as defined in section
139 21a-240 of the general statutes;

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

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

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

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

155 (34) "Qualifying patient" has the same meaning as provided in section
156 21a-408 of the general statutes;

157 (35) "Research program" has the same meaning as provided in section
158 21a-408 of the general statutes;

159 (36) "Retailer" means a person, excluding a dispensary facility and
160 hybrid retailer, that is licensed to purchase cannabis and cannabis
161 products from producers, cultivators, micro-cultivators, product

162 manufacturers and food and beverage manufacturers and to sell
163 cannabis and cannabis products to consumers and research programs;

164 (37) "Sale" or "sell" has the same meaning as provided in section 21a-
165 240 of the general statutes;

166 (38) "THC" means tetrahydrocannabinol and any material,
167 compound, mixture or preparation which contain their salts, isomers
168 and salts of isomers, whenever the existence of such salts, isomers and
169 salts of isomers is possible within the specific chemical designation,
170 regardless of the source, except: (A) dronabinol in sesame oil and
171 encapsulated in a soft gelatin capsule in a federal Food and Drug
172 Administration approved product, and (B) any tetrahydrocannabinol
173 product that has been approved by the federal Food and Drug
174 Administration or successor agency to have a medical use and
175 reclassified in any schedule of controlled substances or unscheduled by
176 the federal Drug Enforcement Administration or successor agency; and

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

181 Sec. 2. Subsection (a) of section 21a-279 of the general statutes is
182 repealed and the following is substituted in lieu thereof (*Effective January*
183 *1, 2022*):

184 (a) (1) Any person who possesses or has under such person's control
185 any quantity of any controlled substance, except [less than one-half
186 ounce of a cannabis-type substance] any quantity of cannabis or
187 cannabis product, as defined by section 1 of this act, and except as
188 authorized in this chapter, shall be guilty of a class A misdemeanor.

189 (2) For a second offense of subdivision (1) of this subsection, the court
190 shall evaluate such person and, if the court determines such person is a
191 drug-dependent person, the court may suspend prosecution of such

192 person and order such person to undergo a substance abuse treatment
193 program.

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

197 Sec. 3. Section 21a-279a of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective January 1, 2022*):

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

207 ~~[(a)]~~ (b) Any person under twenty-one years of age who possesses or
208 has under [his] such person's control less than [one-half ounce of a
209 cannabis-type substance, as defined in section 21a-240] (1) two and one-
210 half ounces of cannabis plant material, (2) an equivalent amount of
211 cannabis product, as provided in subsection (g) of this section, or (3) an
212 equivalent amount of a combination of cannabis and cannabis product,
213 as provided in subsection (g) of this section, except as authorized in this
214 chapter or chapter 420f, shall [(1)] (A) for a first offense, be fined one
215 hundred fifty dollars, and [(2)] (B) for a subsequent offense, be fined not
216 less than two hundred dollars or more than five hundred dollars.

217 (c) Any person twenty-one years of age or older who possesses or has
218 under such person's control more than the possession limit pursuant to
219 subsection (a) of this section, but less than (1) two and one-half ounces
220 of cannabis plant material, (2) an equivalent amount of cannabis
221 product, as provided in subsection (g) of this section, or (3) an

222 equivalent amount of a combination of cannabis and cannabis product,
223 as provided in subsection (g) of this section, except as authorized in this
224 chapter or chapter 420f, shall (A) for a first offense, be fined one hundred
225 fifty dollars, and (B) for a subsequent offense, be fined not less than two
226 hundred dollars or more than five hundred dollars.

227 (d) (1) Any person who possesses or has under such person's control
228 (A) two and one-half ounces or more of cannabis plant material, (B) an
229 equivalent amount of cannabis product, as provided in subsection (g) of
230 this section, or (C) an equivalent amount of a combination of cannabis
231 and cannabis product, as provided in subsection (g) of this section,
232 except as authorized in this chapter, chapter 420f or sections 18 to 29,
233 inclusive, of this act, sections 31 to 33, inclusive, of this act or section
234 21a-408t, as amended by this act, shall (i) for a first offense, be fined five
235 hundred dollars, and (ii) for a subsequent offense, be guilty of a class C
236 misdemeanor.

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

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

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

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

261 (2) For purposes of subsection (a) of this section, one and one-half
262 ounces of cannabis plant material shall be considered equivalent to (A)
263 seven and one-half grams of cannabis concentrate or such other amount
264 of cannabis concentrate as specified pursuant to subdivision (5) of this
265 subsection, or (B) any other cannabis product or products with up to
266 seven hundred fifty milligrams of THC or such other cannabis product
267 or products with levels of THC as specified in regulations adopted
268 pursuant to subdivision (5) of this subsection.

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

278 (4) For purposes of any possession limit specified in this section and
279 sections 10 and 13 of this act and section 21a-408b, as amended by this
280 act, the amount possessed shall be calculated by converting any
281 quantity of cannabis product to its equivalent quantity of cannabis plant
282 material, and then taking the sum of any such quantities.

283 (5) The Commissioner of Consumer Protection may adopt
284 regulations in accordance with the provisions of chapter 54 of the
285 general statutes, that (A) further specify quantities of cannabis product
286 equivalent to one ounce of cannabis plant material, or (B) specify, when
287 cannabis and cannabis products are possessed in combination,
288 permissible ratios and associated permissible amounts of various
289 combinations of cannabis and cannabis product.

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

293 (2) As used in this section, "cannabis plant material" means cannabis
294 flower, cannabis trim and all parts of any plant or species of the genus
295 cannabis, or any infra specific taxon thereof, excluding a growing plant,
296 and the seeds thereof. "Cannabis plant material" does not include
297 industrial hemp, as defined in 7 USC 5940, as amended from time to
298 time.

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

301 (a) Whenever any person has been convicted of an offense in any
302 court in this state and such offense has been decriminalized subsequent
303 to the date of such conviction, such person may file a petition with the
304 [superior court] Superior Court at the location in which such conviction
305 was effected, or with the [superior court] Superior Court at the location
306 having custody of the records of such conviction or [with the records
307 center of the Judicial Department] if such conviction was in the Court of
308 Common Pleas, Circuit Court, municipal court or by a trial justice in the
309 Superior Court where venue would exist for criminal prosecution, for
310 an order of erasure, and the Superior Court [or records center of the
311 Judicial Department] shall direct all police and court records and
312 records of the state's or prosecuting attorney pertaining to such [case]
313 offense to be physically destroyed.

314 (b) Any person who has been convicted on October 1, 2015, or
315 thereafter, in any court in this state of a violation of section 21a-279, as
316 amended by this act, for possession of a cannabis-type substance and
317 the amount possessed was less than or equal to four ounces of such
318 substance, may file a petition with the Superior Court at the location in
319 which such conviction was effected, or with the Superior Court at the
320 location having custody of the records of such conviction or if such
321 conviction was in the Court of Common Pleas, Circuit Court, municipal
322 court or by a trial justice, in the Superior Court where venue would
323 currently exist for criminal prosecution, for an order of erasure. As part
324 of such petition, such person shall include a copy of the arrest record or
325 an affidavit supporting such person's petition that such person
326 possessed four ounces or less of a cannabis-type substance for which
327 such person was convicted. If such petition is in order, the Superior
328 Court shall direct all police and court records and records of the state's
329 or prosecuting attorney pertaining to such offense to be erased. No fee
330 may be charged in any court with respect to any petition under this
331 subsection.

332 (c) The provisions of this section shall not apply to any police or court
333 records or records of the state's or prosecuting attorney pertaining to
334 such offense (1) while the criminal case is pending, or (2) in instances
335 where the case contains more than one count, until the records
336 pertaining to all counts are entitled to destruction or erasure. If the
337 records pertaining to all counts are not entitled to destruction, the court
338 shall direct the records of any offenses that would otherwise be entitled
339 to destruction pursuant to this section to be erased pursuant to section
340 54-142a, as amended by this act.

341 Sec. 5. (NEW) (*Effective July 1, 2022*) (a) Whenever prior to October 1,
342 2015, any person has been convicted in any court of this state of
343 possession under subsection (c) of section 21a-279 of the general
344 statutes, all police and court records and records of the state's or
345 prosecuting attorney pertaining to such a conviction in any court of this

346 state shall be (1) erased, if such records are electronic records; or (2)
347 deemed erased by operation of law, if such records are not electronic
348 records.

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

357 (c) Nothing in this section shall limit any other procedure for erasure
358 of criminal history record information, as defined in section 54-142g of
359 the general statutes, or prohibit a person from participating in any such
360 procedure, even if such person's electronic criminal history record
361 information has been erased pursuant to this section.

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

366 (e) Nothing in this section shall be construed to require the redaction
367 of records held internally by the Department of Correction.

368 Sec. 6. (NEW) (*Effective January 1, 2022*) Notwithstanding any
369 provision of the general statutes, no cannabis establishment, cannabis
370 employee, or backer of a cannabis establishment may be subject to arrest
371 or prosecution, penalized in any manner, including, but not limited to,
372 being subject to any civil penalty, or denied any right or privilege,
373 including, but not limited to, being subject to any disciplinary action by
374 a professional licensing board, for the acquisition, distribution,
375 possession, use or transportation of cannabis or paraphernalia related to

376 cannabis in his or her capacity as a cannabis establishment, cannabis
377 employee, or backer so long as such person's activity is in accordance
378 with the laws and regulations for such person's license or registration
379 type set forth in section 21a-243 of the general statutes, as amended by
380 this act, section 21a-279a of the general statutes, as amended by this act,
381 section 21a-408t of the general statutes, as amended by this act, sections
382 18 to 29, inclusive, of this act, sections 31 to 35, inclusive, of this act or
383 section 41 of this act.

384 Sec. 7. (NEW) (*Effective January 1, 2022*) Except when required by
385 federal law, an agreement between the federal government and the
386 state, or because of a substantial risk to public health or safety, no state
387 entity shall deny a professional license because of an individual's: (1)
388 Employment or affiliation with a cannabis establishment; (2) possession
389 or use of cannabis that is legal under section 21a-279a of the general
390 statutes, as amended by this act, or chapter 420f of the general statutes,
391 as amended by this act; or (3) cannabis use or possession conviction for
392 an amount less than four ounces.

393 Sec. 8. (NEW) (*Effective January 1, 2022*) Any drug paraphernalia or
394 other property relating to cannabis or cannabis product held by the
395 Commissioner of Consumer Protection pursuant to section 21a-263 of
396 the general statutes, a law enforcement agency, or court official that was
397 seized from a consumer in connection with suspected possession or
398 control of cannabis or cannabis product in violation of the provisions of
399 subsection (a) of section 21a-279a of the general statutes, as amended by
400 this act, shall be returned to the consumer immediately upon a
401 determination that such consumer did not possess or have under his or
402 her control cannabis or cannabis product in violation of subsection (a)
403 of section 21a-279a of the general statutes, as amended by this act, as
404 evidenced by a decision not to prosecute or a dismissal of charges, an
405 acquittal or any other final determination by a court that such consumer
406 was not in violation of subsection (a) of section 21a-279a of the general
407 statutes, as amended by this act.

408 Sec. 9. (NEW) (*Effective January 1, 2022*) Notwithstanding any
409 provision of chapter 420b of the general statutes, a consumer may
410 manufacture, possess or purchase paraphernalia related to cannabis or
411 distribute or sell paraphernalia related to cannabis to another consumer.

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

418 Sec. 11. Subsection (b) of section 21a-277 of the general statutes is
419 repealed and the following is substituted in lieu thereof (*Effective January*
420 *1, 2022*):

421 (b) (1) No person may manufacture, distribute, sell, prescribe,
422 dispense, compound, transport with the intent to sell or dispense,
423 possess with the intent to sell or dispense, offer, give or administer to
424 another person, except as authorized in this chapter or chapter 420f, any
425 controlled substance other than a (A) narcotic substance, or (B)
426 hallucinogenic substance.

427 (2) [Any] Except as provided in subdivision (3) or (4) of this
428 subsection, any person who violates subdivision (1) of this subsection
429 (A) for a first offense, may be fined not more than twenty-five thousand
430 dollars or imprisoned not more than seven years, or be both fined and
431 imprisoned, and (B) for any subsequent offense, may be fined not more
432 than one hundred thousand dollars or imprisoned not more than fifteen
433 years, or be both fined and imprisoned.

434 (3) Any person who violates subdivision (1) of this subsection by
435 growing up to six cannabis plants in such person's own residence for
436 personal use (A) for a first offense, shall be guilty of a class C
437 misdemeanor, and (B) for a second offense, shall be guilty of a class A

438 misdemeanor.

439 (4) Any person who violates subdivision (1) of this subsection by
440 growing up to six cannabis plants outside such person's own residence
441 for personal use (A) for a first offense, shall be guilty of a class A
442 misdemeanor, and (B) for a second offense, shall be guilty of a class E
443 felony.

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

446 Sec. 12. (NEW) (*Effective January 1, 2022*) (a) Use or possession of
447 cannabis or cannabis products by a person that does not violate section
448 21a-279 or section 21a-279a of the general statutes or chapter 420f of the
449 general statutes, as amended by this act, shall not be grounds for
450 revocation of such person's parole, special parole or probation.

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

457 Sec. 13. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
458 subsection (c) of this section, the existence of any of the following
459 circumstances shall not constitute in part or in whole probable cause or
460 reasonable suspicion and shall not be used as a basis to support any stop
461 or search of a person or motor vehicle:

462 (1) The odor of cannabis or burnt cannabis;

463 (2) The possession of or the suspicion of possession of cannabis or
464 cannabis product without evidence that (A) the person in possession or
465 under suspicion of possession of cannabis or cannabis product is under
466 twenty-one years of age, or (B) the quantity of cannabis or cannabis

467 product is or suspected to be in excess of the possession limit pursuant
468 to section 21a-279a of the general statutes, as amended by this act; or

469 (3) The presence of cash or currency in proximity to cannabis or
470 cannabis product without evidence that such cash or currency exceeds
471 one hundred dollars.

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

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

480 Sec. 14. (NEW) (*Effective October 1, 2021*) Any person who knowingly
481 feeds or recklessly provides cannabis or a cannabis product to a
482 domesticated animal, or knowingly or recklessly makes such product
483 available to a domesticated animal through criminal negligence, shall be
484 guilty of a class C misdemeanor.

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

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

490 (1) Two appointed by the Governor who shall have a professional
491 background of not less than five years working in the field of either
492 social justice or civil rights;

493 (2) One appointed by the Governor who shall have a professional
494 background of not less than five years working in the field of economic

495 development;

496 (3) One appointed by the Governor who shall have a professional
497 background of not less than five years in providing access to capital to
498 minorities, as defined in section 32-9n of the general statutes;

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

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

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

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

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

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

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

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

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

520 (f) A majority of the members of the commission shall constitute a
521 quorum for the transaction of any business.

522 (g) The members of the commission shall serve without
523 compensation, but shall, within available appropriations, be reimbursed
524 for expenses necessarily incurred in the performance of their duties.

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

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

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

542 (c) Not later than November 15, 2021, the commission shall, taking
543 into account the results of the study conducted in accordance with
544 subsection (a) of this section, make written recommendations, in
545 accordance with the provisions of section 11-4a of the general statutes,
546 to the Governor and the joint standing committees of the General
547 Assembly having cognizance of matters relating to finance, revenue and
548 bonding, consumer protection, the judiciary and public health
549 regarding legislation to implement the provisions of this act. The
550 commission shall make recommendations regarding:

551 (1) The distribution of a portion of tax revenues to support residents
552 in communities that have been disproportionately harmed by cannabis

553 prohibition and enforcement as further defined by the study described
554 in subsection (a) of this section;

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

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

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

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

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

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

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

580 (9) Establishing the entity that shall be responsible for implementing
581 and regulating the equity program established in accordance with these

582 recommendations.

583 Sec. 17. (NEW) (*Effective July 1, 2021*) Any person shall be eighteen
584 years of age or older to: (1) Hold any cannabis establishment license
585 issued pursuant to this act; (2) be a backer or key employee of a cannabis
586 establishment that is licensed pursuant to this act; (3) be an employee of
587 a cannabis establishment that is licensed pursuant to this act; or (4) be
588 employed by a cannabis establishment or a licensee pursuant to chapter
589 420f of the general statutes.

590 Sec. 18. (NEW) (*Effective July 1, 2021*) (a) No agency or political
591 subdivision of the state may rely on a violation of federal law related to
592 cannabis as the sole basis for taking an adverse action against a person.

593 (b) It is the public policy of this state that contracts related to the
594 operation of a cannabis establishment licensed in accordance with this
595 section are enforceable.

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

604 (d) No law enforcement officer employed by an agency that receives
605 state or local government funds shall expend state or local resources,
606 including the officer's time, to effect any arrest or seizure of cannabis, or
607 conduct any investigation, on the sole basis of activity the officer
608 believes to constitute a violation of federal law if the officer has reason
609 to believe that such activity is in compliance with this subtitle.

610 (e) An officer may not expend state or local resources, including the
611 officer's time, to provide any information or logistical support related to

612 such activity to any federal law enforcement authority or prosecuting
613 entity.

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

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

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

634 Sec. 21. (NEW) (*Effective July 1, 2021*) (a) No cannabis retailer or
635 hybrid retailer shall accept payment or other form of compensation from
636 a cultivator, micro-cultivator, producer, food and beverage
637 manufacturer or product manufacturer to carry a cannabis product or
638 for placement or promotion of such product in a retailer or hybrid
639 retailer's location. No retailer or hybrid retailer shall enter into a contract
640 with a cultivator, micro-cultivator, producer, food and beverage
641 manufacturer or product manufacturer that requires exclusivity or near
642 exclusivity or limits a retailer or hybrid retailer from purchasing from

643 other cultivators, micro-cultivators, producers, food and beverage
644 manufacturers or product manufacturers in any way.

645 (b) No cannabis establishment shall produce, manufacture or sell
646 cannabis or cannabis products that are intended for use or consumption
647 by animals.

648 (c) A retailer or hybrid retailer shall not knowingly sell to an
649 individual more than one ounce of cannabis or its dry weight equivalent
650 in cannabis products per day. Notwithstanding the foregoing, a hybrid
651 retailer or dispensary facility may sell up to five ounces of cannabis or
652 cannabis product to a qualifying patient or caregiver, which amount
653 represents such qualifying patient's maximum monthly allotment.
654 Notwithstanding the requirements of sections 4-168 to 4-172, inclusive,
655 of the general statutes, to avoid cannabis supply shortages or address a
656 public health and safety concern, the commissioner may set temporary
657 lower per-transaction limits, which shall be published on the
658 department's Internet web site. Such limits shall become ineffective
659 upon the earlier of the expiration of six months from publication or
660 upon the commissioner's determination that a supply shortage or public
661 health and safety concern no longer exists.

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

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

668 Sec. 22. (NEW) (*Effective July 1, 2021*) (a) Each employee of a cannabis
669 establishment, other than a key employee, shall annually apply for and
670 obtain a registration on a form and in a manner prescribed by the
671 commissioner prior to commencing employment at the cannabis
672 establishment.

673 (b) No person shall act as a backer or key employee, or represent that
674 such person is a backer or key employee, unless such person has
675 obtained a license from the department pursuant to this subsection.
676 Such person shall apply for a license on a form and in a manner
677 prescribed by the commissioner. Such form may require the applicant
678 to: (1) Submit to a state and national criminal history records check
679 conducted in accordance with section 29-17a of the general statutes,
680 which may include a financial history check if requested by the
681 commissioner, to determine the character and fitness of the applicant for
682 the license, (2) provide information sufficient for the department to
683 assess whether the applicant has an ownership interest in any other
684 cannabis establishment, cannabis establishment applicant or cannabis-
685 related business nationally or internationally, and (3) obtain such other
686 information as the department determines is consistent with the
687 requirements of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive,
688 of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
689 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
690 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act and
691 sections 78 to 89, inclusive, of this act, section 21a-243 of the general
692 statutes, as amended by this act, or chapter 420f of the general statutes.
693 A backer or key employee shall be denied a license in the event their
694 background check reveals a disqualifying conviction.

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

700 Sec. 23. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
701 commissioner shall require each applicant for an initial backer and key
702 employee license under this chapter to submit to fingerprint based state
703 and national criminal history records checks before such license is
704 issued. The criminal history records checks required pursuant to this
705 subsection shall be conducted in accordance with section 29-17a of the

706 general statutes. Upon renewal, the commissioner may require a backer
707 or key employee to be fingerprinted and submit to a state and national
708 criminal history records check conducted in accordance with section 29-
709 17a of the general statutes before such renewal license is issued.

710 (b) The department shall charge the applicant a fee equal to the
711 amount charged to the department to conduct a state and national
712 criminal history record check.

713 Sec. 24. (NEW) (*Effective from passage*) The commissioner shall adopt
714 regulations in accordance with chapter 54 of the general statutes to
715 implement the provisions of this section. Notwithstanding the
716 requirements of sections 4-168 to 4-172, inclusive, of the general statutes,
717 in order to effectuate the purposes of this section and protect public
718 health and safety, prior to adopting such regulations the commissioner
719 shall issue requirements to implement the provisions of this section that
720 shall have the force and effect of law. The commissioner shall post all
721 requirements on the department's Internet web site, and submit
722 requirements for posting on the Secretary of the State's Internet web site,
723 at least fifteen days prior to the effective date of any requirement.
724 Requirements shall no longer be effective upon the earlier of either
725 codification by the Secretary of the State as a final regulation or forty-
726 eight months from the effective date of this section if such regulations
727 have not been submitted to the Legislative Regulation Review
728 Committee for consideration. The commissioner shall issue
729 requirements and final regulations that include, but are not limited to,
730 the following:

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

735 (2) Requiring that each single standardized serving of cannabis
736 product in a multiple-serving edible product is physically demarked in

737 a way that enables a reasonable person to determine how much of the
738 product constitutes a single serving and a maximum amount of THC
739 per multiple-serving edible product;

740 (3) Requiring that, if it is impracticable to clearly demark every
741 standardized serving of cannabis product or to make each standardized
742 serving easily separable in an edible cannabis product, the product shall
743 contain no more than ten milligrams of THC per unit of sale;

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

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

753 (A) A universal symbol to indicate that a cannabis or a cannabis
754 product contains cannabis, and prescribe how such product and
755 product packaging shall utilize and exhibit such symbol;

756 (B) A disclosure concerning the length of time it typically takes for
757 the cannabis or cannabis product to affect an individual, including that
758 certain forms of cannabis or cannabis products take longer to have an
759 affect;

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

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

763 (E) Child-resistant packaging;

764 (F) Product tracking information sufficient to determine where and

765 when the cannabis was grown and manufactured such that a product
766 recall could be effectuated;

767 (G) A net weight statement;

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

769 (I) Standard and uniform packaging and labeling, including, but not
770 limited to, (i) requirements regarding branding or logos, and (ii)
771 requirements that all packaging is opaque;

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

775 (7) Prohibiting product types that appeal to children;

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

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

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

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

791 (1) Advertise cannabis or cannabis products and cannabis

792 paraphernalia in ways that target or are designed to appeal to
793 individuals under the legal age to purchase cannabis products,
794 including, but not limited to, depictions of a person under twenty-one
795 years of age consuming cannabis or cannabis products, or, includes
796 objects, such as toys, characters or cartoon characters suggesting the
797 presence of a person under twenty-one years of age, or any other
798 depiction designed in any manner to be appealing to a person under
799 twenty-one years of age;

800 (2) Engage in advertising unless the advertiser has reliable evidence
801 that not less than ninety per cent of the audience for the advertisement
802 is reasonably expected to be twenty-one years of age or older;

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

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

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

823 participate in the event is expected to be under the legal age to purchase
824 cannabis products;

825 (6) Advertise cannabis, cannabis products or cannabis paraphernalia
826 in any form or through any medium whatsoever within five hundred
827 feet of an elementary or secondary school grounds or on any billboard
828 in the state;

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

831 (8) Exhibit within or upon the outside of the cannabis establishment,
832 or include in any advertisement the words "drug store", "pharmacy",
833 "apothecary", "drug", "drugs" or "medicine shop" or any combination of
834 such terms or any other words, displays or symbols indicating that such
835 store, shop or place of business is a pharmacy.

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

843 (c) The department shall not register any cannabis brand name that:

844 (1) Is identical to, or confusingly similar to, the name of an existing
845 noncannabis product;

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

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

850 (4) Is obscene or indecent; and

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

853 Sec. 26. (NEW) (*Effective July 1, 2021*) (a) On and after July 1, 2021, the
854 department may accept applications for the following cannabis
855 establishment license types: (1) Retailer, (2) hybrid retailer, (3)
856 cultivator, (4) micro-cultivator, (5) product manufacturer, (6) food and
857 beverage manufacturer, (7) product packager, and (8) delivery service.

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

859 (1) Retailer fee to enter the lottery shall be five hundred dollars, the
860 fee to receive a provisional license shall be five thousand dollars and the
861 fee to receive a final license shall be twenty-five thousand dollars.

862 (2) Hybrid retailer fee to enter the lottery shall be five hundred
863 dollars, the fee to receive a provisional license shall be five thousand
864 dollars and the fee to receive a final license shall be twenty-five
865 thousand dollars.

866 (3) Cultivator fee to enter the lottery shall be one thousand dollars,
867 the fee to receive a provisional license shall be twenty-five thousand
868 dollars and the fee to receive a final license shall be seventy-five
869 thousand dollars.

870 (4) Micro-cultivator fee to enter the lottery shall be two hundred fifty
871 dollars, the fee to receive a provisional license shall be five hundred
872 dollars and the fee to receive a final license shall be one thousand
873 dollars.

874 (5) Product manufacturer fee to enter the lottery shall be seven
875 hundred fifty dollars, the fee to receive a provisional license shall be five
876 thousand dollars and the fee to receive a final license shall be twenty-
877 five thousand dollars.

878 (6) Food and beverage manufacturer fee to enter the lottery shall be
879 two hundred fifty dollars, the fee to receive a provisional license shall

880 be one thousand dollars and the fee to receive a final license shall be five
881 thousand dollars.

882 (7) Product packager fee to enter the lottery shall be five hundred
883 dollars, the fee to receive a provisional license shall be five thousand
884 dollars and the fee to receive a final license shall be twenty-five
885 thousand dollars.

886 (8) Delivery service fee to enter the lottery shall be two hundred fifty
887 dollars, the fee to receive a provisional license shall be one thousand
888 dollars and the fee to receive a final license shall be five thousand
889 dollars.

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

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

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

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

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

898 (c) For each license type:

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

901 (2) The department shall post on its Internet web site the application
902 period, which shall specify the first and last date that the department
903 will accept applications for that license type. Only complete license
904 applications received by the department during the application period
905 shall be considered.

906 (d) Prior to the first date that the department will accept applications

907 for a license type, the department shall, within its discretion, determine
908 the maximum number of applications that shall be considered for that
909 license type and post such information on its Internet web site.

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

915 (f) The third-party lottery operator shall:

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

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

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

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

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

936 obtaining the numerical rankings of all applications for each license type
937 for which a lottery is performed by the third-party lottery operator.

938 (h) Upon being notified by the third-party lottery operator of the
939 applications chosen for review, the department shall review each
940 application to confirm it is complete and to determine whether any
941 application: (1) Includes a backer with a disqualifying conviction; (2)
942 includes a backer that would result in common ownership in violation
943 of the cap set forth in this act; or (3) has a backer who individually or in
944 connection with a cannabis business in another state or country has an
945 administrative finding or judicial decision that may substantively
946 compromise the integrity of the cannabis program, as determined by the
947 department, or that precludes its participation in this state's cannabis
948 program. If the number of applications submitted is equal to or less than
949 the number posted on the department's Internet web site, the
950 department may immediately begin to review the applications in
951 accordance with this subsection without use of a lottery process.

952 (i) If an applicant or a single backer of an applicant is disqualified on
953 the basis of any of the criteria set forth in subsection (h) of this section,
954 the entire application shall be denied and such denial shall be a final
955 decision of the department. Notwithstanding the foregoing, backers of
956 the applicant entity named in the lottery application submission may be
957 removed prior to submission of a final license application. However, no
958 additional backers may be added to a cannabis establishment
959 application between the time of lottery entry and when a final license is
960 awarded to the cannabis establishment. If the applicant removes any
961 backer that would the cause the applicant to be denied based on
962 subsection (h) of this section, then the applicant entity shall not be
963 denied due to such backer's prior involvement if such backer is removed
964 within thirty days of notice by the department of disqualification of a
965 backer. Not later than thirty days after service of notice upon the
966 applicant of a denial, the applicant may take an appeal therefrom to the
967 Superior Court in accordance with section 4-183 of the general statutes.

968 (j) For each application denied pursuant to subsection (h) of this
969 section, the department may, within its discretion, request that the
970 lottery provide the next-ranked application. This process may continue
971 until the department has identified for further consideration the number
972 of applications set forth on its Internet web site pursuant to subsection
973 (c) of this section. If the number of applications remaining is less than
974 the number posted on the department's Internet web site, the
975 department may, within its discretion, reopen the application period or
976 award fewer licenses.

977 (k) All applicants selected in the lottery and not denied shall be
978 provided a provisional license application, which shall be submitted in
979 a form and manner prescribed by the commissioner.

980 (l) Applicants shall have sixty days from the date they receive their
981 provisional application to complete the application. The right to apply
982 for a provisional license is nontransferable.

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

988 (n) If a provisional application meets the standards set forth in this
989 section, the applicant shall be provided a provisional license. A
990 provisional license shall be nontransferable. If the provisional
991 application does not meet the standards set forth in this section or is not
992 completed within sixty days, the applicant shall not receive a
993 provisional license. The decision of the department not to award a
994 provisional license shall be final and may be appealed in accordance
995 with section 4-183 of the general statutes. Nothing in this section shall
996 prevent a provisional applicant from submitting an application for a
997 future lottery.

998 (o) A provisional license shall expire after twelve months and shall

999 not be renewed.

1000 (p) A provisional licensee may apply for a final license of the license
1001 type for which they applied during the initial application period.

1002 (q) Final license applications shall be submitted on a form and in a
1003 manner approved by the commissioner and shall include, but not be
1004 limited to, the information set forth in this section, as well as evidence
1005 of the following:

1006 (1) A contract with an approved seed-to-sale vendor in accordance
1007 with the provisions of this act;

1008 (2) A right to occupy the location at which the establishment shall be
1009 located;

1010 (3) Zoning approval for the cannabis establishment;

1011 (4) Written policies for preventing diversion and misuse of cannabis
1012 and sales to underage persons; and

1013 (5) All other security requirements set forth by the department based
1014 on the specific license type.

1015 (r) At any point prior to the expiration of the provisional license, the
1016 department may award a provisional licensee a final license for the
1017 license type for which the licensee applied. Prior to receiving final
1018 license approval, a provisional licensee shall not possess, distribute,
1019 manufacture, sell or transfer cannabis. In addition, the department may
1020 conduct a site inspection prior to issuing a final license.

1021 (s) At any time after receiving a final license, a cannabis establishment
1022 may begin operations, provided all other requirements for opening a
1023 business in compliance with the laws of this state are complete and all
1024 employees have been registered with the department.

1025 Sec. 27. (NEW) (*Effective July 1, 2022*) From the effective date of this

1026 section until June 30, 2025, the department shall not award a cannabis
1027 establishment license to any applicant that, at the time the lottery is
1028 conducted, has two or more licenses or includes a backer that is a backer
1029 of two or more licenses in the same license category for which the
1030 applicant has entered the lottery. Applicants entering the lottery for a
1031 cannabis establishment license on or before June 30, 2025, shall be
1032 disqualified if a review of cannabis establishment affiliations held by the
1033 business entity or any backer shows that the cannabis establishment
1034 applicant or its backers also have an ownership interest of five per cent
1035 or greater in or managerial control over two other cannabis
1036 establishments of the same license type. Individuals applying for a
1037 backer license shall be denied if they exceed the ownership thresholds
1038 set forth in this section.

1039 Sec. 28. (NEW) (*Effective July 1, 2021*) (a) On and after the effective
1040 date of this section, the department may issue or renew a license for a
1041 person to be a retailer. No person may act as a retailer or represent that
1042 such person is a retailer unless such person has obtained a license from
1043 the department pursuant to this section.

1044 (b) A retailer may obtain cannabis or cannabis products from a
1045 cultivator, micro-cultivator, producer, product packager, food and
1046 beverage manufacturer or product manufacturer. A retailer may sell or
1047 transfer cannabis to a delivery service, laboratory or research program.
1048 A retailer may sell cannabis or cannabis products to a consumer, except
1049 that a retailer may not conduct sales of medical marijuana products nor
1050 offer discounts or other inducements to qualifying patients or
1051 caregivers. A retailer shall not gift or transfer cannabis or cannabis
1052 products at no cost to a consumer as part of a commercial transaction.

1053 (c) Retailers shall maintain a secure location, in a manner approved
1054 by the commissioner, at the licensee's premises where cannabis that is
1055 unable to be delivered by an employee or delivery service may be
1056 returned to the retailer. Such secure cannabis return location shall meet
1057 specifications set forth by the commissioner and published on the

1058 department's Internet web site.

1059 (d) All employees of a retailer shall obtain a registration from the
1060 department on a form and in a manner prescribed by the commissioner.

1061 (e) A retailer may deliver cannabis and cannabis products through a
1062 delivery service or by utilizing its own employees.

1063 Sec. 29. (NEW) (*Effective July 1, 2021*) (a) On and after the effective
1064 date of this section, the department may issue or renew a license for a
1065 hybrid retailer. No person may act as a hybrid retailer or represent that
1066 such person is a hybrid retailer unless such person has obtained a license
1067 from the department pursuant to this section.

1068 (b) A hybrid retailer may obtain cannabis or cannabis products from
1069 a cultivator, micro-cultivator, producer, product packager, food and
1070 beverage manufacturer or product manufacturer. A hybrid retailer may
1071 sell or transfer cannabis to a delivery service, laboratory or research
1072 program. A hybrid retailer shall not gift or transfer cannabis or cannabis
1073 products at no cost to a consumer, qualifying patient or caregiver as part
1074 of a commercial transaction.

1075 (c) In addition to conducting general retail sales, a hybrid retailer may
1076 sell medical marijuana products, cannabis or cannabis products to
1077 qualifying patients and caregivers. Any cannabis or cannabis products
1078 sold to qualifying patients and caregivers shall be dispensed by a
1079 licensed pharmacist and shall be recorded in real-time upon completion
1080 of dispensing into the prescription drug monitoring program. Only a
1081 licensed pharmacist or registered dispensary technician may upload or
1082 access data in the prescription drug monitoring program.

1083 (d) A hybrid retailer shall maintain a licensed pharmacist on premises
1084 at all times when the hybrid retail location is open to the public or
1085 qualifying patients and caregivers.

1086 (e) The hybrid retailer location shall include a private consultation

1087 space for pharmacists to meet with qualifying patients and caregivers.
1088 Additionally, the hybrid retailer premises shall accommodate an
1089 expedited method of entry that allows for priority entrance into the
1090 premises for qualifying patients and caregivers.

1091 (f) A hybrid retailer may deliver cannabis and cannabis products
1092 through a delivery service or by utilizing its own employees. Hybrid
1093 retailers shall maintain a secure location, in a manner approved by the
1094 commissioner, at the licensee's premises where cannabis that is unable
1095 to be delivered by an employee or delivery service may be returned to
1096 the hybrid retailer. Such secure cannabis return location shall meet
1097 specifications set forth by the commissioner and published on the
1098 department's Internet web site.

1099 (g) Cannabis or cannabis products dispensed to a qualifying patient
1100 or caregiver that are unable to be delivered and are returned by the
1101 delivery service to the hybrid retailer shall be returned to the licensee
1102 inventory system and removed from the prescription drug monitoring
1103 program not later than forty-eight hours after receipt of the cannabis or
1104 cannabis products from the delivery service.

1105 (h) Each employee of a hybrid retailer shall obtain a registration from
1106 the department on a form and in a manner prescribed by the
1107 commissioner.

1108 (i) A hybrid retailer may not convert its license to a retailer license.
1109 To obtain a retail license, a hybrid retailer shall apply through the lottery
1110 application process. A hybrid retailer may convert to a dispensary
1111 facility if the hybrid retailer complies with all applicable provisions of
1112 chapter 420f of the general statutes and upon written approval by the
1113 department.

1114 Sec. 30. (NEW) (*Effective July 1, 2021*) (a) A dispensary facility may
1115 apply to the department, on a form and in a manner prescribed by the
1116 commissioner, to convert its license to a hybrid retailer license on or
1117 after September 1, 2021, without applying through the lottery

1118 application system. The license conversion application shall require a
1119 dispensary facility to submit a detailed medical preservation plan for
1120 how they will prioritize sales and access to cannabis and medical
1121 marijuana products for qualifying patients, including, but not limited
1122 to, managing customer traffic flow, preventing supply shortages,
1123 providing delivery services and ensuring appropriate staffing levels.

1124 (b) A dispensary facility may not convert its license to a retailer
1125 license. To obtain a retail license, a dispensary facility shall apply
1126 through the lottery application process.

1127 (c) After October 1, 2021, qualifying patients shall not be required to
1128 designate a dispensary facility or hybrid retailer as its exclusive location
1129 to purchase cannabis, nor shall the department require any future
1130 change of designated dispensary facility applications. If all dispensary
1131 facilities demonstrate to the department's satisfaction that they are
1132 adhering to the real-time upload requirements set forth in subsection (d)
1133 of this section prior to October 1, 2021, the commissioner may eliminate
1134 the requirement for designated dispensary facilities prior to said date.

1135 (d) On and after October 1, 2021, dispensary facilities and hybrid
1136 retailers shall be required to perform real-time uploads to the
1137 prescription drug monitoring program. Any cannabis or cannabis
1138 products sold to qualifying patients or caregivers shall be dispensed by
1139 a licensed pharmacist and shall be recorded into the prescription drug
1140 monitoring program in real-time or immediately upon completion of
1141 the transaction, unless not reasonably feasible for a specific transaction,
1142 but in no case longer than one hour after completion of the transaction.

1143 (e) On and after September 1, 2021, a dispensary facility may apply
1144 to the department, in a form and in a manner prescribed by the
1145 commissioner, to provide delivery services to qualifying patients and
1146 caregivers utilizing dispensary facility employees. The dispensary
1147 facility may deliver cannabis only from the inventory of the dispensary
1148 facility to qualifying patients and caregivers. If such application is

1149 approved by the commissioner, the dispensary facility may commence
1150 delivery services on and after January 1, 2022. Notwithstanding the
1151 foregoing, the commissioner may authorize dispensary facilities to
1152 commence delivery services prior to January 1, 2022, upon forty-five
1153 days advance written notice, which shall be published on the
1154 department's Internet web site. Dispensary facilities and hybrid retailers
1155 shall only utilize their employees to perform delivery of cannabis to
1156 qualifying patients and caregivers prior to July 1, 2022. On or after July
1157 1, 2022, dispensary facilities and hybrid retailers may utilize their own
1158 employees or a delivery service to deliver cannabis to qualifying
1159 patients and caregivers.

1160 (f) Dispensary facilities and hybrid retailers may commence delivery
1161 of cannabis direct to consumers as of the date the first adult use cannabis
1162 sales are permitted by the commissioner as set forth in subsection (g) of
1163 this section. Dispensary facilities and hybrid retailers shall not utilize
1164 their own employees to perform delivery of cannabis to consumers and
1165 shall solely utilize a delivery service for any delivery to consumers who
1166 are not qualifying patients or caregivers until the earlier of May 1, 2023,
1167 or one year from the date the commissioner authorizes the adult use
1168 cannabis market to open to the public as set forth in subsection (g) of
1169 this section. After such date, dispensary facilities and hybrid retailers
1170 may deliver cannabis to qualifying patients, caregivers and consumers
1171 utilizing their own employees or a delivery service, or a combination of
1172 thereof.

1173 (g) Dispensary facilities that convert to hybrid retailers may open
1174 their premises to the general public and commence adult use cannabis
1175 sales on and after May 4, 2022. The commissioner may authorize the
1176 adult use cannabis market to open prior to said date upon forty-five
1177 days advance written notice, which shall be published on the
1178 department's Internet web site.

1179 Sec. 31. (NEW) (*Effective July 1, 2021*) (a) On and after the effective
1180 date of this section, the department may issue or renew a license for a

1181 person to be a food and beverage manufacturer. No person may act as a
1182 food and beverage manufacturer or represent that such person is a
1183 licensed food and beverage manufacturer unless such person has
1184 obtained a license from the department pursuant to this section.

1185 (b) A food and beverage manufacturer may incorporate cannabis or
1186 cannabis concentrates into foods or beverages as an ingredient. A food
1187 and beverage manufacturer shall not perform extraction of cannabis
1188 into a cannabis concentrate nor create any product that is not a food or
1189 beverage intended to be consumed by humans.

1190 (c) A food and beverage manufacturer may package or label any food
1191 or beverage incorporating cannabis or cannabis concentrates prepared
1192 by the food and beverage manufacturer at the licensed establishment.

1193 (d) A food and beverage manufacturer may transport its own
1194 products to a cannabis establishment or research program provided
1195 such transportation is performed by its employees. A food and beverage
1196 manufacturer may not transport any cannabis, cannabis products or
1197 food or beverage incorporating cannabis or cannabis concentrates
1198 directly to consumers or through a delivery service.

1199 (e) All products created by a food and beverage manufacturer shall
1200 be labeled in accordance with this act as well as federal Food and Drug
1201 Administration and United States Department of Agriculture
1202 requirements.

1203 (f) A food and beverage manufacturer shall ensure all equipment
1204 utilized for manufacturing, processing and packaging cannabis and
1205 cannabis products is sanitary and inspected regularly to deter the
1206 adulteration of cannabis in accordance with this act as well as federal
1207 Food and Drug Administration and United States Department of
1208 Agriculture requirements.

1209 (g) Each employee of a food and beverage manufacturer shall obtain
1210 a registration from the department on a form and in a manner

1211 prescribed by the commissioner.

1212 Sec. 32. (NEW) (*Effective July 1, 2021*) (a) On and after the effective
1213 date of this section, the department may issue or renew a license for a
1214 person to be a product manufacturer. No person may act as a product
1215 manufacturer or represent that such person is a licensed product
1216 manufacturer unless such person has obtained a license from the
1217 department pursuant to this section.

1218 (b) A product manufacturer may perform cannabis extractions,
1219 chemical synthesis and all other manufacturing activities authorized by
1220 the commissioner and published on the department's Internet web site.

1221 (c) A product manufacturer may package and label cannabis and
1222 cannabis products manufactured at its licensed establishment.

1223 (d) A product manufacturer may transport its own products to a
1224 cannabis establishment or research program provided such
1225 transportation is performed by its employees. A product manufacturer
1226 may not transport any cannabis and cannabis products directly to
1227 consumers or through a delivery service.

1228 (e) All products created by a product manufacturer shall be labeled
1229 in accordance with this act as well as federal Food and Drug
1230 Administration requirements.

1231 (f) A product manufacturer shall ensure all equipment utilized for
1232 manufacturing, extracting, processing and packaging cannabis and
1233 cannabis products is sanitary and inspected regularly to deter the
1234 adulteration of cannabis in accordance with this act as well as federal
1235 Food and Drug Administration requirements.

1236 (g) All employees of a product manufacturer shall obtain a
1237 registration from the department on a form and in a manner prescribed
1238 by the commissioner.

1239 Sec. 33. (NEW) (*Effective July 1, 2021*) (a) On and after the effective

1240 date of this section, the department may issue or renew a license for a
1241 person to be a product packager. No person may act as a product
1242 packager or represent that such person is a product packager unless
1243 such person has obtained a license from the department pursuant to this
1244 section.

1245 (b) A product packager may obtain cannabis or cannabis products
1246 from a producer, cultivator, micro-cultivator, food and beverage
1247 manufacturer or a product manufacturer. The product packager may
1248 transfer or transport cannabis or cannabis products to any cannabis
1249 establishment or research program except delivery service provided it
1250 only transports cannabis or cannabis products packaged at its licensed
1251 establishment and with its employees.

1252 (c) A product packager shall be responsible for ensuring that
1253 cannabis products are labeled and packaged in compliance with the
1254 provisions of this act.

1255 (d) A product packager shall ensure all equipment utilized for
1256 processing and packaging cannabis and cannabis products is sanitary
1257 and inspected regularly to deter the adulteration of cannabis.

1258 (e) Each employee of a product packager that directly engages in the
1259 physical packaging, security controls or contract management with
1260 other cannabis establishments, or as otherwise determined by the
1261 commissioner to require registration based on their access to or contact
1262 with cannabis or oversight over the distribution of cannabis, shall obtain
1263 a registration from the department on a form and in a manner
1264 prescribed by the commissioner. Employees excluded from the
1265 registration requirement may include staff assigned to marketing,
1266 communications, human resources and information technology support
1267 that have no access to cannabis or cannabis products.

1268 Sec. 34. (NEW) (*Effective July 1, 2021*) (a) On and after the effective
1269 date of this section, the department may issue or renew a license for a
1270 person to be a delivery service. No person may act as a delivery service

1271 or represent that such person is a licensed delivery service unless such
1272 person has obtained a license from the department pursuant to this
1273 section.

1274 (b) Upon application for a delivery service license, the applicant shall
1275 indicate whether they are applying to transport cannabis and cannabis
1276 products between cannabis establishments, from certain cannabis
1277 establishments to consumers or qualifying patients, or a combination
1278 thereof.

1279 (c) A delivery service that delivers direct to consumers or qualifying
1280 patients and caregivers is authorized to transport cannabis and cannabis
1281 products from a micro-cultivator, retailer, hybrid retailer or a
1282 dispensary facility directly to a consumer or qualifying patient or
1283 caregiver. A delivery service may not store or maintain control of
1284 cannabis or cannabis products for more than twenty-four hours between
1285 the point when a consumer, qualifying patient, or a caregiver places an
1286 order, until the time that the cannabis or cannabis product is delivered
1287 to such consumer, qualifying patient or caregiver.

1288 (d) A delivery service may deliver cannabis and cannabis products
1289 between cannabis establishments, research programs or laboratories. If
1290 transporting cannabis or cannabis products between cannabis
1291 establishments, research programs or laboratories, the delivery service
1292 shall not store or maintain control of cannabis or cannabis products for
1293 more than twenty-four hours from the point the delivery service picks
1294 up the cannabis from a cannabis establishment until the time such
1295 product is delivered to the destination cannabis establishment.

1296 (e) All employees of a delivery service that engage in the transport,
1297 storage or distribution of, or may have access to, cannabis or cannabis
1298 products shall obtain a registration from the department on a form and
1299 in a manner prescribed by the commissioner.

1300 (f) The commissioner shall adopt regulations in accordance with
1301 chapter 54 of the general statutes to implement the provisions of this

1302 section. Notwithstanding the requirements of sections 4-168 to 4-172,
1303 inclusive, of the general statutes, in order to effectuate the purposes of
1304 this act and protect public health and safety, prior to adopting such
1305 regulations the commissioner shall issue requirements to implement the
1306 provisions of this section that shall have the force and effect of law. The
1307 commissioner shall post all requirements on the department's Internet
1308 web site, and submit requirements for posting on the Secretary of the
1309 State's Internet web site, at least fifteen days prior to the effective date
1310 of any requirement. Requirements shall no longer be effective upon the
1311 earlier of either codification by the Secretary of the State as a final
1312 regulation or forty-eight months from the effective date of this section if
1313 such regulations have not been submitted to the Legislative Regulation
1314 Review Committee for consideration. The commissioner shall issue
1315 requirements and final regulations that shall specify that: (1) The
1316 delivery service shall meet certain security requirements related to the
1317 vehicles employed, the conduct of employees and agents, and the
1318 documentation that shall be maintained by the delivery service and its
1319 drivers; (2) a delivery service that delivers cannabis to consumers shall
1320 maintain an online interface that verifies the age of consumers ordering
1321 cannabis or cannabis products for delivery and meets certain
1322 specifications and data security standards; and (3) a delivery service that
1323 delivers cannabis to consumers, qualifying patients or caregivers, and
1324 all employees and agents of such licensee, shall verify the identity of the
1325 qualifying patient, caregiver or consumer and the age of the consumer
1326 upon delivery of products to the end consumer, qualifying patient, or
1327 caregiver in a manner acceptable to the commissioner. The individual
1328 placing the cannabis order shall be the individual accepting delivery of
1329 the cannabis or, in the case of a qualifying patient, the individual
1330 accepting the delivery may be the caregiver of such qualifying patient.

1331 (g) A delivery service shall not gift or transfer cannabis or cannabis
1332 products at no cost to a consumer or qualifying patient or caregiver as
1333 part of a commercial transaction.

1334 Sec. 35. (NEW) (*Effective July 1, 2021*) (a) On and after the effective

1335 date of this section, the department may issue or renew a license for a
1336 person to be a cultivator. No person may act as a cultivator or represent
1337 that such person is a licensed cultivator unless such person has obtained
1338 a license from the department pursuant to this section.

1339 (b) A cultivator is authorized to cultivate, grow and propagate
1340 cannabis at an establishment containing not less than fifteen thousand
1341 square feet of grow space. A cultivator establishment shall meet
1342 physical security controls and protocols set forth and required by the
1343 commissioner.

1344 (c) A cultivator may label, manufacture, package and perform
1345 extractions on any cannabis or cannabis product cultivated, grown or
1346 propagated at its licensed establishment, including food and beverage
1347 products incorporating cannabis and cannabis concentrates, provided
1348 the cultivator meets all licensure and application requirements for a
1349 food and beverage manufacturer and a product manufacturer.

1350 (d) A cultivator may sell or transfer its cannabis to a dispensary
1351 facility, hybrid dispensary, retailer, food and beverage manufacturer,
1352 product manufacturer, research program or product packager. A
1353 cultivator shall not sell directly to consumers or through a delivery
1354 service.

1355 (e) A cultivator may transport cannabis and cannabis products to any
1356 cannabis establishment or research program, except a delivery service,
1357 provided the cannabis and cannabis products are grown, cultivated,
1358 propagated, manufactured, labeled or packaged at its licensed
1359 establishment and transported by its employees. A cultivator shall not
1360 transport cannabis and cannabis products directly to consumers or
1361 through a delivery service.

1362 (f) All employees of a cultivator shall obtain a registration from the
1363 department on a form and in a manner prescribed by the commissioner.

1364 Sec. 36. (NEW) (*Effective July 1, 2021*) (a) On and after the effective

1365 date of this section, the department may issue or renew a license for a
1366 person to be a micro-cultivator. No person may act as a micro-cultivator
1367 or represent that such person is a licensed micro-cultivator unless such
1368 person has obtained a license from the department pursuant to this
1369 section.

1370 (b) A micro-cultivator is authorized to cultivate, grow, propagate,
1371 manufacture and package the cannabis plant at an establishment
1372 containing not less than two thousand square feet and not more than
1373 five thousand square feet of grow space, prior to any expansion
1374 authorized by the commissioner. Micro-cultivator facilities shall meet
1375 physical security controls set forth and required by the commissioner.

1376 (c) A micro-cultivator may apply for expansion of its grow space, in
1377 increments of five thousand square feet, on an annual basis, from the
1378 date of initial licensure, if such licensee is not subject to any pending or
1379 final administrative actions or judicial findings. If the licensee has
1380 pending or final administrative actions or judicial findings against them,
1381 the department shall conduct a suitability review analysis to determine
1382 whether such expansion shall be granted, which determination shall be
1383 final and appealable only to the Superior Court. The micro-cultivator
1384 may apply for an expansion of its facility annually upon renewal of its
1385 credential until said licensee reaches a maximum of fifteen thousand
1386 square feet of grow space. If a micro-cultivator desires to expand beyond
1387 fifteen thousand square feet of grow space, the micro-cultivator licensee
1388 may apply for a cultivator license one year after its last expansion
1389 request. The micro-cultivator licensee shall not be required to apply
1390 through the lottery application process to convert its license to a
1391 cultivator license. If a micro-cultivator maintains its license and meets
1392 all of the application and licensure requirements for a cultivator
1393 credential, including payment of the cultivator license fee, they shall be
1394 granted a cultivator license.

1395 (d) A micro-cultivator may sell or transfer its cannabis to a dispensary
1396 facility, hybrid dispensary, retailer, delivery service, food and beverage

1397 manufacturer, product manufacturer, research facility or product
1398 packager. A micro-cultivator shall not gift or transfer cannabis or
1399 cannabis products at no cost to a consumer as part of a commercial
1400 transaction.

1401 (e) A micro-cultivator may label, manufacture, package and perform
1402 extractions on any cannabis and cannabis product cultivated, grown
1403 and propagated at its licensed establishment provided it meets all
1404 licensure and application requirements for a food and beverage
1405 manufacturer or a product manufacturer as applicable.

1406 (f) A micro-cultivator may transport cannabis and cannabis products
1407 to any cannabis establishment or research program provided the
1408 cannabis and cannabis products are cultivated, grown, propagated,
1409 labeled, manufactured or packaged at its licensed establishment and
1410 transported with its employees.

1411 (g) Micro-cultivators shall be allowed to sell their own cannabis or
1412 cannabis products to consumers, excluding qualifying patients and
1413 caregivers, either through a delivery service or via delivery using their
1414 own employees. Any micro-cultivator that engages in the home delivery
1415 of cannabis, either through their own employees or a delivery service,
1416 shall maintain a secure location, in a manner approved by the
1417 commissioner, at the micro-cultivator's premises where cannabis that is
1418 unable to be delivered may be returned to the micro-cultivator. Such
1419 secure cannabis return location shall meet specifications set forth by the
1420 commissioner and published on the department's Internet web site.

1421 (h) All employees of a micro-cultivator shall obtain a registration
1422 from the department on a form and in a manner prescribed by the
1423 commissioner.

1424 Sec. 37. (NEW) (*Effective July 1, 2021*) (a) On or before June 30, 2023,
1425 the commissioner may deny a change of location application from a
1426 dispensary facility or hybrid retailer based on the needs of qualifying
1427 patients.

1428 (b) Prior to June 30, 2022, the commissioner shall not approve the
1429 relocation of a dispensary facility or hybrid retailer to a location that is
1430 further than ten miles from its current dispensary facility or hybrid
1431 retailer location.

1432 Sec. 38. (NEW) (*Effective from passage*) No employee of the department
1433 who carries out the duties and responsibilities of sections 1, 3 and 4 of
1434 this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive,
1435 of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61,
1436 inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74
1437 to 76, inclusive, of this act and sections 78 to 89, inclusive, of this act,
1438 section 21a-243 of the general statutes, as amended by this act, or section
1439 21a-408t of the general statutes, as amended by this act, and any
1440 regulations enacted pursuant thereto may, directly, individually or as a
1441 member of a partnership, have any management or financial interest
1442 whatsoever in the cultivation, manufacture, sale, transportation,
1443 delivery or testing of cannabis, nor receive any commission or profit
1444 whatsoever from nor have any interest whatsoever in purchases or sales
1445 made by persons authorized to make such purchases or sales pursuant
1446 to said sections. No provision of this section shall prevent any such
1447 employee from purchasing and keeping in his or her possession, for his
1448 or her personal use or the use of such employee's family or guests, any
1449 cannabis which may be purchased or kept by any person by virtue of
1450 said sections.

1451 Sec. 39. (NEW) (*Effective July 1, 2021*) Notwithstanding any provision
1452 of the general statutes, the purchase, possession, display, sale or
1453 transportation of cannabis or cannabis products by a cannabis
1454 establishment or employee thereof shall not be unlawful and shall not
1455 be an offense or a basis for seizure or forfeiture of assets so long as such
1456 purchase, possession, display, sale or transportation is within the scope
1457 of such person's employment or such person's license or registration and
1458 is in compliance with the laws and regulations that apply to such license
1459 or registration type.

1460 Sec. 40. (NEW) (*Effective July 1, 2021*) No cannabis establishment shall
1461 display cannabis, cannabis products or drug paraphernalia in a manner
1462 that is visible to the general public from a public right-of-way not on
1463 state lands or waters managed by the Department of Energy and
1464 Environmental Protection.

1465 Sec. 41. (NEW) (*Effective July 1, 2021*) (a) Each cannabis establishment
1466 shall establish, maintain and comply with written policies and
1467 procedures for the cultivation, processing, manufacture, security,
1468 storage, inventory and distribution of cannabis and cannabis products,
1469 as applicable to the specific license type. Such policies and procedures
1470 shall include methods for identifying, recording and reporting
1471 diversion, theft or loss, and for correcting all errors and inaccuracies in
1472 inventories. Cannabis establishments shall include in their written
1473 policies and procedures a process for each of the following, if the
1474 establishment engages in such activity:

1475 (1) Handling mandatory and voluntary recalls of cannabis and
1476 cannabis products. Such process shall be adequate to deal with recalls
1477 due to any order of the commissioner and any voluntary action by the
1478 cannabis establishment to remove defective or potentially defective
1479 cannabis or cannabis products from the market or any action
1480 undertaken to promote public health and safety by replacing existing
1481 cannabis or cannabis products with improved products or packaging;

1482 (2) Preparing for, protecting against and handling any crisis that
1483 affects the security or operation of any cannabis establishment facility in
1484 the event of a strike, fire, flood or other natural disaster, or other
1485 situations of local, state or national emergency;

1486 (3) Ensuring that any outdated, damaged, deteriorated, misbranded
1487 or adulterated cannabis or cannabis products are segregated from all
1488 other inventory and destroyed. Such procedure shall provide for written
1489 documentation of the cannabis and cannabis product disposition; and

1490 (4) Ensuring the oldest stock of a cannabis or cannabis product is sold,

1491 delivered or dispensed first. Such procedure may permit deviation from
1492 this requirement, if such deviation is temporary and approved by the
1493 commissioner.

1494 (b) A cannabis establishment shall (1) store all cannabis and cannabis
1495 products in such a manner as to prevent diversion, theft or loss, (2) make
1496 cannabis and cannabis products accessible only to the minimum
1497 number of specifically authorized employees essential for efficient
1498 operation, and (3) return any cannabis and cannabis products to a secure
1499 location at the end of the scheduled business day.

1500 Sec. 42. (NEW) (*Effective July 1, 2021*) (a) Qualifying patients and
1501 caregivers registered pursuant to chapter 420f of the general statutes
1502 shall be permitted to purchase cannabis and cannabis products of higher
1503 potency, varied dosage form, and in a larger per transaction or per day
1504 amount than are generally available for retail purchase, as determined
1505 by the commissioner. Such determination, if any, shall be published on
1506 the Department of Consumer Protection's Internet web site.

1507 (b) Notwithstanding any provision of the general statutes, the sale or
1508 delivery of drug paraphernalia to a qualifying patient or person licensed
1509 pursuant to the provisions of this act or chapter 420f of the general
1510 statutes, shall not be considered a violation of the provisions of sections
1511 1, 3 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to
1512 45, inclusive, of this act, sections 47 to 52, inclusive, of this act, sections
1513 58 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act,
1514 sections 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this
1515 act, section 21a-243 of the general statutes, as amended by this act, or
1516 section 21a-408t of the general statutes, as amended by this act.

1517 Sec. 43. (NEW) (*Effective January 1, 2022*) (a) Each cannabis
1518 establishment, licensed pursuant to chapter 420f of the general statutes
1519 and the provisions of this act, shall maintain a record of all cannabis
1520 grown, manufactured, wasted and distributed between cannabis
1521 establishments and to end-user consumers, qualifying patients and

1522 caregivers in a form and manner prescribed by the commissioner. The
1523 commissioner shall require an electronic tracking system to monitor the
1524 production, harvesting, storage, manufacturing and transfer of cannabis
1525 from the point of planting cannabis seeds through the point when the
1526 final product is sold to an end-user. Cannabis establishments shall be
1527 required to utilize such electronic tracking system and enter the data
1528 points required by the commissioner to ensure cannabis and cannabis
1529 products are safe, secure and properly labeled for consumer or
1530 qualifying patient use. The commissioner may contract with one or
1531 more vendors for the purpose of electronically collecting such cannabis
1532 information.

1533 (b) The electronic tracking system shall not collect information about
1534 any individual consumer, qualifying patient or caregiver purchasing the
1535 cannabis or cannabis product.

1536 (c) The electronic tracking system shall track each cannabis seed,
1537 clone, seedling or other commencement of the growth of a cannabis
1538 plant intended for use by a cannabis establishment.

1539 (d) Information within the electronic tracking system shall be
1540 confidential and shall not be subject to disclosure under the Freedom of
1541 Information Act, as defined in section 1-200 of the general statutes
1542 except that reasonable access to cannabis tracking data obtained under
1543 this section may be provided to: (1) State agencies and local law
1544 enforcement agencies for the purpose of investigating or prosecuting a
1545 violation of law; (2) public or private entities for research or educational
1546 purposes, provided no individually identifiable information may be
1547 disclosed; (3) as part of disciplinary action taken by the department, by
1548 another state agency or local law enforcement; and (4) the Office of the
1549 Attorney General for any review or investigation. The commissioner
1550 shall provide access to the electronic tracking system to the Department
1551 of Revenue Services for the purposes of enforcement of any tax-related
1552 investigations and audits.

1553 Sec. 44. (NEW) (*Effective July 1, 2021*) (a) Each cannabis establishment
1554 shall maintain all records necessary to fully demonstrate business
1555 transactions related to cannabis and cannabis products for a period
1556 covering the current taxable year and the three immediately preceding
1557 taxable years, all of which shall be made available to the department
1558 pursuant to subsection (c) of this section.

1559 (b) The commissioner may require any licensee to furnish such
1560 information as the commissioner considers necessary for the proper
1561 administration of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive,
1562 of this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
1563 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
1564 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
1565 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as
1566 amended by this act, and section 21a-408t of the general statutes, as
1567 amended by this act, and may require an audit of any cannabis
1568 establishment, the expense thereof to be paid by such cannabis
1569 establishment.

1570 (c) Each cannabis establishment, and each person in charge, or having
1571 custody, of such documents, shall maintain such documents in an
1572 auditable format for the current taxable year and the three preceding
1573 taxable years. Upon request, such person shall make such documents
1574 immediately available for inspection and copying by the commissioner
1575 or any other enforcement agency or others authorized by sections 1, 3
1576 and 4 of this act, sections 6 to 10, inclusive, of this act, sections 12 to 45,
1577 inclusive, of this act, sections 47 to 52, inclusive, of this act, sections 58
1578 to 61, inclusive, of this act, sections 65 to 68, inclusive, of this act, sections
1579 74 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act,
1580 section 21a-243 of the general statutes, as amended by this act, and
1581 section 21a-408t of the general statutes, as amended by this act, and shall
1582 produce copies of such documents to the commissioner or
1583 commissioner's authorized representative within two business days.
1584 Such documents shall be provided to the commissioner in electronic
1585 format, unless not commercially practical. In complying with the

1586 provisions of this subsection, no person shall use a foreign language,
1587 codes or symbols to designate cannabis or cannabis product types or
1588 persons in the keeping of any required document.

1589 (d) For purposes of the supervision and enforcement of the
1590 provisions of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
1591 this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
1592 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
1593 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
1594 78 to 89, inclusive, of this act, section 21a-408t of the general statutes, as
1595 amended by this act, and section 21a-243 of the general statutes, as
1596 amended by this act, the commissioner is authorized to:

1597 (1) Enter any place, including a vehicle, in which cannabis or cannabis
1598 products are held, sold, produced, delivered, transported,
1599 manufactured or otherwise disposed of;

1600 (2) Inspect a cannabis establishment and all pertinent equipment,
1601 finished and unfinished material, containers and labeling, and all things
1602 in such place, including records, files, financial data, sales data, shipping
1603 data, pricing data, employee data, research, papers, processes, controls
1604 and facilities; and

1605 (3) Inventory any stock of cannabis and cannabis products and obtain
1606 samples of any cannabis or cannabis product, any labels or containers,
1607 paraphernalia and of any finished or unfinished material.

1608 Sec. 45. (NEW) (*Effective July 1, 2021*) (a) For sufficient cause found
1609 pursuant to subsection (b) of this section, the commissioner may
1610 suspend, revoke, issue fines of not more than twenty-five thousand
1611 dollars per violation, accept an offer in compromise or refuse to grant or
1612 renew a license or registration issued pursuant to this act, or place such
1613 licensee on probation, place conditions on such licensee or take other
1614 actions permitted by statute or regulation.

1615 (b) Any of the following shall constitute sufficient cause for such

1616 action by the commissioner, including, but not limited to:

1617 (1) Furnishing of false or fraudulent information in any application
1618 or failure to comply with representations made in any application,
1619 including, but not limited to, medical preservation plans and security
1620 requirements;

1621 (2) A civil judgment against or disqualifying conviction of a cannabis
1622 establishment licensee, backer, key employee or license applicant;

1623 (3) Failure to maintain effective controls against diversion, theft or
1624 loss of cannabis, cannabis products or other controlled substances;

1625 (4) Discipline by, or a pending disciplinary action or an unresolved
1626 complaint against a cannabis establishment licensee, registrant or
1627 applicant regarding any professional license or registration of any
1628 federal, state or local government;

1629 (5) Failure to keep accurate records and to account for the cultivation,
1630 manufacture, packaging or sale of cannabis and cannabis products;

1631 (6) Denial, suspension or revocation of a license or registration, or the
1632 denial of a renewal of a license or registration, by any federal, state or
1633 local government or a foreign jurisdiction;

1634 (7) False, misleading or deceptive representations to the public or the
1635 department;

1636 (8) Return to regular stock of any cannabis or cannabis product
1637 where:

1638 (A) The package or container containing the cannabis or cannabis
1639 product has been opened, breached, tampered with or otherwise
1640 adulterated; or

1641 (B) The cannabis or cannabis product has been previously sold to an
1642 end user or research program subject;

1643 (9) Involvement in a fraudulent or deceitful practice or transaction;

1644 (10) Performance of incompetent or negligent work;

1645 (11) Failure to maintain the entire cannabis establishment or
1646 laboratory and contents in a secure, clean, orderly and sanitary
1647 condition;

1648 (12) Permitting another person to use the licensee's license;

1649 (13) Failure to properly register employees or license key employees,
1650 or failure to notify the department of a change in key employees or
1651 backers;

1652 (14) Adverse administrative decision or delinquency assessment
1653 against the cannabis establishment from the Department of Revenue
1654 Services;

1655 (15) Failure to cooperate or give information to the department, local
1656 law enforcement authorities or any other enforcement agency upon any
1657 matter arising out of conduct at a cannabis establishment or laboratory
1658 or in connection with a research program; or

1659 (16) Failure to comply with any provision of this act, section 21a-243
1660 of the general statutes, as amended by this act, or section 21a-408t of the
1661 general statutes, as amended by this act.

1662 (c) Upon refusal to issue or renew a license or registration, the
1663 commissioner shall notify the applicant of the denial and of the
1664 applicant's right to request a hearing within ten days from the date of
1665 receipt of the notice of denial. If the applicant requests a hearing within
1666 such ten days, the commissioner shall give notice of the grounds for the
1667 commissioner's refusal and shall conduct a hearing concerning such
1668 refusal in accordance with the provisions of chapter 54 of the general
1669 statutes concerning contested cases. If the commissioner's denial of a
1670 license or registration is sustained after such hearing, an applicant shall
1671 not apply for a new cannabis establishment or employee license or

1672 employee registration for a period of at least one year after the date on
1673 which such denial was sustained.

1674 (d) No person whose license or registration has been revoked may
1675 apply for a cannabis establishment, backer or key employee license or
1676 an employee registration for a period of at least one year after the date
1677 of such revocation.

1678 (e) If a license or registration is voluntarily surrendered or is not
1679 renewed, the commissioner shall not be prohibited from suspending or
1680 revoking such license or registration or imposing other penalties
1681 permitted by sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
1682 this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
1683 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
1684 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act, sections
1685 78 to 89, inclusive, of this act, section 21a-243 of the general statutes, as
1686 amended by this act, or section 21a-408t of the general statutes, as
1687 amended by this act.

1688 Sec. 46. (NEW) (*Effective from passage*) The commissioner may adopt
1689 regulations in accordance with chapter 54 of the general statutes,
1690 including emergency regulations pursuant to section 4-168 of the
1691 general statutes, to implement the provisions of sections 1, 3 and 4 of
1692 this act, sections 6 to 10, inclusive, of this act, sections 12 to 45, inclusive,
1693 of this act, sections 47 to 52, inclusive, of this act, sections 58 to 61,
1694 inclusive, of this act, sections 65 to 68, inclusive, of this act, sections 74
1695 to 76, inclusive, of this act, sections 78 to 89, inclusive, of this act, section
1696 21a-243 of the general statutes, as amended by this act, and section 21a-
1697 408t of the general statutes, as amended by this act.

1698 Sec. 47. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2023,
1699 the department shall make written recommendations, in accordance
1700 with the provisions of section 11-4a of the general statutes, to the
1701 Governor and the joint standing committees of the General Assembly
1702 having cognizance of matters relating to consumer protection, the

1703 judiciary and finance, revenue and bonding, as to:

1704 (1) Whether to allow consumers or qualifying patients and caregivers
1705 under chapter 420f of the general statutes, who are twenty-one years of
1706 age and older, to cultivate cannabis for the qualifying patient's use. In
1707 making such recommendation the commissioner shall consider: (A)
1708 Reasonable precautions to ensure that the plants are secure from
1709 unauthorized access or access by any individual under twenty-one
1710 years of age; (B) the location where such cannabis may be grown; (C)
1711 how other states allow home growing and how such states are
1712 regulating personal cultivation; (D) if personal cultivation in other states
1713 has improved access for patients and consumers; and (E) any other
1714 related public safety or regulatory issues the department deems
1715 necessary; and

1716 (2) Whether to authorize on-site consumption or events that allow for
1717 cannabis usage, including whether to establish a cannabis on-site
1718 consumption or event license.

1719 Sec. 48. (NEW) (*Effective July 1, 2021*) (a) For purposes of this section:

1720 (1) "Material change" means: (A) The addition of a backer, (B) a
1721 change in the ownership interest of an existing backer, (C) the merger,
1722 consolidation or other affiliation of a cannabis establishment with
1723 another cannabis establishment, (D) the acquisition of all or part of a
1724 cannabis establishment by another cannabis establishment or backer,
1725 and (E) the transfer of assets or security interests from a cannabis
1726 establishment to another cannabis establishment or backer;

1727 (2) "Medical marijuana business" means a medical marijuana
1728 dispensary facility or production facility, licensed pursuant to chapter
1729 420f of the general statutes and the regulations promulgated
1730 thereunder;

1731 (3) "Cannabis establishment" has the same meaning as provided in
1732 section 1 of this act;

1733 (4) "Person" has the same meaning as provided in section 1 of this act;
1734 and

1735 (5) "Transfer" means to sell, transfer, lease, exchange, option, convey,
1736 give or otherwise dispose of or transfer control over, including, but not
1737 limited to, transfer by way of merger or joint venture not in the ordinary
1738 course of business.

1739 (b) No person shall, directly or indirectly, enter into a transaction that
1740 results in a material change to a cannabis establishment, unless all
1741 parties involved in the transaction file a written notification with the
1742 Attorney General pursuant to subsection (c) of this section and the
1743 waiting period described in subsection (d) of this section has expired.

1744 (c) The written notice required under subsection (b) of this section
1745 shall be in such form and contain such documentary material and
1746 information relevant to the proposed transaction as the Attorney
1747 General deems necessary and appropriate to enable the Attorney
1748 General to determine whether such transaction, if consummated, would
1749 violate antitrust laws.

1750 (d) The waiting period required under subsection (b) of this section
1751 shall begin on the date of the receipt by the Attorney General's office of
1752 the completed notification required under subsection (c) of this section
1753 from all parties to the transaction and shall end on the thirtieth day after
1754 the date of such receipt, unless such time is extended pursuant to
1755 subsection (f) of this section.

1756 (e) The Attorney General may, in individual cases, terminate the
1757 waiting period specified in subsection (d) of this section and allow any
1758 person to proceed with any transaction.

1759 (f) The Attorney General may, prior to the expiration of the thirty-day
1760 waiting period, require the submission of additional information or
1761 documentary material relevant to the proposed acquisition from a
1762 person required to file notification with respect to such acquisition

1763 under subsection (b) of this section. Upon request for additional
1764 information under this subsection, the waiting period shall be extended
1765 until thirty days after the parties have substantially complied, as
1766 determined solely by the Attorney General, with such request for
1767 additional information.

1768 (g) Any information or documentary material filed with the Attorney
1769 General pursuant to this section shall not be subject to disclosure under
1770 the Freedom of Information Act, as defined in section 1-200 of the
1771 general statutes, and no such information or documentary material may
1772 be made public, except as may be relevant to any administrative or
1773 judicial action or proceeding. Such information or documentary
1774 material shall be returned to the person furnishing such information or
1775 documentary material upon the termination of the Attorney General's
1776 review or final determination of any action or proceeding commenced
1777 thereunder.

1778 (h) (1) Any person, or any officer, director or partner thereof, who
1779 fails to comply with any provision of this section shall be liable to the
1780 state for a civil penalty of not more than twenty-five thousand dollars
1781 for each day during which such person is in violation of this section.
1782 Such penalty may be recovered in a civil action brought by the Attorney
1783 General.

1784 (2) If any person, or any officer, director, partner, agent or employee
1785 thereof, fails substantially to comply with the notification requirement
1786 under subsection (b) of this section or any request for the submission of
1787 additional information or documentary material under subsection (f) of
1788 this section within the waiting period specified in subsection (d) of this
1789 section and as may be extended under subsection (f) of this section, the
1790 court:

1791 (A) May order compliance;

1792 (B) Shall extend the waiting period specified in subsection (d) of this
1793 section and as may have been extended under subsection (f) of this

1794 section until there has been substantial compliance, except that, in the
1795 case of a tender offer, the court may not extend such waiting period on
1796 the basis of a failure, by the person whose stock is sought to be acquired,
1797 to comply substantially with such notification requirement or any such
1798 request; and

1799 (C) May grant such other equitable relief as the court in its discretion
1800 determines necessary or appropriate, upon application of the Attorney
1801 General.

1802 Sec. 49. (NEW) (*Effective July 1, 2022*) Each cannabis establishment
1803 shall annually report publicly in a manner prescribed by the
1804 commissioner: (1) Its annual usage of electricity, and (2) what fraction
1805 of its electricity usage is generated from Class I Renewable Portfolio
1806 Standards produced in the state per the Regional Greenhouse Gas
1807 Initiative agreement. Each cannabis establishment shall purchase
1808 electricity generated from Class I Renewable Portfolio Standards
1809 produced in the states that are party to the Regional Greenhouse Gas
1810 Initiative agreement, to the greatest extent possible.

1811 Sec. 50. (NEW) (*Effective from passage*) Not later than January 1, 2022,
1812 the Banking Commissioner, in consultation with the Commissioner of
1813 Consumer Protection, shall report to the Governor and the joint
1814 standing committees of the General Assembly having cognizance of
1815 matters relating to banking, the judiciary and finance, revenue and
1816 bonding, regarding recommended legislation to implement the
1817 provisions of sections 1, 3 and 4 of this act, sections 6 to 10, inclusive, of
1818 this act, sections 12 to 45, inclusive, of this act, sections 47 to 52,
1819 inclusive, of this act, sections 58 to 61, inclusive, of this act, sections 65
1820 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act,
1821 sections 78 to 89, inclusive, of this act, section 21a-243 of the general
1822 statutes, as amended by this act, and section 21a-408t of the general
1823 statutes, as amended by this act, to facilitate the use of electronic
1824 payments by cannabis establishments and consumers and regarding
1825 access for cannabis establishments to (1) depository banking, and (2)

1826 commercial mortgages.

1827 Sec. 51. (NEW) (*Effective from passage*) Not later than January 1, 2022,
1828 the Insurance Commissioner shall report to the Governor and the joint
1829 standing committee of the General Assembly having cognizance of
1830 matters relating to insurance regarding access to insurance by cannabis
1831 establishments.

1832 Sec. 52. (NEW) (*Effective from passage*) Not later than January 1, 2023,
1833 the Alcohol and Drug Policy Council shall make recommendations to
1834 the Governor and the joint standing committees of the General
1835 Assembly having cognizance of matters relating to public health, the
1836 judiciary and finance, revenue and bonding regarding (1) efforts to
1837 promote public health, mitigate misuse and the risk of addiction to
1838 cannabis and the effective treatment of addiction to cannabis with a
1839 particular focus on individuals under twenty-one years of age; and (2)
1840 the collection and reporting of data so as to allow for surveillance and
1841 review of cannabis consumption and the impacts thereof in the state.

1842 Sec. 53. Section 21a-408 of the general statutes is repealed and the
1843 following is substituted in lieu thereof (*Effective October 1, 2021*):

1844 As used in this section, sections 21a-408a to 21a-408o, inclusive, and
1845 sections 21a-408r to 21a-408v, inclusive, unless the context otherwise
1846 requires:

1847 (1) "Advanced practice registered nurse" means an advanced practice
1848 registered nurse licensed pursuant to chapter 378;

1849 (2) "Cultivation" includes planting, propagating, cultivating, growing
1850 and harvesting;

1851 (3) "Debilitating medical condition" means (A) cancer, glaucoma,
1852 positive status for human immunodeficiency virus or acquired immune
1853 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
1854 the nervous tissue of the spinal cord with objective neurological

1855 indication of intractable spasticity, epilepsy or uncontrolled intractable
1856 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
1857 posttraumatic stress disorder, irreversible spinal cord injury with
1858 objective neurological indication of intractable spasticity, cerebral palsy,
1859 cystic fibrosis or terminal illness requiring end-of-life care, except, if the
1860 qualifying patient is under eighteen years of age, "debilitating medical
1861 condition" means terminal illness requiring end-of-life care, irreversible
1862 spinal cord injury with objective neurological indication of intractable
1863 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
1864 intractable seizure disorder, or (B) any medical condition, medical
1865 treatment or disease approved for qualifying patients by the
1866 Department of Consumer Protection pursuant to regulations adopted
1867 under section 21a-408m;

1868 (4) "Dispensary facility" means a place of business where marijuana
1869 may be dispensed, sold or distributed in accordance with section 21a-
1870 408-35 of the regulations of state agencies to qualifying patients and
1871 caregivers and for which the department has issued a dispensary facility
1872 license pursuant to chapter 420f and section 21a-408-14 of the
1873 regulations of state agencies;

1874 (5) "Employee" has the same meaning as provided in section 1 of this
1875 act;

1876 ~~[(4)]~~ (6) "Institutional animal care and use committee" means a
1877 committee that oversees an organization's animal program, facilities
1878 and procedures to ensure compliance with federal policies, guidelines
1879 and principles related to the care and use of animals in research;

1880 ~~[(5)]~~ (7) "Institutional review board" means a specifically constituted
1881 review body established or designated by an organization to protect the
1882 rights and welfare of persons recruited to participate in biomedical,
1883 behavioral or social science research;

1884 ~~[(6)]~~ (8) "Laboratory" means a laboratory located in the state that is
1885 licensed [to provide analysis of controlled substances pursuant to

1886 section 21a-246 and] pursuant to section 21a-408r;

1887 [(7)] (9) "Laboratory employee" means a person who is [(A) licensed]
1888 registered as a laboratory employee pursuant to section 21a-408r; [, or
1889 (B) holds a temporary certificate of registration issued pursuant to
1890 section 21a-408r;]

1891 [(8)] (10) "Licensed dispensary" or "dispensary" means [a person] an
1892 individual who is a licensed [as] pharmacist employed by a dispensary
1893 [pursuant to section 21a-408h] facility or hybrid retailer;

1894 [(9)] (11) "Licensed producer" or "producer" means a person who is
1895 licensed as a producer pursuant to section 21a-408i;

1896 [(10)] (12) "Marijuana" means marijuana, as defined in section 21a-
1897 240;

1898 [(11)] (13) "Nurse" means a person who is licensed as a nurse under
1899 chapter 378;

1900 [(12)] (14) "Palliative use" means the acquisition, distribution,
1901 transfer, possession, use or transportation of marijuana or paraphernalia
1902 relating to marijuana, including the transfer of marijuana and
1903 paraphernalia relating to marijuana from the patient's [primary]
1904 caregiver to the qualifying patient, to alleviate a qualifying patient's
1905 symptoms of a debilitating medical condition or the effects of such
1906 symptoms, but does not include any such use of marijuana by any
1907 person other than the qualifying patient;

1908 [(13)] (15) "Paraphernalia" means drug paraphernalia, as defined in
1909 section 21a-240;

1910 [(14)] (16) "Physician" means a person who is licensed as a physician
1911 under chapter 370, but does not include a physician assistant, as defined
1912 in section 20-12a;

1913 [(15)] (17) ["Primary caregiver"] "Caregiver" means a person, other

1914 than the qualifying patient and the qualifying patient's physician or
1915 advanced practice registered nurse, who is eighteen years of age or older
1916 and has agreed to undertake responsibility for managing the well-being
1917 of the qualifying patient with respect to the palliative use of marijuana,
1918 provided (A) in the case of a qualifying patient (i) under eighteen years
1919 of age and not an emancipated minor, or (ii) otherwise lacking legal
1920 capacity, such person shall be a parent, guardian or person having legal
1921 custody of such qualifying patient, and (B) in the case of a qualifying
1922 patient eighteen years of age or older or an emancipated minor, the need
1923 for such person shall be evaluated by the qualifying patient's physician
1924 or advanced practice registered nurse and such need shall be
1925 documented in the written certification;

1926 [(16)] (18) "Qualifying patient" means a person who: (A) Is a resident
1927 of Connecticut, (B) has been diagnosed by a physician or an advanced
1928 practice registered nurse as having a debilitating medical condition, and
1929 (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or
1930 (iii) has written consent from a custodial parent, guardian or other
1931 person having legal custody of such person that indicates that such
1932 person has permission from such parent, guardian or other person for
1933 the palliative use of marijuana for a debilitating medical condition and
1934 that such parent, guardian or other person will (I) serve as a [primary]
1935 caregiver for the qualifying patient, and (II) control the acquisition and
1936 possession of marijuana and any related paraphernalia for palliative use
1937 on behalf of such person. "Qualifying patient" does not include an
1938 inmate confined in a correctional institution or facility under the
1939 supervision of the Department of Correction;

1940 [(17)] (19) "Research program" means a study approved by the
1941 Department of Consumer Protection in accordance with this chapter
1942 and undertaken to increase information or knowledge regarding the
1943 growth, processing, medical attributes, dosage forms, administration or
1944 use of marijuana to treat or alleviate symptoms of any medical
1945 conditions or the effects of such symptoms;

1946 [(18)] (20) "Research program employee" means a person who (A) is
1947 [licensed] registered as a research program employee under section 21a-
1948 408t, or (B) holds a temporary certificate of registration issued pursuant
1949 to section 21a-408t;

1950 [(19)] (21) "Research program subject" means a person registered as a
1951 research program subject pursuant to section 21a-408v;

1952 [(20)] (22) "Usable marijuana" means the dried leaves and flowers of
1953 the marijuana plant, and any mixtures or preparations of such leaves
1954 and flowers, that are appropriate for the palliative use of marijuana, but
1955 does not include the seeds, stalks and roots of the marijuana plant; and

1956 [(21)] (23) "Written certification" means a written certification issued
1957 by a physician or an advanced practice registered nurse pursuant to
1958 section 21a-408c.

1959 Sec. 54. Section 21a-408a of the general statutes is repealed and the
1960 following is substituted in lieu thereof (*Effective July 1, 2021*):

1961 (a) A qualifying patient shall register with the Department of
1962 Consumer Protection pursuant to section 21a-408d prior to engaging in
1963 the palliative use of marijuana. A qualifying patient who has a valid
1964 registration certificate from the Department of Consumer Protection
1965 pursuant to subsection (a) of section 21a-408d and complies with the
1966 requirements of sections 21a-408 to 21a-408n, inclusive, shall not be
1967 subject to arrest or prosecution, penalized in any manner, including, but
1968 not limited to, being subject to any civil penalty, or denied any right or
1969 privilege, including, but not limited to, being subject to any disciplinary
1970 action by a professional licensing board, for the palliative use of
1971 marijuana if:

1972 (1) The qualifying patient's physician or advanced practice registered
1973 nurse has issued a written certification to the qualifying patient for the
1974 palliative use of marijuana after the physician or advanced practice
1975 registered nurse has prescribed, or determined it is not in the best

1976 interest of the patient to prescribe, prescription drugs to address the
1977 symptoms or effects for which the certification is being issued;

1978 (2) The combined amount of marijuana possessed by the qualifying
1979 patient and the [primary] caregiver for palliative use does not exceed
1980 [an amount of usable marijuana reasonably necessary to ensure
1981 uninterrupted availability for a period of one month, as determined by
1982 the Department of Consumer Protection pursuant to regulations
1983 adopted under section 21a-408m] five ounces; and

1984 (3) The qualifying patient has not more than one [primary] caregiver
1985 at any time.

1986 (b) The provisions of subsection (a) of this section do not apply to:

1987 (1) Any palliative use of marijuana that endangers the health or well-
1988 being of a person other than the qualifying patient or the [primary]
1989 caregiver; or

1990 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
1991 in any other moving vehicle, (B) in the workplace, (C) on any school
1992 grounds or any public or private school, dormitory, college or university
1993 property, unless such college or university is participating in a research
1994 program and such use is pursuant to the terms of the research program,
1995 (D) in any public place, or (E) in the presence of a person under the age
1996 of eighteen, unless such person is a qualifying patient or research
1997 program subject. For the purposes of this subdivision, (i) "presence"
1998 means within the direct line of sight of the palliative use of marijuana or
1999 exposure to second-hand marijuana smoke, or both; (ii) "public place"
2000 means any area that is used or held out for use by the public whether
2001 owned or operated by public or private interests; (iii) "vehicle" means a
2002 vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus,
2003 as defined in section 14-1; and (v) "school bus" means a school bus, as
2004 defined in section 14-1.

2005 Sec. 55. Section 21a-408b of the general statutes is repealed and the

2006 following is substituted in lieu thereof (*Effective July 1, 2021*):

2007 (a) No person may serve as a [primary] caregiver for a qualifying
2008 patient (1) unless such qualifying patient has a valid registration
2009 certificate from the Department of Consumer Protection pursuant to
2010 subsection (a) of section 21a-408d, and (2) if such person has been
2011 convicted of a violation of any law pertaining to the illegal manufacture,
2012 sale or distribution of a controlled substance. A [primary] caregiver may
2013 not be responsible for the care of more than one qualifying patient at
2014 any time, except that a [primary] caregiver may be responsible for the
2015 care of more than one qualifying patient if the [primary] caregiver and
2016 each qualifying patient have a parental, guardianship, conservatorship
2017 or sibling relationship.

2018 (b) A [primary] caregiver who has a valid registration certificate from
2019 the Department of Consumer Protection pursuant to subsection (a) of
2020 section 21a-408d and complies with the requirements of sections 21a-408
2021 to 21a-408n, inclusive, shall not be subject to arrest or prosecution,
2022 penalized in any manner, including, but not limited to, being subject to
2023 any civil penalty, or denied any right or privilege, including, but not
2024 limited to, being subject to any disciplinary action by a professional
2025 licensing board, for the acquisition, distribution, possession or
2026 transportation of marijuana or paraphernalia related to marijuana on
2027 behalf of such [primary] caregiver's qualifying patient, provided [(1)]
2028 the amount of any marijuana so acquired, distributed, possessed or
2029 transported, together with the combined amount of usable marijuana
2030 possessed by the qualifying patient and the [primary] caregiver, does
2031 not exceed [an amount reasonably necessary to ensure uninterrupted
2032 availability for a period of one month, as determined by the Department
2033 of Consumer Protection pursuant to regulations adopted under section
2034 21a-408m, and (2) such amount is obtained solely within this state from
2035 a licensed dispensary. Any person with a valid registration certificate
2036 who is found to be in possession of marijuana that did not originate from
2037 the selected dispensary may be subject to a hearing before the
2038 commissioner for possible enforcement action concerning the

2039 registration certificate issued by the department] the maximum
2040 possession limit set forth in chapter 420f. For the purposes of this
2041 subsection, ["distribution" or "distributed"] "distribution" or
2042 "distributed" means the transfer of marijuana and paraphernalia related
2043 to marijuana from the [primary] caregiver to the qualifying patient.

2044 (c) A dispensary shall not dispense any marijuana product in a
2045 smokable, inhalable or vaporizable form to a [primary] caregiver for a
2046 qualifying patient who is under eighteen years of age.

2047 Sec. 56. Section 21a-408c of the general statutes is repealed and the
2048 following is substituted in lieu thereof (*Effective July 1, 2021*):

2049 (a) A physician or an advanced practice registered nurse may issue a
2050 written certification to a qualifying patient that authorizes the palliative
2051 use of marijuana by the qualifying patient. Such written certification
2052 shall be in the form prescribed by the Department of Consumer
2053 Protection and shall include a statement signed and dated by the
2054 qualifying patient's physician or advanced practice registered nurse
2055 stating that, in such physician's or advanced practice registered nurse's
2056 professional opinion, the qualifying patient has a debilitating medical
2057 condition and the potential benefits of the palliative use of marijuana
2058 would likely outweigh the health risks of such use to the qualifying
2059 patient.

2060 (b) Any written certification for the palliative use of marijuana issued
2061 by a physician or an advanced practice registered nurse under
2062 subsection (a) of this section shall be valid for a period not to exceed one
2063 year from the date such written certification is signed and dated by the
2064 physician or advanced practice registered nurse. Not later than ten
2065 calendar days after the expiration of such period, or at any time before
2066 the expiration of such period should the qualifying patient no longer
2067 wish to possess marijuana for palliative use, the qualifying patient or
2068 the [primary] caregiver shall destroy all usable marijuana possessed by
2069 the qualifying patient and the [primary] caregiver for palliative use.

2070 (c) A physician or an advanced practice registered nurse shall not be
2071 subject to arrest or prosecution, penalized in any manner, including, but
2072 not limited to, being subject to any civil penalty, or denied any right or
2073 privilege, including, but not limited to, being subject to any disciplinary
2074 action by the Connecticut Medical Examining Board, the Connecticut
2075 State Board of Examiners for Nursing or other professional licensing
2076 board, for providing a written certification for the palliative use of
2077 marijuana under subdivision (1) of subsection (a) of section 21a-408a if:

2078 (1) The physician or advanced practice registered nurse has
2079 diagnosed the qualifying patient as having a debilitating medical
2080 condition;

2081 (2) The physician or advanced practice registered nurse has explained
2082 the potential risks and benefits of the palliative use of marijuana to the
2083 qualifying patient and, if the qualifying patient lacks legal capacity, to a
2084 parent, guardian or person having legal custody of the qualifying
2085 patient;

2086 (3) The written certification issued by the physician or advanced
2087 practice registered nurse is based upon the physician's or advanced
2088 practice registered nurse's professional opinion after having completed
2089 a medically reasonable assessment of the qualifying patient's medical
2090 history and current medical condition made in the course of a bona fide
2091 health care professional-patient relationship; and

2092 (4) The physician or advanced practice registered nurse has no
2093 financial interest in a dispensary [licensed under section 21a-408h]
2094 facility or a producer licensed under section 21a-408i.

2095 (d) A nurse shall not be subject to arrest or prosecution, penalized in
2096 any manner, including, but not limited to, being subject to any civil
2097 penalty, or denied any right or privilege, including, but not limited to,
2098 being subject to any disciplinary action by the Board of Examiners for
2099 Nursing, or other professional licensing board, for administering
2100 marijuana to a qualifying patient or research program subject in a

2101 hospital or health care facility licensed by the Department of Public
2102 Health.

2103 (e) Notwithstanding the provisions of this section, sections 21a-408 to
2104 21a-408b, inclusive, and sections 21a-408d to 21a-408o, inclusive, an
2105 advanced practice registered nurse shall not issue a written certification
2106 to a qualifying patient when the qualifying patient's debilitating medical
2107 condition is glaucoma.

2108 Sec. 57. Section 21a-408d of the general statutes is repealed and the
2109 following is substituted in lieu thereof (*Effective October 1, 2021*):

2110 (a) Each qualifying patient who is issued a written certification for the
2111 palliative use of marijuana under subdivision (1) of subsection (a) of
2112 section 21a-408a, and the [primary] caregiver of such qualifying patient,
2113 shall register with the Department of Consumer Protection. Such
2114 registration shall be effective from the date the Department of
2115 Consumer Protection issues a certificate of registration until the
2116 expiration of the written certification issued by the physician or
2117 advanced practice registered nurse. The qualifying patient and the
2118 [primary] caregiver shall provide sufficient identifying information, as
2119 determined by the department, to establish the personal identity of the
2120 qualifying patient and the [primary] caregiver. If the qualifying patient
2121 is under eighteen years of age and not an emancipated minor, the
2122 custodial parent, guardian or other person having legal custody of the
2123 qualifying patient shall also provide a letter from both the qualifying
2124 patient's [primary] care provider and a physician who is board certified
2125 in an area of medicine involved in the treatment of the debilitating
2126 condition for which the qualifying patient was certified that confirms
2127 that the palliative use of marijuana is in the best interest of the qualifying
2128 patient. A physician may issue a written certification for the palliative
2129 use of marijuana by a qualifying patient who is under eighteen years of
2130 age, provided such written certification shall not be for marijuana in a
2131 dosage form that requires that the marijuana be smoked, inhaled or
2132 vaporized. The qualifying patient or the [primary] caregiver shall report

2133 any change in the identifying information to the department not later
2134 than five business days after such change. The department shall issue a
2135 registration certificate to the qualifying patient and to the [primary]
2136 caregiver and may charge a reasonable fee, not to exceed twenty-five
2137 dollars, for each registration certificate issued under this subsection.
2138 Any registration fees collected by the department under this subsection
2139 shall be paid to the State Treasurer and credited to the General Fund.

2140 [(b) The qualifying patient, or, if the qualifying patient is under
2141 eighteen years of age and not an emancipated minor, the custodial
2142 parent, guardian or other person having legal custody of the qualifying
2143 patient, shall select a licensed, in-state dispensary to obtain the palliative
2144 marijuana products at the time of registration. Upon the issuance of the
2145 certificate of registration by the department, the qualifying patient, or
2146 the qualifying patient's custodial parent, guardian or other person
2147 having legal custody of the qualifying patient, shall purchase such
2148 palliative marijuana products from such dispensary, except that the
2149 qualifying patient, or the qualifying patient's custodial parent, guardian
2150 or other person having legal custody of the qualifying patient, may
2151 change such dispensary in accordance with regulations adopted by the
2152 department. Any person with a valid registration certificate who is
2153 found to be in possession of marijuana that did not originate from the
2154 selected dispensary may be subject to hearing before the commissioner
2155 for possible enforcement action concerning the registration certificate
2156 issued by the department.]

2157 [(c)] (b) A dispensary shall not dispense any marijuana products in a
2158 smokable, inhalable or vaporizable form to a qualifying patient who is
2159 under eighteen years of age or such qualifying patient's caregiver.

2160 [(d)] (c) Information obtained under this section shall be confidential
2161 and shall not be subject to disclosure under the Freedom of Information
2162 Act, as defined in section 1-200, except that reasonable access to registry
2163 information obtained under this section and temporary registration
2164 information obtained under section 21a-408n shall be provided to: (1)

2165 State agencies, federal agencies and local law enforcement agencies for
2166 the purpose of investigating or prosecuting a violation of law; (2)
2167 physicians, advanced practice registered nurses and pharmacists for the
2168 purpose of providing patient care and drug therapy management and
2169 monitoring controlled substances obtained by the qualifying patient; (3)
2170 public or private entities for research or educational purposes, provided
2171 no individually identifiable health information may be disclosed; (4) a
2172 licensed dispensary for the purpose of complying with sections 21a-408
2173 to 21a-408n, inclusive; (5) a qualifying patient, but only with respect to
2174 information related to such qualifying patient or such qualifying
2175 patient's [primary] caregiver; or (6) a [primary] caregiver, but only with
2176 respect to information related to such [primary] caregiver's qualifying
2177 patient.

2178 Sec. 58. Section 21a-408h of the general statutes is repealed and the
2179 following is substituted in lieu thereof (*Effective July 1, 2021*):

2180 (a) No person may act as a dispensary or represent that such person
2181 is a licensed dispensary unless such person has obtained a license from
2182 the Commissioner of Consumer Protection pursuant to this section.

2183 (b) No person may act as a dispensary facility or represent that such
2184 person is a licensed dispensary facility unless such person has obtained
2185 a license from the Commissioner of Consumer Protection pursuant to
2186 this section.

2187 ~~[(b)]~~ (c) The Commissioner of Consumer Protection shall determine
2188 the number of [dispensaries] dispensary facilities appropriate to meet
2189 the needs of qualifying patients in this state and shall adopt regulations,
2190 in accordance with chapter 54, to provide for the licensure and
2191 standards for [dispensaries] dispensary facilities in this state and specify
2192 the maximum number of [dispensaries] dispensary facilities that may
2193 be licensed in this state. On and after the effective date of such
2194 regulations, the commissioner may license any person who applies for
2195 a license in accordance with such regulations, provided [(1)] the

2196 commissioner deems such applicant qualified to acquire, possess,
2197 distribute and dispense marijuana pursuant to sections 21a-408 to 21a-
2198 408n, inclusive. [(2) the applicant is a pharmacist licensed under
2199 chapter 400j, and (3) the number of dispensary licenses issued does not
2200 exceed the number appropriate to meet the needs of qualifying patients
2201 in this state, as determined by the commissioner pursuant to this
2202 subsection.] At a minimum, such regulations shall:

2203 (A) Indicate the maximum number of [dispensaries] dispensary
2204 facilities that may be licensed in this state;

2205 [(B) Provide that only a pharmacist licensed under chapter 400j may
2206 apply for and receive a dispensary license;]

2207 [(C)] (B) Provide that no marijuana may be dispensed from, obtained
2208 from or transferred to a location outside of this state;

2209 [(D)] (C) Establish a licensing fee and renewal fee for each [licensed]
2210 dispensary facility, provided such fees shall not be less than the amount
2211 necessary to cover the direct and indirect cost of licensing and
2212 regulating [dispensaries] dispensary facilities pursuant to sections 21a-
2213 408 to 21a-408n, inclusive;

2214 [(E)] (D) Provide for renewal of such dispensary facility licenses at
2215 least every two years;

2216 [(F)] (E) Describe areas in this state where [licensed dispensaries]
2217 dispensary facilities may not be located, after considering the criteria for
2218 the location of retail liquor permit premises set forth in subsection (a) of
2219 section 30-46;

2220 [(G)] (F) Establish health, safety and security requirements for
2221 [licensed dispensaries] dispensary facilities, which may include, but
2222 need not be limited to: (i) The ability to maintain adequate control
2223 against the diversion, theft and loss of marijuana acquired or possessed
2224 by the [licensed] dispensary facility, and (ii) the ability to maintain the

2225 knowledge, understanding, judgment, procedures, security controls
2226 and ethics to ensure optimal safety and accuracy in the distributing,
2227 dispensing and use of palliative marijuana;

2228 [(H)] (G) Establish standards and procedures for revocation,
2229 suspension, summary suspension and nonrenewal of dispensary facility
2230 licenses, provided such standards and procedures are consistent with
2231 the provisions of subsection (c) of section 4-182; and

2232 [(I)] (H) Establish other licensing, renewal and operational standards
2233 deemed necessary by the commissioner.

2234 [(c)] (d) Any fees collected by the Department of Consumer
2235 Protection under this section shall be paid to the State Treasurer and
2236 credited to the General Fund.

2237 [(d)] (e) On or before January 1, 2017, and annually thereafter, each
2238 [licensed] dispensary facility shall report data to the Department of
2239 Consumer Protection relating to the types, mixtures and dosages of
2240 palliative marijuana dispensed by such dispensary facility. A report
2241 prepared pursuant to this subsection shall be in such form as may be
2242 prescribed by the Commissioner of Consumer Protection.

2243 Sec. 59. Section 21a-408j of the general statutes is repealed and the
2244 following is substituted in lieu thereof (*Effective October 1, 2021*):

2245 (a) No [licensed] dispensary facility or employee of the dispensary
2246 facility may: (1) Acquire marijuana from a person other than a licensed
2247 producer; (2) distribute or dispense marijuana or cannabis to a person
2248 who is not (A) a qualifying patient registered under section 21a-408d or
2249 21a-408n; (B) a [primary] caregiver of such qualifying patient; (C) a
2250 hospice or other inpatient care facility licensed by the Department of
2251 Public Health pursuant to chapter 368v that has protocol for the
2252 handling and distribution of marijuana that has been approved by the
2253 Department of Consumer Protection; (D) a laboratory; [or] (E) an
2254 organization engaged in a research program; or (F) a delivery licensee;

2255 or (3) obtain or transport marijuana outside of this state in violation of
2256 state or federal law.

2257 (b) No [licensed] dispensary or employee of the dispensary facility
2258 acting within the scope of his or her employment shall be subject to
2259 arrest or prosecution, penalized in any manner, including, but not
2260 limited to, being subject to any civil penalty, or denied any right or
2261 privilege, including, but not limited to, being subject to any disciplinary
2262 action by a professional licensing board, for acquiring, possessing,
2263 distributing or dispensing marijuana pursuant to sections 21a-408 to
2264 21a-408n, inclusive.

2265 Sec. 60. Section 21a-408k of the general statutes is repealed and the
2266 following is substituted in lieu thereof (*Effective July 1, 2021*):

2267 (a) No licensed producer or employee of the producer may: (1) Sell,
2268 deliver, transport or distribute marijuana to a person who is not (A) a
2269 [licensed dispensary] cannabis establishment, (B) a laboratory, or (C) an
2270 organization engaged in a research program, or (2) obtain or transport
2271 marijuana outside of this state in violation of state or federal law.

2272 (b) No licensed producer or employee of the producer acting within
2273 the scope of his or her employment shall be subject to arrest or
2274 prosecution, penalized in any manner, including, but not limited to,
2275 being subject to any civil penalty, or denied any right or privilege,
2276 including, but not limited to, being subject to any disciplinary action by
2277 a professional licensing board, for cultivating marijuana or selling,
2278 delivering, transporting or distributing marijuana to licensed
2279 [dispensaries] dispensary facilities under sections 21a-408 to 21a-408n,
2280 inclusive.

2281 Sec. 61. Section 21a-408m of the general statutes is repealed and the
2282 following is substituted in lieu thereof (*Effective October 1, 2021*):

2283 (a) The Commissioner of Consumer Protection may adopt
2284 regulations, in accordance with chapter 54, to establish (1) a standard

2285 form for written certifications for the palliative use of marijuana issued
2286 by physicians and advanced practice registered nurses under
2287 subdivision (1) of subsection (a) of section 21a-408a, and (2) procedures
2288 for registrations under section 21a-408d, as amended by this act. Such
2289 regulations, if any, shall be adopted after consultation with the Board of
2290 Physicians established in section 21a-408l.

2291 (b) The Commissioner of Consumer Protection shall adopt
2292 regulations, in accordance with chapter 54, to establish a reasonable fee
2293 to be collected from each qualifying patient to whom a written
2294 certification for the palliative use of marijuana is issued under
2295 subdivision (1) of subsection (a) of section 21a-408a, for the purpose of
2296 offsetting the direct and indirect costs of administering the provisions
2297 of sections 21a-408 to 21a-408n, inclusive. The commissioner shall collect
2298 such fee at the time the qualifying patient registers with the Department
2299 of Consumer Protection under subsection (a) of section 21a-408d. Such
2300 fee shall be in addition to any registration fee that may be charged under
2301 said subsection. The fees required to be collected by the commissioner
2302 from qualifying patients under this subsection shall be paid to the State
2303 Treasurer and credited to the General Fund.

2304 (c) The Commissioner of Consumer Protection shall adopt
2305 [regulations, in accordance with chapter 54, to implement the provisions
2306 of sections 21a-408 to 21a-408g, inclusive, and section 21a-408l. At a
2307 minimum, such regulations shall] or amend regulations, as applicable,
2308 in accordance with chapter 54 to implement the provisions of this
2309 section. Notwithstanding the requirements of sections 4-168 to 4-172,
2310 inclusive, of the general statutes, in order to effectuate the purposes of
2311 this section and protect public health and safety, prior to adopting or
2312 amending such regulations the commissioner shall issue requirements
2313 to implement the provisions of this section that shall have the force and
2314 effect of law. The commissioner shall post all requirements on the
2315 department's Internet web site, and submit requirements for posting on
2316 the Secretary of the State's Internet web site, at least fifteen days prior to
2317 the effective date of any requirements. Requirements shall no longer be

2318 effective upon the earlier of either codification by the Secretary of the
2319 State as a final regulation or forty-eight months from the effective date
2320 of this section if such requirements have not been submitted to the
2321 Legislative Regulation Review Committee for consideration. Such
2322 requirements and regulations shall include, but not be limited to, how
2323 the department shall:

2324 (1) [Govern the manner in which the department considers] Accept
2325 applications for the issuance and renewal of registration certificates for
2326 qualifying patients and [primary] caregivers; [, and establish any
2327 additional information to be contained in such registration certificates;]

2328 [(2) Define the protocols for determining the amount of usable
2329 marijuana that is necessary to constitute an adequate supply to ensure
2330 uninterrupted availability for a period of one month, including amounts
2331 for topical treatments;]

2332 [(3)] (2) Establish criteria for adding medical conditions, medical
2333 treatments or diseases to the list of debilitating medical conditions that
2334 qualify for the palliative use of marijuana;

2335 [(4)] (3) Establish a petition process under which members of the
2336 public may submit petitions, [in such manner and in such form as
2337 prescribed in the regulations,] regarding the addition of medical
2338 conditions, medical treatments or diseases to the list of debilitating
2339 medical conditions;

2340 [(5) Establish a process for public comment and public hearings
2341 before the board regarding the addition of medical conditions, medical
2342 treatments or diseases to the list of debilitating medical conditions,
2343 medical treatments or diseases;

2344 (6) Add additional medical conditions, medical treatments or
2345 diseases to the list of debilitating medical conditions that qualify for the
2346 palliative use of marijuana as recommended by the board; and]

2347 ~~[(7)]~~ (4) Develop a distribution system for marijuana for palliative use
2348 that provides for:

2349 (A) Marijuana production facilities within this state that are housed
2350 on secured grounds and operated by licensed producers; [and]

2351 ~~(B)~~ The transfer of marijuana between dispensary facilities; and

2352 ~~[(B)]~~ ~~(C)~~ Distribution of marijuana for palliative use to qualifying
2353 patients or their [primary] caregivers by licensed dispensaries and by
2354 delivery services, as defined in this act; and

2355 (5) Ensure an adequate supply and variety of marijuana to dispensary
2356 facilities and hybrid retailers to ensure uninterrupted availability for
2357 qualifying patients, based on historical marijuana purchase patterns by
2358 qualifying patients.

2359 ~~[(d)]~~ The commissioner shall submit regulations pursuant to
2360 subsections (b) and (c) of this section to the standing legislative
2361 regulation review committee not later than July 1, 2013.]

2362 Sec. 62. Section 21a-408l of the general statutes is repealed and the
2363 following is substituted in lieu thereof (*Effective October 1, 2021*):

2364 (a) The Commissioner of Consumer Protection shall establish a Board
2365 of Physicians consisting of eight physicians or surgeons who are
2366 knowledgeable about the palliative use of marijuana and certified by the
2367 appropriate American board in the medical specialty in which they
2368 practice, at least one of whom shall be a board certified pediatrician
2369 appointed in consultation with the Connecticut Chapter of the
2370 American Academy of Pediatrics. Four of the members of the board first
2371 appointed shall serve for a term of three years and four of the members
2372 of the board first appointed shall serve for a term of four years.
2373 Thereafter, members of the board shall serve for a term of four years and
2374 shall be eligible for reappointment. Any member of the board may serve
2375 until a successor is appointed. The Commissioner of Consumer

2376 Protection shall serve as an ex-officio member of the board, and shall
2377 select a chairperson from among the members of the board.

2378 (b) A quorum of the Board of Physicians shall consist of four
2379 members.

2380 (c) The Board of Physicians shall:

2381 (1) Review and recommend to the Department of Consumer
2382 Protection for approval the debilitating medical conditions, medical
2383 treatments or diseases to be added to the list of debilitating medical
2384 conditions that qualify for the palliative use of marijuana for qualifying
2385 patients eighteen years of age or older;

2386 (2) Review and recommend to the Department of Consumer
2387 Protection for approval any illnesses that are severely debilitating, as
2388 defined in 21 CFR 312.81(b), to be added to the list of debilitating
2389 medical conditions that qualify for the palliative use of marijuana for
2390 qualifying patients under eighteen years of age, taking into account,
2391 among other things, the effect of the palliative use of marijuana on the
2392 brain development of such patients, which recommendations shall be
2393 accepted or rejected by the commissioner at his or her discretion;

2394 (3) Accept and review petitions to add medical conditions, medical
2395 treatments or diseases to the list of debilitating medical conditions that
2396 qualify for the palliative use of marijuana;

2397 (4) Convene [at least twice per year] as necessary to conduct public
2398 hearings and to evaluate petitions, which shall be maintained as
2399 confidential pursuant to subsection (e) of this section, for the purpose of
2400 adding medical conditions, medical treatments or diseases to the list of
2401 debilitating medical conditions that qualify for the palliative use of
2402 marijuana;

2403 (5) Review and recommend to the Department of Consumer
2404 Protection protocols for determining the amounts of marijuana that may

2405 be reasonably necessary to ensure uninterrupted availability for a
2406 period of one month for qualifying patients, including amounts for
2407 topical treatments; and

2408 (6) Perform other duties related to the palliative use of marijuana
2409 upon the request of the Commissioner of Consumer Protection.

2410 (d) The Board of Physicians may review the list of debilitating
2411 medical conditions that qualify for the palliative use of marijuana and
2412 make recommendations to the joint standing committees of the General
2413 Assembly having cognizance of matters relating to general law and
2414 public health for the removal of a debilitating medical condition,
2415 medical treatment or disease from such list.

2416 (e) Any individually identifiable health information contained in a
2417 petition received under this section shall be confidential and shall not
2418 be subject to disclosure under the Freedom of Information Act, as
2419 defined in section 1-200.

2420 (f) On and after the effective date of the section, conditions added
2421 pursuant to this section to the list of debilitating medical conditions that
2422 qualify for the palliative use of marijuana shall be posted by the
2423 commissioner on the Department of Consumer Protection's Internet
2424 web site.

2425 Sec. 63. Section 21a-408r of the general statutes is repealed and the
2426 following is substituted in lieu thereof (*Effective October 1, 2021*):

2427 (a) No person may act as a laboratory or represent that such person
2428 is a laboratory unless such person has obtained a license from the
2429 Commissioner of Consumer Protection pursuant to this section.
2430 Notwithstanding, a person may act as a laboratory or represent that
2431 such person is a laboratory so long as such person has (1) been granted
2432 approval by the department as of the effective date of this section, and
2433 (2) submitted an application to the department for licensure pursuant to
2434 this section in a form and manner prescribed by the commissioner. Such

2435 person may continue to do so until such application for licensure under
2436 this section is approved or denied by the department.

2437 [(a)] (b) Except as provided in subsection [(b)] (c) of this section, no
2438 person may act as a laboratory employee or represent that such person
2439 is a [licensed] laboratory employee unless such person has obtained a
2440 [license] registration from the Commissioner of Consumer Protection
2441 pursuant to this section.

2442 [(b)] (c) Prior to the effective date of regulations adopted under this
2443 section, the Commissioner of Consumer Protection may issue a
2444 temporary certificate of registration to a laboratory employee. The
2445 commissioner shall prescribe the standards, procedures and fees for
2446 obtaining a temporary certificate of registration as a laboratory
2447 employee.

2448 [(c)] (d) The Commissioner of Consumer Protection shall adopt
2449 regulations, in accordance with chapter 54, to (1) provide for the
2450 licensure or registration of laboratories and laboratory employees, (2)
2451 establish standards and procedures for the revocation, suspension,
2452 summary suspension and nonrenewal of laboratory license and
2453 laboratory employee [licenses] registrations, provided such standards
2454 and procedures are consistent with the provisions of subsection (c) of
2455 section 4-182, (3) establish a license [and] or registration renewal fee for
2456 each licensed laboratory and [licensed] registered laboratory employee,
2457 provided the aggregate amount of such license, registration and renewal
2458 fees shall not be less than the amount necessary to cover the direct and
2459 indirect cost of licensing, registering and regulating laboratories and
2460 laboratory employees in accordance with the provisions of this chapter,
2461 and (4) establish other licensing, registration, renewal and operational
2462 standards deemed necessary by the commissioner.

2463 [(d)] (e) Any fees collected by the Department of Consumer
2464 Protection under this section shall be paid to the State Treasurer and
2465 credited to the General Fund.

2466 Sec. 64. Section 21a-408t of the general statutes is repealed and the
2467 following is substituted in lieu thereof (*Effective July 1, 2021*):

2468 (a) The Commissioner of Consumer Protection may approve a
2469 research program if such research program will (1) be administered or
2470 overseen by (A) a hospital or health care facility licensed by the
2471 Connecticut Department of Public Health pursuant to chapter 368v, (B)
2472 an institution of higher education, as defined in section 10a-55, (C) a
2473 licensed producer, micro-cultivator, cultivator, food and beverage
2474 manufacturer or product manufacturer, as such terms are defined in
2475 section 1 of this act, or (D) a [licensed] dispensary facility, hybrid retailer
2476 or cannabis retailer, as such terms are defined in section 1 of this act, and
2477 (2) have institutional review board oversight and, if the research
2478 program involves the use of animals, have an institutional animal care
2479 and use committee.

2480 (b) Except as provided in subsection (c) of this section, no person may
2481 act as a research program employee or represent that such person is a
2482 [licensed] registered research program employee unless such person has
2483 obtained a [license] registration from the Commissioner of Consumer
2484 Protection pursuant to this section.

2485 [(c) Prior to the effective date of regulations adopted under this
2486 section, the Commissioner of Consumer Protection may issue a
2487 temporary certificate of registration to a research program employee.
2488 The commissioner shall prescribe the standards, procedures and fees for
2489 obtaining a temporary certificate of registration as a research program
2490 employee.]

2491 [(d)] (c) The Commissioner of Consumer Protection shall adopt
2492 regulations, in accordance with chapter 54, to (1) provide for the
2493 approval of research programs and [licensure] registration of research
2494 program employees, (2) establish standards and procedures for the
2495 termination or suspension of a research program, (3) establish standards
2496 and procedures for the revocation, suspension, summary suspension

2497 and nonrenewal of a research program employee [license] registration,
2498 provided such standards and procedures are consistent with the
2499 provisions of subsection (c) of section 4-182, (4) establish a (A) fee for
2500 research program review and approval, and (B) [license] registration
2501 and renewal fee for each research program employee, provided the
2502 aggregate amount of such fees shall not be less than the amount
2503 necessary to cover the direct and indirect cost of approving research
2504 programs and [licensing] registering and regulating research program
2505 employees pursuant to the provisions of this chapter, and (5) establish
2506 other licensing, registration, renewal and operational standards deemed
2507 necessary by the commissioner.

2508 [(e)] (d) Any fees collected by the Department of Consumer
2509 Protection under this section shall be paid to the State Treasurer and
2510 credited to the General Fund.

2511 Sec. 65. Section 21a-408s of the general statutes is repealed and the
2512 following is substituted in lieu thereof (*Effective July 1, 2021*):

2513 (a) No laboratory or laboratory employee may (1) acquire marijuana
2514 from a person other than a [licensed producer, licensed dispensary]
2515 producer, cultivator, micro-cultivator, food and beverage manufacturer,
2516 product packager, product manufacturer or organization engaged in a
2517 research program, (2) [deliver, transport or distribute marijuana to (A)
2518 a person who is not a licensed dispensary, (B) a person who is not a
2519 licensed producer, or (C)] deliver, transport, or distribute marijuana to
2520 (A) a person who is not a producer, cultivator, micro-cultivator, food
2521 and beverage manufacturer, product packager, product manufacturer
2522 and was not the producer, cultivator, micro-cultivator, food and
2523 beverage manufacturer, product packager or product manufacturer
2524 from which the marijuana was originally acquired by the laboratory or
2525 laboratory employee (B) an organization not engaged in a research
2526 program, or (3) obtain or transport marijuana outside of this state in
2527 violation of state or federal law.

2528 (b) (1) No laboratory employee acting within the scope of his or her
2529 employment shall be subject to arrest or prosecution, penalized in any
2530 manner, including, but not limited to, being subject to any civil penalty,
2531 or denied any right or privilege, including, but not limited to, being
2532 subject to any disciplinary action by a professional licensing board, for
2533 acquiring, possessing, delivering, transporting or distributing
2534 marijuana to a [licensed dispensary, a licensed] producer, cultivator,
2535 micro-cultivator, food and beverage manufacturer, product packager,
2536 product manufacturer or an organization engaged in an approved
2537 research program under the provisions of this chapter.

2538 (2) No laboratory shall be subject to prosecution, penalized in any
2539 manner, including, but not limited to, being subject to any civil penalty
2540 or denied any right or privilege, for acquiring, possessing, delivering,
2541 transporting or distributing marijuana to a [licensed dispensary, a
2542 licensed] producer, cultivator, micro-cultivator, food and beverage
2543 manufacturer, product packager, product manufacturer or an
2544 organization engaged in an approved research program under the
2545 provisions of this chapter.

2546 (c) A laboratory shall be independent from all other persons involved
2547 in the marijuana industry in Connecticut, which shall mean that no
2548 person with a direct or indirect interest in the laboratory shall have a
2549 direct or indirect financial interest in a cannabis establishment or any
2550 other entity that may benefit from the certification of qualifying patients,
2551 or the production, manufacture, dispensing, sale, purchase or use of
2552 marijuana.

2553 (d) A laboratory shall maintain all minimum security and safeguard
2554 requirements for the storage of handling of controlled substances as a
2555 laboratory that is licensed to provide analysis of controlled substances
2556 pursuant to section 21a-246 and regulations promulgated thereunder.

2557 Sec. 66. Section 21a-408u of the general statutes is repealed and the
2558 following is substituted in lieu thereof (*Effective July 1, 2021*):

2559 (a) No research program or research program employee may (1)
2560 acquire marijuana from a person other than a licensed producer,
2561 [licensed] dispensary facility or laboratory, (2) deliver, transport or
2562 distribute marijuana to a person who is not (A) a [licensed] dispensary
2563 facility, (B) a licensed producer, or (C) a research program subject, (3)
2564 distribute or administer marijuana to an animal unless such animal is an
2565 animal research subject, or (4) obtain or transport marijuana outside of
2566 this state in violation of state or federal law.

2567 (b) No research program employee acting within the scope of his or
2568 her employment shall be subject to arrest or prosecution, penalized in
2569 any manner, including, but not limited to, being subject to any civil
2570 penalty, or denied any right or privilege, including, but not limited to,
2571 being subject to any disciplinary action by a professional licensing
2572 board, for acquiring, possessing, delivering, transporting or distributing
2573 marijuana to a [licensed] dispensary facility, a licensed producer or a
2574 research program subject or distributing or administering marijuana to
2575 an animal research subject under the provisions of this chapter.

2576 Sec. 67. (NEW) (*Effective October 1, 2021*) A licensed pharmacist
2577 working as an employee at a dispensary facility or hybrid retailer shall
2578 transmit dispensing information, in a manner prescribed by the
2579 commissioner, on any cannabis sold to a qualifying patient or caregiver
2580 in real-time or immediately upon completion of the transaction, unless
2581 not reasonably feasible for a specific transaction, but in no case longer
2582 than one hour after completion of the transaction.

2583 Sec. 68. (NEW) (*Effective July 1, 2021*) (a) Any municipality may, by
2584 amendment to such municipality's zoning regulations or zoning
2585 ordinances, (1) prohibit the establishment of a cannabis establishment,
2586 except for a dispensary facility or producer, (2) establish reasonable
2587 restrictions regarding the hours and signage within the limits of such
2588 municipality, (3) establish reasonable restrictions regarding the number
2589 or density of cannabis establishments, except for a dispensary facility or
2590 producer, or (4) establish restrictions on the proximity of cannabis

2591 establishments to any of the establishments listed in subsection (a) of
2592 subdivision (1) of section 30-46 of the general statutes. Such amendment
2593 shall be approved by a municipality's legislative body before going into
2594 effect. The chief zoning official of a municipality shall report, in writing,
2595 any zoning changes adopted by the municipality regarding cannabis
2596 establishments pursuant to this subsection to the Secretary of the Office
2597 of Policy and Management and to the department not later than
2598 fourteen days after the adoption of such changes.

2599 (b) Unless otherwise provided for by a municipality through its
2600 zoning regulations or ordinances, a cannabis establishment shall be
2601 zoned as if any other similar use, except a cannabis establishment,
2602 would be zoned.

2603 (c) Any restriction regarding hours and signage of a cannabis
2604 establishment adopted by a municipality shall not apply to an existing
2605 cannabis establishment located in such municipality, for a period of five
2606 years after the adoption of such prohibition or restriction.

2607 (d) No municipality shall prohibit delivery of cannabis or cannabis
2608 products to a consumer, qualifying patient, or caregiver when the
2609 delivery is made by a retailer, hybrid retailer, dispensary facility,
2610 delivery service, micro-cultivator or other person authorized to make
2611 such delivery pursuant to sections 1, 3 and 4 of this act, sections 6 to 10,
2612 inclusive, of this act, sections 12 to 45, inclusive, of this act, sections 47
2613 to 52, inclusive, of this act, sections 58 to 61, inclusive, of this act, sections
2614 65 to 68, inclusive, of this act, sections 74 to 76, inclusive, of this act,
2615 sections 78 to 89, inclusive, of this act, section 21a-243 of the general
2616 statutes, as amended by this act, or section 21a-408t of the general
2617 statutes, as amended by this act. No municipality shall prohibit the
2618 transport of cannabis or cannabis products to, from or through such
2619 municipality by any person licensed or registered pursuant to this act to
2620 transport cannabis and cannabis products.

2621 (e) No municipality or local official shall condition any official action,

2622 or accept any donation in moneys or in kind, from any cannabis
2623 establishment or from an individual or corporation that has applied for
2624 a license to open or operate a cannabis establishment in such
2625 municipality. No municipality shall negotiate or enter into a local host
2626 agreement with a cannabis establishment or a person that has applied
2627 for a license to open or operate a cannabis establishment in such
2628 municipality.

2629 (f) For up to thirty days after the opening of a cannabis retailer or
2630 hybrid retailer, a municipality may charge such retailer or hybrid
2631 retailer for any necessary and reasonable costs incurred by the
2632 municipality for provision of public safety services in relation to such
2633 opening, including, but not limited to, public safety costs incurred to
2634 direct traffic, not to exceed fifty thousand dollars.

2635 Sec. 69. Subparagraph (H) of subdivision (7) of subsection (c) of
2636 section 7-148 of the general statutes is repealed and the following is
2637 substituted in lieu thereof (*Effective October 1, 2021*):

2638 (H) (i) Secure the safety of persons in or passing through the
2639 municipality by regulation of shows, processions, parades and music;

2640 (ii) Regulate and prohibit the carrying on within the municipality of
2641 any trade, manufacture, business or profession which is, or may be, so
2642 carried on as to become prejudicial to public health, conducive to fraud
2643 and cheating, or dangerous to, or constituting an unreasonable
2644 annoyance to, those living or owning property in the vicinity;

2645 (iii) Regulate auctions and garage and tag sales;

2646 (iv) Prohibit, restrain, license and regulate the business of peddlers,
2647 auctioneers and junk dealers in a manner not inconsistent with the
2648 general statutes;

2649 (v) Regulate and prohibit swimming or bathing in the public or
2650 exposed places within the municipality;

2651 (vi) Regulate and license the operation of amusement parks and
2652 amusement arcades including, but not limited to, the regulation of
2653 mechanical rides and the establishment of the hours of operation;

2654 (vii) Prohibit, restrain, license and regulate all sports, exhibitions,
2655 public amusements and performances and all places where games may
2656 be played;

2657 (viii) Preserve the public peace and good order, prevent and quell
2658 riots and disorderly assemblages and prevent disturbing noises;

2659 (ix) Establish a system to obtain a more accurate registration of births,
2660 marriages and deaths than the system provided by the general statutes
2661 in a manner not inconsistent with the general statutes;

2662 (x) Control insect pests or plant diseases in any manner deemed
2663 appropriate;

2664 (xi) Provide for the health of the inhabitants of the municipality and
2665 do all things necessary or desirable to secure and promote the public
2666 health;

2667 (xii) Regulate the use of streets, sidewalks, highways, public places
2668 and grounds for public and private purposes;

2669 (xiii) Make and enforce police, sanitary or other similar regulations
2670 and protect or promote the peace, safety, good government and welfare
2671 of the municipality and its inhabitants;

2672 (xiv) Regulate, in addition to the requirements under section 7-282b,
2673 the installation, maintenance and operation of any device or equipment
2674 in a residence or place of business which is capable of automatically
2675 calling and relaying recorded emergency messages to any state police
2676 or municipal police or fire department telephone number or which is
2677 capable of automatically calling and relaying recorded emergency
2678 messages or other forms of emergency signals to an intermediate third
2679 party which shall thereafter call and relay such emergency messages to

2680 a state police or municipal police or fire department telephone number.
2681 Such regulations may provide for penalties for the transmittal of false
2682 alarms by such devices or equipment;

2683 (xv) Make and enforce regulations for the prevention and
2684 remediation of housing blight, including regulations reducing
2685 assessments and authorizing designated agents of the municipality to
2686 enter property during reasonable hours for the purpose of remediating
2687 blighted conditions, provided such regulations define housing blight
2688 and require such municipality to give written notice of any violation to
2689 the owner and occupant of the property and provide a reasonable
2690 opportunity for the owner and occupant to remediate the blighted
2691 conditions prior to any enforcement action being taken, and further
2692 provided such regulations shall not authorize such municipality or its
2693 designated agents to enter any dwelling house or structure on such
2694 property, and including regulations establishing a duty to maintain
2695 property and specifying standards to determine if there is neglect;
2696 prescribe civil penalties for the violation of such regulations of not less
2697 than ten or more than one hundred dollars for each day that a violation
2698 continues and, if such civil penalties are prescribed, such municipality
2699 shall adopt a citation hearing procedure in accordance with section 7-
2700 152c;

2701 (xvi) Regulate, on any property owned by or under the control of the
2702 municipality, any activity deemed to be deleterious to public health,
2703 including the [lighting or carrying] burning of a lighted cigarette, cigar,
2704 pipe or similar device, whether containing, wholly or in part, tobacco or
2705 cannabis, as defined in section 1 of this act, and the use or consumption
2706 of cannabis, including, but not limited to, electronic cannabis delivery
2707 systems, as defined in section 19a-342a, as amended by this act, or vapor
2708 products, as defined in said section, containing cannabis. Municipalities
2709 may prohibit the smoking of cannabis and the use of electronic cannabis
2710 delivery systems and vapor products containing cannabis in the
2711 outdoor sections of a restaurant. No municipality may issue a fine in
2712 excess of fifty dollars to an individual for a violation of this clause

2713 regarding consumption by such individual. No municipality may issue
2714 a fine in excess of one thousand dollars to any business for a violation
2715 of this clause;

2716 Sec. 70. Section 19a-342 of the general statutes is repealed and the
2717 following is substituted in lieu thereof (*Effective October 1, 2021*):

2718 (a) As used in this section: ["smoke"]

2719 (1) "Smoke" or "smoking" means the [lighting or carrying] burning of
2720 a lighted cigarette, cigar, pipe or any other similar device, [.] whether
2721 containing, wholly or in part, tobacco, cannabis, or hemp;

2722 (2) "Any area" means the interior of the facility, building or
2723 establishment and the outside area within twenty-five feet of any
2724 doorway, operable window or air intake vent of the facility, building or
2725 establishment;

2726 (3) "Cannabis" means marijuana, as defined in section 21a-240; and

2727 (4) "Hemp" has the same meaning as provided in section 22-61l.

2728 (b) (1) Notwithstanding the provisions of section 31-40q, as amended
2729 by this act, no person shall smoke: (A) In any area of a building or
2730 portion of a building, partially enclosed shelter on a rail platform or bus
2731 shelter owned and operated or leased and operated by the state or any
2732 political subdivision thereof; (B) in any area of a health care institution,
2733 including, but not limited to, a psychiatric facility; (C) in any area of a
2734 retail [food store] establishment accessed by the general public; (D) in
2735 any restaurant; (E) in any area of an establishment with a permit issued
2736 for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b,
2737 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-
2738 37f, in any area of an establishment with a permit for the sale of alcoholic
2739 liquor pursuant to section 30-23 issued after May 1, 2003, and, on and
2740 after April 1, 2004, in any area of an establishment with a permit issued
2741 for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the

2742 bar area of a bowling establishment holding a permit pursuant to
2743 subsection (a) of section 30-37c; (F) [within] in any area of a school
2744 building or on the grounds of such school; (G) within a child care facility
2745 or on the grounds of such child care facility, except, if the child care
2746 facility is a family child care home, as defined in section 19a-77, such
2747 smoking is prohibited only when a child enrolled in such home is
2748 present during customary business hours; (H) in any passenger
2749 elevator; [, provided no person shall be arrested for violating this
2750 subsection unless there is posted in such elevator a sign which indicates
2751 that smoking is prohibited by state law;] (I) in any area of a dormitory
2752 in any public or private institution of higher education; [or] (J) [on and
2753 after April 1, 2004,] in any area of a dog race track or a facility equipped
2754 with screens for the simulcasting of off-track betting race programs or
2755 jai alai games; (K) in any room offered as an accommodation to guests
2756 by the operator of a hotel, motel or similar lodging; or (L) in any area of
2757 a correctional facility or halfway house. For purposes of this subsection,
2758 "restaurant" means space, in a suitable and permanent building, kept,
2759 used, maintained, advertised and held out to the public to be a place
2760 where meals are regularly served to the public, "school" has the same
2761 meaning as provided in section 10-154a and "child care facility" has the
2762 same meaning as provided in section 19a-342a, as amended by this act.

2763 (2) [This section] Subdivision (1) of this subsection shall not apply to
2764 [(A) correctional facilities; (B) designated smoking areas in psychiatric
2765 facilities; (C) public] the following: (A) Public housing projects, as
2766 defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
2767 where demonstration smoking is taking place as part of a medical or
2768 scientific experiment or lesson; [(E) smoking rooms provided by
2769 employers for employees, pursuant to section 31-40q; (F)] (C)
2770 notwithstanding the provisions of subparagraph (E) of subdivision (1)
2771 of this subsection, the outdoor portion of the premises of any permittee
2772 listed in subparagraph (E) of subdivision (1) of this subsection,
2773 provided, in the case of any seating area maintained for the service of
2774 food, at least seventy-five per cent of the outdoor seating capacity is an

2775 area in which smoking is prohibited and which is clearly designated
2776 with written signage as a nonsmoking area, except that any temporary
2777 seating area established for special events and not used on a regular
2778 basis shall not be subject to the smoking prohibition or signage
2779 requirements of this subparagraph; ~~[(G)]~~ (D) any medical research site
2780 where smoking is integral to the research being conducted; ~~[or (H)]~~ (E)
2781 any tobacco bar or tobacco specialist, provided no tobacco bar shall
2782 expand in size or change its location from its size or location as of
2783 December 31, 2002; or (F) any location licensed for on-site smoking of
2784 cannabis. For purposes of this subdivision, "outdoor" means an area
2785 which has no roof or other ceiling enclosure, "tobacco bar" means an
2786 establishment with a permit for the sale of alcoholic liquor to consumers
2787 issued pursuant to chapter 545 that, in the calendar year ending
2788 December 31, 2002, generated ten per cent or more of its total annual
2789 gross income from the on-site sale of tobacco products and the rental of
2790 on-site humidors, ~~[and]~~ "tobacco product" means any substance that
2791 contains tobacco, including, but not limited to, cigarettes, cigars, pipe
2792 tobacco or chewing tobacco, except "tobacco product" does not include
2793 cannabis, and "tobacco specialist" means an establishment engaged in
2794 the sale of tobacco products that generates at least seventy-five per cent
2795 of its annual gross income from the on-site sale of tobacco products and
2796 the rental of on-site humidors.

2797 [(c) The operator of a hotel, motel or similar lodging may allow guests
2798 to smoke in not more than twenty-five per cent of the rooms offered as
2799 accommodations to guests.]

2800 ~~[(d)]~~ (c) In each room, elevator, area or building in which smoking is
2801 prohibited by this section, the person in control of the premises shall
2802 post or cause to be posted in a conspicuous place signs stating that
2803 smoking is prohibited by state law. Such signs, except in elevators,
2804 restaurants, establishments with permits to sell alcoholic liquor to
2805 consumers issued pursuant to chapter 545, hotels, motels or similar
2806 lodgings, and health care institutions, shall have letters at least four
2807 inches high with the principal strokes of letters not less than one-half

2808 inch wide.

2809 [(e)] (d) Any person found guilty of smoking in violation of this
2810 section, failure to post signs as required by this section or the
2811 unauthorized removal of such signs shall have committed an infraction.
2812 Nothing in this section shall be construed to require the person in
2813 control of a building to post such signs in every room of [a] the building,
2814 provided such signs are posted in a conspicuous place in [such] the
2815 building.

2816 [(f)] (e) Nothing in this section shall be construed to require any
2817 smoking area [in] inside or outside any building or the entryway to any
2818 building or on any property.

2819 [(g)] (f) The provisions of this section shall supersede and preempt
2820 the provisions of any municipal law or ordinance relative to smoking
2821 effective prior to, on or after October 1, 1993.

2822 Sec. 71. Section 19a-342a of the general statutes is repealed and the
2823 following is substituted in lieu thereof (*Effective October 1, 2021*):

2824 (a) As used in this section: [and section 2 of public act 15-206:]

2825 (1) "Any area" means the interior of the facility, building or
2826 establishment and the outside area within twenty-five feet of any
2827 doorway, operable window or air intake vent of the facility, building or
2828 establishment;

2829 [(1)] (2) "Child care facility" means a provider of child care services as
2830 defined in section 19a-77, or a person or entity required to be licensed
2831 under section 17a-145;

2832 [(2)] (3) "Electronic nicotine delivery system" [has the same meaning
2833 as provided in section 21a-415;] means an electronic device used in the
2834 delivery of nicotine to a person inhaling from the device, and includes,
2835 but is not limited to, an electronic cigarette, electronic cigar, electronic
2836 cigarillo, electronic pipe or electronic hookah and any related device and

2837 any cartridge or other component of such device, including, but not
2838 limited to, electronic cigarette liquid. "Electronic nicotine delivery
2839 system" does not include a medicinal or therapeutic product that is (A)
2840 used by a licensed healthcare provider to treat a patient in a healthcare
2841 setting, (B) used by a patient, as prescribed or directed by a licensed
2842 healthcare provider in any setting, or (C) any drug or device, as defined
2843 in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended
2844 from time to time, any combination product, as described in said act, 21
2845 USC 353(g), as amended from time to time, or any biological product, as
2846 described in 42 USC 262, as amended from time to time, and 21 CFR
2847 600.3, as amended from time to time, authorized for sale by the federal
2848 Food and Drug Administration;

2849 (4) "Electronic cigarette liquid" does not include a medicinal or
2850 therapeutic product that is (A) used by a licensed healthcare provider to
2851 treat a patient in a healthcare setting, (B) used by a patient, as prescribed
2852 or directed by a licensed healthcare provider in any setting, or (C) any
2853 drug or device, as defined in the federal Food, Drug and Cosmetic Act,
2854 21 USC 321, as amended from time to time, any combination product,
2855 as described in said act, 21 USC 353(g), as amended from time to time,
2856 or any biological product, as described in 42 USC 262, as amended from
2857 time to time, and 21 CFR 600.3, as amended from time to time,
2858 authorized for sale by the federal Food and Drug Administration;

2859 (5) "Electronic cannabis delivery system" means an electronic device
2860 that may be used to simulate smoking in the delivery of cannabis to a
2861 person inhaling the device and includes, but is not limited to, a
2862 vaporizer, electronic pipe, electronic hookah and any related device and
2863 any cartridge or other component of such device. "Electronic cannabis
2864 delivery system" does not include a medicinal or therapeutic product
2865 that is (A) used by a licensed healthcare provider to treat a patient in a
2866 healthcare setting, (B) used by a patient, as prescribed or directed by a
2867 licensed healthcare provider in any setting, or (C) any drug or device, as
2868 defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as
2869 amended from time to time, any combination product, as described in

2870 said act, 21 USC 353(g), as amended from time to time, or any biological
2871 product, as described in 42 USC 262, as amended from time to time, and
2872 21 CFR 600.3, as amended from time to time, authorized for sale by the
2873 federal Food and Drug Administration;

2874 (6) "Cannabis" means marijuana, as defined in section 21a-240;

2875 [(3)] (7) "Liquid nicotine container" means a container that holds a
2876 liquid substance containing nicotine that is sold, marketed or intended
2877 for use in an electronic nicotine delivery system or vapor product,
2878 except "liquid nicotine container" does not include such a container that
2879 is prefilled and sealed by the manufacturer and not intended to be
2880 opened by the consumer; and

2881 [(4)] (8) "Vapor product" [has the same meaning as provided in
2882 section 21a-415] means any product that employs a heating element,
2883 power source, electronic circuit or other electronic, chemical or
2884 mechanical means, regardless of shape or size, to produce a vapor that
2885 may include nicotine or cannabis and is inhaled by the user of such
2886 product. "Vapor product" does not include a medicinal or therapeutic
2887 product that is (A) used by a licensed health care provider to treat a
2888 patient in a health care setting, (B) used by a patient, as prescribed or
2889 directed by a licensed health care provider in any setting, or (C) any
2890 drug or device, as defined in the federal Food, Drug and Cosmetic Act,
2891 21 USC 321, as amended from time to time, any combination product,
2892 as described in said act, 21 USC 353(g), as amended from time to time,
2893 or any biological product, as defined in 42 USC 262, as amended from
2894 time to time, and 21 CFR 600.3, as amended from time to time,
2895 authorized for sale by the federal Food and Drug Administration.

2896 (b) (1) No person shall use an electronic nicotine or cannabis delivery
2897 system or vapor product: (A) In any area of a building or portion of a
2898 building owned and operated or leased and operated by the state or any
2899 political subdivision thereof; (B) in any area of a health care institution,
2900 including, but not limited to, a psychiatric facility; (C) in any area of a

2901 retail [food store] establishment accessed by the public; (D) in any
2902 restaurant; (E) in any area of an establishment with a permit issued for
2903 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
2904 22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-
2905 37e or 30-37f, in any area of establishment with a permit issued for the
2906 sale of alcoholic liquor pursuant to section 30-23 issued after May 1,
2907 2003, or the bar area of a bowling establishment holding a permit
2908 pursuant to subsection (a) of section 30-37c; (F) [within] in any area of a
2909 school building or on the grounds of such school; (G) within a child care
2910 facility or on the grounds of such child care facility, except, if the child
2911 care facility is a family child care home as defined in section 19a-77, such
2912 use is prohibited only when a child enrolled in such home is present
2913 during customary business hours; (H) in any passenger elevator; [
2914 provided no person shall be arrested for violating this subsection unless
2915 there is posted in such elevator a sign which indicates that such use is
2916 prohibited by state law;] (I) in any area of a dormitory in any public or
2917 private institution of higher education; [or] (J) in any area of a dog race
2918 track or a facility equipped with screens for the simulcasting of off-track
2919 betting race programs or jai alai games; (K) in any room offered as an
2920 accommodation to guests by the operator of a hotel, motel or similar
2921 lodging; or (L) in any area of a correctional facility or halfway house. For
2922 purposes of this subsection, "restaurant" means space, in a suitable and
2923 permanent building, kept, used, maintained, advertised and held out to
2924 the public to be a place where meals are regularly served to the public,
2925 and "school" has the same meaning as provided in section 10-154a.

2926 (2) [This section] Subdivision (1) of this subsection shall not apply to
2927 [(A) correctional facilities; (B) designated smoking areas in psychiatric
2928 facilities; (C) public] the following: (A) Public housing projects, as
2929 defined in subsection (b) of section 21a-278a; [(D)] (B) any classroom
2930 where a demonstration of the use of an electronic nicotine or cannabis
2931 delivery system or vapor product is taking place as part of a medical or
2932 scientific experiment or lesson; [(E)] (C) any medical research site where
2933 the use of an electronic nicotine or cannabis delivery system or vapor

2934 product is integral to the research being conducted; [(F)] (D)
2935 establishments without a permit for the sale of alcoholic liquor that sell
2936 electronic nicotine delivery systems, vapor products or liquid nicotine
2937 containers on-site and allow their customers to use such systems,
2938 products or containers on-site; [(G) smoking rooms provided by
2939 employers for employees, pursuant to section 31-40q; (H)] (E) any
2940 location licensed for on-site use of an electronic cannabis delivery
2941 system; (F) notwithstanding the provisions of subparagraph (E) of
2942 subdivision (1) of this subsection, the outdoor portion of the premises of
2943 any permittee listed in subparagraph (E) of subdivision (1) of this
2944 subsection, provided, in the case of any seating area maintained for the
2945 service of food, at least seventy-five per cent of the outdoor seating
2946 capacity is an area in which smoking is prohibited and which is clearly
2947 designated with written signage as a nonsmoking area, except that any
2948 temporary seating area established for special events and not used on a
2949 regular basis shall not be subject to the prohibition on the use of an
2950 electronic nicotine or cannabis delivery system or vapor product or the
2951 signage requirements of this subparagraph; or [(I)] (G) any tobacco bar,
2952 provided no tobacco bar shall expand in size or change its location from
2953 its size or location as of October 1, 2015. For purposes of this subdivision,
2954 "outdoor" means an area which has no roof or other ceiling enclosure,
2955 "tobacco bar" means an establishment with a permit for the sale of
2956 alcoholic liquor to consumers issued pursuant to chapter 545 that, in the
2957 calendar year ending December 31, 2015, generated ten per cent or more
2958 of its total annual gross income from the on-site sale of tobacco products
2959 and the rental of on-site humidors, [and] "tobacco product" means any
2960 substance that contains tobacco, including, but not limited to, cigarettes,
2961 cigars, pipe tobacco or chewing tobacco, except that "tobacco product"
2962 does not include cannabis.

2963 [(c) The operator of a hotel, motel or similar lodging may allow guests
2964 to use an electronic nicotine delivery system or vapor product in not
2965 more than twenty-five per cent of the rooms offered as accommodations
2966 to guests.]

2967 [(d)] (c) In each room, elevator, area or building in which the use of
2968 an electronic nicotine or cannabis delivery system or vapor product is
2969 prohibited by this section, the person in control of the premises shall
2970 post or cause to be posted in a conspicuous place signs stating that such
2971 use is prohibited by state law. Such signs, except in elevators,
2972 restaurants, establishments with permits to sell alcoholic liquor to
2973 consumers issued pursuant to chapter 545, hotels, motels or similar
2974 lodgings, and health care institutions, shall have letters at least four
2975 inches high with the principal strokes of letters not less than one-half
2976 inch wide.

2977 [(e)] (d) Any person found guilty of using an electronic nicotine or
2978 cannabis delivery system or vapor product in violation of this section,
2979 failure to post signs as required by this section or the unauthorized
2980 removal of such signs shall have committed an infraction. Nothing in
2981 this section shall be construed to require the person in control of a
2982 building to post such signs in every room of the building, provided such
2983 signs are posted in a conspicuous place in the building.

2984 [(f)] (e) Nothing in this section shall be construed to require the
2985 designation of any area for the use of electronic nicotine or cannabis
2986 delivery system or vapor product [in] inside or outside any building or
2987 the entryway to any building or on any property.

2988 [(g)] (f) The provisions of this section shall supersede and preempt
2989 the provisions of any municipal law or ordinance relative to the use of
2990 an electronic nicotine delivery system or vapor product effective prior
2991 to, on or after October 1, 2015.

2992 Sec. 72. Section 31-40q of the general statutes is repealed and the
2993 following is substituted in lieu thereof (*Effective October 1, 2021*):

2994 (a) As used in this section:

2995 (1) "Person" means one or more individuals, partnerships,
2996 associations, corporations, limited liability companies, business trusts,

2997 legal representatives or any organized group of persons; [.]

2998 (2) "Employer" means a person engaged in business who has
2999 employees, including the state and any political subdivision thereof; [.]

3000 (3) "Employee" means any person engaged in service to an employer
3001 in the business of his employer; [.]

3002 (4) "Business facility" means a structurally enclosed location or
3003 portion thereof at which employees perform services for their employer.
3004 The term "business facility" does not include: (A) Facilities listed in
3005 [subparagraph (A), (C) or (H) of] subdivision (2) of subsection (b) of
3006 section 19a-342, as amended by this act, or subdivision (2) of subsection
3007 (b) of section 19a-342a, as amended by this act; (B) any establishment
3008 with a permit for the sale of alcoholic liquor pursuant to section 30-23
3009 issued on or before May 1, 2003; (C) for any business that is engaged in
3010 the testing or development of tobacco, [or] tobacco products or cannabis,
3011 the areas of such business designated for such testing or development;
3012 or (D) during the period from October 1, 2003, to April 1, 2004,
3013 establishments with a permit issued for the sale of alcoholic liquor
3014 pursuant to section 30-22a or 30-26 or the bar area of a bowling
3015 establishment holding a permit pursuant to subsection (a) of section 30-
3016 37c; [.]

3017 (5) ["Smoking"] "Smoke" or "smoking" means the burning of a lighted
3018 cigar, cigarette, pipe or any other [matter or substance which contains
3019 tobacco.] similar device, whether containing, wholly or in part, tobacco,
3020 cannabis or hemp;

3021 (6) "Cannabis" means marijuana, as defined in section 21a-240;

3022 (7) "Electronic nicotine delivery system" has the same meaning as
3023 provided in section 19a-342a, as amended by this act;

3024 (8) "Electronic cannabis delivery system" has the same meaning as
3025 provided in section 19a-342a, as amended by this act;

3026 (9) "Vapor product" has the same meaning as provided in section 19a-
3027 342a, as amended by this act;

3028 (10) "Any area" has the same meaning as provided in section 19a-
3029 342a, as amended by this act; and

3030 (11) "Hemp" has the same meaning as provided in section 22-61l.

3031 [(b) Each employer with fewer than five employees in a business
3032 facility shall establish one or more work areas, sufficient to
3033 accommodate nonsmokers who request to utilize such an area, within
3034 each business facility under his control, where smoking is prohibited.
3035 The employer shall clearly designate the existence and boundaries of
3036 each nonsmoking area by posting signs which can be readily seen by
3037 employees and visitors. In the areas within the business facility where
3038 smoking is permitted, existing physical barriers and ventilation systems
3039 shall be used to the extent practicable to minimize the effect of smoking
3040 in adjacent nonsmoking areas.]

3041 [(c) (1)] (b) Each employer [with five or more employees] shall
3042 prohibit smoking [in] and the use of electronic nicotine and cannabis
3043 delivery systems and vapor products in any area of any business facility
3044 under said employer's control. [, except that an employer may designate
3045 one or more smoking rooms.]

3046 [(2) Each employer that provides a smoking room pursuant to this
3047 subsection shall provide sufficient nonsmoking break rooms for
3048 nonsmoking employees.

3049 (3) Each smoking room designated by an employer pursuant to this
3050 subsection shall meet the following requirements: (A) Air from the
3051 smoking room shall be exhausted directly to the outside by an exhaust
3052 fan, and no air from such room shall be recirculated to other parts of the
3053 building; (B) the employer shall comply with any ventilation standard
3054 adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii)
3055 the United States Secretary of Labor under the authority of the

3056 Occupational Safety and Health Act of 1970, as from time to time
3057 amended, or (iii) the federal Environmental Protection Agency; (C) such
3058 room shall be located in a nonwork area, where no employee, as part of
3059 his or her work responsibilities, is required to enter, except such work
3060 responsibilities shall not include any custodial or maintenance work
3061 carried out in the smoking room when it is unoccupied; and (D) such
3062 room shall be for the use of employees only.]

3063 [(d)] (c) Nothing in this section may be construed to prohibit an
3064 employer from designating an entire business facility and the real
3065 property on which the business facility is located as a nonsmoking area.

3066 Sec. 73. (NEW) (*Effective July 1, 2022*) (a) No hotel, motel or similar
3067 lodging shall prohibit the legal possession or consumption of cannabis,
3068 as defined in section 1 of this act, in any nonpublic area of such
3069 institution, hotel, motel or similar lodging.

3070 (b) Notwithstanding the provisions of subsection (a) of this section, a
3071 hotel, motel and similar lodging shall prohibit the smoking of cannabis
3072 and the use of an electronic cannabis delivery system, as defined in
3073 section 19a-342a of the general statutes, as amended by this act, and
3074 vapor product, as defined in said section, containing cannabis in any
3075 location of such institution or hotel, motel or similar lodging.

3076 Sec. 74. (NEW) (*Effective July 1, 2022*) (a) Except as provided in this
3077 section, a landlord or property manager may not refuse to rent to a
3078 potential tenant or a current tenant, or otherwise discriminate against
3079 potential tenant or a current tenant, based on a past conviction for
3080 possession of a cannabis-type substance under section 21a-279a of the
3081 general statutes or for a past conviction for possession of four or fewer
3082 ounces of cannabis plant material, and any equivalencies and
3083 combinations thereof, pursuant to subsection (g) of section 21a-279a, as
3084 amended by this act, in any other jurisdiction.

3085 (b) Except as provided in this section, in the case of the rental of a
3086 residential dwelling, a landlord or property manager may not prohibit

3087 the possession of cannabis or the consumption of cannabis, except a
3088 landlord or property manager may prohibit smoking of cannabis or use
3089 of an electronic cannabis device or cannabis vapor product, as defined
3090 in section 19a-342a of the general statutes, as amended by this act.

3091 (c) This section does not apply if:

3092 (1) The tenant is a roomer who is not leasing the entire residential
3093 dwelling;

3094 (2) the residence is incidental to detention or the provision of medical,
3095 geriatric, educational, counseling, religious, or similar service;

3096 (3) The residence is a transitional housing or sober living facility; or

3097 (4) Failing to prohibit cannabis possession or consumption would
3098 violate federal law or regulations or cause the landlord to lose a
3099 monetary or licensing-related benefit under federal law or regulations.

3100 Sec. 75. (NEW) (*Effective July 1, 2022*) The use of cannabis or cannabis
3101 products shall be prohibited on any state lands or waters managed by
3102 the Department of Energy and Environmental Protection. Any person
3103 who violates such prohibition shall be fined not more than two hundred
3104 fifty dollars.

3105 Sec. 76. (NEW) (*Effective July 1, 2021*) The Commissioner of Correction
3106 may prohibit the possession of cannabis in any Department of
3107 Correction facility and by any person under the custody of the
3108 department.

3109 Sec. 77. (NEW) (*Effective July 1, 2022*) As used in sections 78 and 83 of
3110 this act, "minor" means a person under twenty-one years of age.

3111 Sec. 78. (NEW) (*Effective July 1, 2022*) Any cannabis establishment
3112 licensee or any servant or agent of a licensee who sells or delivers
3113 cannabis or cannabis products to any minor shall be fined not more than
3114 one thousand dollars or imprisoned not more than one year, or both.

3115 Sec. 79. (NEW) (*Effective January 1, 2022*) (a) A cannabis establishment
3116 issued a license pursuant to this chapter or an agent or employee of such
3117 licensee may require any person whose age is in question to have such
3118 person's photograph be taken by, and a photocopy of such person's
3119 driver's license or identity card issued in accordance with the provisions
3120 of section 1-1h of the general statutes be made by, such licensee, agent
3121 or employee as a condition of selling or delivering cannabis or cannabis
3122 products to such person.

3123 (b) No licensee or agent or employee of a licensee shall use a
3124 photograph taken or a photocopy made pursuant to subsection (a) of
3125 this section for a purpose other than the purpose specified in said
3126 subsection.

3127 (c) No licensee or agent or employee of a licensee shall sell or
3128 otherwise disseminate a photograph taken or a photocopy made
3129 pursuant to subsection (a) of this section, or any information derived
3130 from such photocopy, to any third party for any purpose including, but
3131 not limited to, any marketing, advertising or promotional activities,
3132 except that a licensee or an agent or employee of a licensee may release
3133 such photograph, photocopy or information pursuant to a court order.

3134 (d) In any prosecution of a licensee or an agent or employee of a
3135 licensee for selling or delivering cannabis or cannabis products to a
3136 minor in violation of this act, it shall be an affirmative defense that such
3137 licensee, agent or employee sold or delivered cannabis or cannabis
3138 products to such minor in good faith and in reasonable reliance upon
3139 the identification presented by such minor and, pursuant to subsection
3140 (a) of this section, photographed the minor and made a photocopy of
3141 such identification. In support of such defense, such licensee, agent or
3142 employee may introduce evidence of such photograph and photocopy.

3143 (e) The commissioner may require a cannabis establishment to use an
3144 online age verification system.

3145 Sec. 80. (NEW) (*Effective January 1, 2022*) Any person who induces any

3146 minor to procure cannabis or cannabis products from any person
3147 licensed to sell such cannabis products shall be fined not more than one
3148 thousand dollars or imprisoned not more than one year or both. The
3149 provisions of this section shall not apply to any such inducement in
3150 furtherance of an official investigation or enforcement activity
3151 conducted by a law enforcement agency.

3152 Sec. 81. (NEW) (*Effective January 1, 2022*) (a) Each person who attains
3153 the age of twenty-one years and has a motor vehicle operator's license
3154 or identity card issued in accordance with the provisions of section 1-1h
3155 of the general statutes, containing a full-face photograph of such person,
3156 may use, and each licensee may accept, such license as legal proof of the
3157 age of the person for the purposes of this act.

3158 (b) Any person who, for the purpose of procuring cannabis or
3159 cannabis products, misrepresents his or her age or uses or exhibits an
3160 operator's license belonging to any other person shall, on a first offense,
3161 be fined not more than two hundred fifty dollars, and on a subsequent
3162 offense, be guilty of a class D misdemeanor.

3163 (c) Notwithstanding subsection (b) of this section, an individual who
3164 is employed or contracted directly or indirectly by a state agency to
3165 purchase cannabis or cannabis products for the purposes of testing the
3166 age verification and product controls of cannabis retailers shall not have
3167 broken the law or be fined or imprisoned.

3168 Sec. 82. (NEW) (*Effective January 1, 2022*) (a) No person having
3169 possession of, or exercising dominion and control over, any dwelling
3170 unit or private property shall: (1) Knowingly, recklessly or with criminal
3171 negligence permit any minor to possess cannabis or cannabis products
3172 in violation of section 74 of this act in such dwelling unit or on such
3173 private property, or (2) knowing that any minor possesses cannabis or
3174 cannabis products in violation section 74 of this act in such dwelling unit
3175 or on such private property, fail to make reasonable efforts to halt such
3176 possession.

3177 (b) Any person who violates the provisions of subsection (a) of this
3178 section shall be guilty of a class A misdemeanor.

3179 Sec. 83. (NEW) (*Effective January 1, 2022*) No retailer or hybrid retailer,
3180 nor their employees or agents, shall permit any minor or any person to
3181 whom the sale or gift of cannabis or cannabis products has been
3182 forbidden according to law to loiter on his or her premises where such
3183 cannabis or cannabis product is kept for sale, or shall allow any minor
3184 other than a minor accompanied by his or her parent or guardian, to be
3185 in any room where cannabis or cannabis products are consumed. A first
3186 violation of this section shall be an infraction with a penalty not to
3187 exceed one thousand dollars, and a subsequent violation of this
3188 subsection shall be a class B misdemeanor. This section shall not apply
3189 to any employee at a cannabis establishment who is eighteen to twenty
3190 years of age.

3191 Sec. 84. (NEW) (*Effective July 1, 2022*) (a) No employer shall be
3192 required to make accommodations for an employee or be required to
3193 allow an employee to: (1) Perform his or her duties while under the
3194 influence of cannabis, or (2) possess, use or otherwise consume cannabis
3195 while performing such duties, except possession of palliative cannabis
3196 by a qualifying patient under chapter 420f of the general statutes.

3197 (b) (1) An employer may implement a policy prohibiting the
3198 possession, use or other consumption of cannabis by an employee,
3199 except as provided in section 21a-408p of the general statutes and except
3200 possession of palliative cannabis by a qualifying patient under chapter
3201 420f, provided such policy is: (A) In writing, (B) equally applicable to
3202 each employee, and (C) made available to each employee prior to the
3203 enactment of such policy. The employer shall provide any such policy
3204 in writing to each prospective employee at the time the employer makes
3205 an offer of employment to the prospective employee.

3206 (2) No employer shall discharge from employment or take any
3207 adverse action against any employee with respect to compensation,

3208 terms, conditions or other privileges of employment because that person
3209 does or does not smoke, vape, aerosolize or otherwise use cannabis
3210 products outside of the workplace, unless such employment action is
3211 made pursuant to a policy established under subdivision (1) of this
3212 subsection.

3213 (c) Nothing in this act: (1) Requires an employer to (A) amend or
3214 repeal, or affect, restrict or preempt the rights and obligations of
3215 employers to maintain a drug and alcohol-free workplace, or (B) permit
3216 or accommodate the use, consumption, being under the influence of,
3217 possession, transfer, display, transportation, sale or growth of cannabis
3218 or cannabis products in the workplace, except possession of palliative
3219 cannabis by a qualifying patient under chapter 420f, (2) affects the ability
3220 of employers to have policies prohibiting the use of cannabis products
3221 or intoxication by employees during work hours, or (3) shall limit an
3222 employer from taking appropriate employment action, including, but
3223 not limited to, requiring an employee to take a drug test, upon
3224 reasonable suspicion of an employee's usage of cannabis while engaged
3225 in the performance of the employee's work responsibilities, or that an
3226 employee manifests specific, articulable symptoms of drug impairment
3227 while working that decrease or lessen the employee's performance of
3228 the duties or tasks of the employee's job position, including, but not
3229 limited to, (A) symptoms of the employee's speech, physical dexterity,
3230 agility, coordination, demeanor, irrational or unusual behavior, or
3231 negligence or carelessness in operating equipment of machinery, (B)
3232 disregard for the safety of the employee or others, or involvement in any
3233 accident that results in serious damage to equipment or property, (C)
3234 disruption of a production or manufacturing process, or (D)
3235 carelessness that results in any injury to the employee or others.

3236 Sec. 85. (NEW) (*Effective July 1, 2022*) (a) A drug test of an individual,
3237 other than a prospective or current employee as set forth in this act, that
3238 solely yields a positive result for 11-nor-9-carboxy-delta-9-
3239 tetrahydrocannabinol shall not be construed as proof that such
3240 individual is under the influence of or impaired by cannabis unless the

3241 test yields a positive result for active tetrahydrocannabinol, delta-9-
3242 tetrahydrocannabinol, delta-8-tetrahydrocannabinol, or other active
3243 cannabinoid found in cannabis which causes impairment.

3244 (b) A drug test of a student, prospective or current employee, other
3245 than as set forth in this act, or tenant, that solely yields a positive result
3246 for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol shall not form the
3247 sole basis for refusal to enroll or continue to enroll, employ or continue
3248 to employ, lease to or continue to lease to, or otherwise penalize that
3249 person, unless failing to do so would put the educational institution,
3250 employer or landlord in violation of a federal contract or cause it to lose
3251 federal funding.

3252 Sec. 86. (NEW) (*Effective July 1, 2022*) The presence of cannabinoid
3253 metabolites in the bodily fluids of a person:

3254 (1) With respect to a patient, shall not constitute the use of an illicit
3255 substance resulting in denial of medical care, including organ
3256 transplant, and a patient's use of cannabis products may only be
3257 considered with respect to evidence-based clinical criteria; and

3258 (2) With respect to a parent or legal guardian of a child or newborn
3259 infant, or a pregnant woman, shall not form the sole or primary basis for
3260 any action or proceeding by the Department of Children and Families,
3261 or any successor agencies provided, however, that nothing in this
3262 subdivision shall preclude any action or proceeding by such department
3263 based on harm or risk of harm to a child or the use of information on the
3264 presence of cannabinoid metabolites in the bodily fluids of any person
3265 in any action or proceeding.

3266 Sec. 87. (NEW) (*Effective July 1, 2022*) (a) (1) If an employer has
3267 violated any provision of section 84 or 85 of this act, an individual
3268 aggrieved by such violation may bring a civil action for judicial
3269 enforcement of such provision in the superior court for the judicial
3270 district where the violation is alleged to have occurred or where the
3271 employer has its principal office within ninety days of such alleged

3272 violation, except any action involving a state agency may be brought in
3273 the superior court for the judicial district of Hartford. Any individual
3274 who prevails in such civil action may be awarded reinstatement of the
3275 individual's previous employment and shall be awarded payment of
3276 back wages and reasonable attorney's fees and costs, to be taxed by the
3277 court.

3278 (2) There shall be no cause of action for: (A) Actions based on the
3279 employer's good faith belief that an employee used or possessed
3280 cannabis, except possession of palliative cannabis by a qualifying
3281 patient under chapter 420f of the general statutes, in the employer's
3282 workplace or while performing the employee's job duties or while on
3283 call in violation of the employer's employment policies; (B) actions,
3284 including discipline or termination of employment, based on the
3285 employer's good faith belief that an employee was unfit for duty or
3286 impaired as a result of the use of cannabis, or under the influence of
3287 cannabis, while at the employer's workplace or while performing the
3288 employee's job duties or while on call in violation of the employer's
3289 workplace drug policy; or (C) injury, loss or liability to a third party if
3290 the employer neither knew nor had reason to know that the employee
3291 was impaired by cannabis.

3292 (b) The provisions of sections 84 and 85 of this act shall not apply to
3293 drug testing, conditions of continued employment or conditions for
3294 hiring employees required pursuant to:

3295 (1) Any regulation of the federal Department of Transportation, if
3296 such regulation requires testing of a prospective employee in
3297 accordance with 49 CFR 40 or any regulations of state agencies that
3298 adopts a federal regulation for purposes of enforcing the requirements
3299 of such regulation with respect to intrastate commerce;

3300 (2) Any contract entered into between the federal government and an
3301 employer or any grant of financial assistance from the federal
3302 government to an employer that requires drug testing of prospective

3303 employees as a condition of receiving the contract or grant;

3304 (3) Any federal law or state statute, regulation or order that requires
3305 drug testing of prospective employees for safety or security purposes;
3306 or

3307 (4) Any applicant whose prospective employer is a party to a valid
3308 collective bargaining agreement that specifically addresses
3309 preemployment drug testing of such applicant.

3310 (c) The provisions of this act shall not apply in the following instances
3311 and if the prospective employee is applying for a position as, or if a
3312 current employee holds a position as:

3313 (1) A firefighter;

3314 (2) An emergency medical technician;

3315 (3) A police officer or peace officer, or in a position with a law
3316 enforcement or investigative function at a state or local agency;

3317 (4) An employee required to operate a motor vehicle, for which
3318 federal or state law requires such employee to submit to screening tests,
3319 including, but not limited to, any position requiring a commercial
3320 driver's license;

3321 (5) The extent that such provisions are inconsistent or otherwise in
3322 conflict with the provisions of an employment contract or collective
3323 bargaining agreement;

3324 (6) To the extent that such provisions are inconsistent or otherwise in
3325 conflict with any provision of federal law;

3326 (7) A position of employment funded in whole or in part by a federal
3327 grant;

3328 (8) Any position requiring certification of completion of a course in
3329 construction safety and health approved by the United States

3330 Department of Labor's occupational safety and health administration;

3331 (9) Any position requiring the supervision or care of children,
3332 medical patients or vulnerable persons;

3333 (10) Any position with the potential to adversely impact the health or
3334 safety of employees or members of the public, in the determination of
3335 the employer; or

3336 (11) Any position at a nonprofit organization or corporation the
3337 primary purpose of which is to discourage use of cannabis products by
3338 the general public.

3339 (d) Notwithstanding chapter 557 of the general statutes, no employer,
3340 officer, agent or other person who violates any provision of this act shall
3341 be liable to the Department of Labor for a civil penalty, nor shall the
3342 Department of Labor undertake an investigation of an employer, officer,
3343 agent or other person based solely on an allegation that said employer,
3344 officer, agent or other person violated the provisions of this section.

3345 Sec. 88. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
3346 smoking, otherwise inhaling or ingesting cannabis, as defined in section
3347 1 of this act, while operating a motor vehicle when he or she smokes,
3348 otherwise inhales or ingests a cannabis product, as defined in section 1
3349 of this act, while operating a motor vehicle upon a public highway of
3350 this state or upon any road of any specially chartered municipal
3351 association or of any district organized under the provisions of chapter
3352 105 of the general statutes, a purpose of which is the construction and
3353 maintenance of roads and sidewalks, or in any parking area for ten cars
3354 or more, or upon any private road on which a speed limit has been
3355 established in accordance with the provisions of section 14-218a of the
3356 general statutes or upon any school property. No person shall be
3357 convicted of smoking or otherwise inhaling or ingesting cannabis while
3358 operating a motor vehicle and possessing or having under such person's
3359 control a controlled substance upon the same transaction. A person may
3360 be charged and prosecuted for either or each such offense, a violation of

3361 operating a motor vehicle while under the influence of any drug and
3362 any other applicable offense upon the same information.

3363 (b) Smoking, otherwise inhaling or ingesting cannabis while
3364 operating a motor vehicle is a class C misdemeanor.

3365 Sec. 89. (NEW) (*Effective October 1, 2021*) (a) A person is guilty of
3366 smoking cannabis in a motor vehicle when he or she smokes cannabis,
3367 as defined in section 1 of this act, in a motor vehicle that is being
3368 operated by another person upon a public highway of this state or upon
3369 any road of any specially chartered municipal association or of any
3370 district organized under the provisions of chapter 105 of the general
3371 statutes, a purpose of which is the construction and maintenance of
3372 roads and sidewalks, or in any parking area for ten cars or more, or upon
3373 any private road on which a speed limit has been established in
3374 accordance with the provisions of section 14-218a of the general statutes
3375 or upon any school property. No person shall be convicted of smoking
3376 cannabis as a passenger in a motor vehicle and possessing or having
3377 under such person's control a controlled substance upon the same
3378 transaction, but such person may be charged and prosecuted for both
3379 offenses upon the same information.

3380 (b) Smoking cannabis in a motor vehicle is a class D misdemeanor.

3381 Sec. 90. (NEW) (*Effective July 1, 2021*) (a) Not later than January 1,
3382 2022, each law enforcement unit shall report to the Police Officer
3383 Standards and Training Council, in the manner specified by the council,
3384 a recommendation as to the minimum number of officers that such law
3385 enforcement unit should have accredited as drug recognition experts in
3386 order to ensure adequate availability of drug recognition experts to
3387 respond to instances of impaired driving, allowing that law enforcement
3388 units may call upon drug recognition experts from other law
3389 enforcement units as necessary and available. Such recommendation
3390 shall be based on data on impaired driving made available to law
3391 enforcement units by the Department of Transportation and any

3392 guidance issued by the council.

3393 (b) The Police Officer Standards and Training Council, in conjunction
3394 with the Highway Safety Office within the Department of
3395 Transportation, shall determine the minimum number of police officers
3396 to be accredited as drug recognition experts for each law enforcement
3397 unit. In making such determination, the council and office shall consider
3398 the recommendation made by each law enforcement unit pursuant to
3399 subsection (a) of this section. The council and office shall submit the
3400 results of such determination to the Governor and the Secretary of the
3401 Office of Policy and Management not later than July 1, 2022.

3402 (c) Not later than April 1, 2022, the Police Officer Standards and
3403 Training Council shall develop and promulgate a model drug
3404 recognition expert policy to ensure that enough police officers become
3405 trained drug recognition experts in each law enforcement unit to meet
3406 the minimum number established in subsection (b) of this section.

3407 (d) Not later than October 1, 2022, each law enforcement unit shall
3408 adopt and maintain a written policy that meets or exceeds the standards
3409 of the model policy developed pursuant to subsection (c) of this section.

3410 (e) Not later than January 1, 2022, the Police Officer Standards and
3411 Training Council and the Highway Safety Office within the Department
3412 of Transportation shall jointly issue a plan to increase access to
3413 advanced roadside impaired driving enforcement training and drug
3414 recognition expert training for police officers and law enforcement units
3415 in the state.

3416 (f) On and after January 1, 2022, each police officer who has not yet
3417 been recertified pursuant to section 7-294e of the general statutes for the
3418 first time after receiving an initial certification, shall complete training
3419 and receive certification in advanced roadside impaired driving
3420 enforcement prior to being recertified pursuant to section 7-294e of the
3421 general statutes.

3422 (g) For purposes of this section, "advanced roadside impaired driving
3423 enforcement" means a program developed by the National Highway
3424 Traffic Safety Administration with the International Association of
3425 Chiefs of Police and the Technical Advisory Panel, which focuses on
3426 impaired driving enforcement education for police officers, or any
3427 successor to such program; "drug recognition expert" means a person
3428 certified by the International Association of Chiefs of Police as having
3429 met all requirements of the International Drug Evaluation and
3430 Classification Program; "law enforcement unit" has the same meaning
3431 as provided in section 7-294a of the general statutes; and "Police Officer
3432 Standards and Training Council" means the council established under
3433 section 7-294b of the general statutes.

3434 Sec. 91. Subsections (a) to (e), inclusive, of section 14-227a of the
3435 general statutes are repealed and the following is substituted in lieu
3436 thereof (*Effective April 1, 2022*):

3437 (a) No person shall operate a motor vehicle while under the influence
3438 of intoxicating liquor or any drug or both. A person commits the offense
3439 of operating a motor vehicle while under the influence of intoxicating
3440 liquor or any drug or both if such person operates a motor vehicle (1)
3441 while under the influence of intoxicating liquor or any drug or both, or
3442 (2) while such person has an elevated blood alcohol content. For the
3443 purposes of this section, "elevated blood alcohol content" means a ratio
3444 of alcohol in the blood of such person that is eight-hundredths of one
3445 per cent or more of alcohol, by weight, except that if such person is
3446 operating a commercial motor vehicle, "elevated blood alcohol content"
3447 means a ratio of alcohol in the blood of such person that is four-
3448 hundredths of one per cent or more of alcohol, by weight, and "motor
3449 vehicle" includes a snowmobile and all-terrain vehicle, as those terms
3450 are defined in section 14-379. For purposes of this section, section 14-
3451 227b, as amended by this act, and section 14-227c, as amended by this
3452 act, (A) "advanced roadside impaired driving enforcement" means a
3453 program developed by the National Highway Traffic Safety
3454 Administration with the International Association of Chiefs of Police

3455 and the Technical Advisory Panel, which focuses on impaired driving
3456 enforcement education for police officers, or any successor to such
3457 program; (B) "drug influence evaluation" means a twelve-part
3458 evaluation developed by the National Highway Traffic Safety
3459 Administration and the International Association of Chiefs of Police that
3460 is conducted by a drug recognition expert to determine the level of a
3461 person's impairment from the use of drugs and the drug category
3462 causing such impairment; (C) "drug recognition expert" means a person
3463 certified by the International Association of Chiefs of Police as having
3464 met all requirements of the International Drug Evaluation and
3465 Classification Program; and (D) "nontestimonial portion of a drug
3466 influence evaluation" means a drug influence evaluation conducted by
3467 a drug recognition expert that does not include a verbal interview with
3468 the subject.

3469 (b) (1) Except as provided in subsection (c) of this section, in any
3470 criminal prosecution for violation of subsection (a) of this section,
3471 evidence respecting the amount of alcohol or drug in the defendant's
3472 blood or urine at the time of the alleged offense, as shown by a chemical
3473 [analysis] test of the defendant's breath, blood or urine, shall be
3474 admissible and competent provided: [(1)] (A) The defendant was
3475 afforded a reasonable opportunity to telephone an attorney prior to the
3476 performance of the test and consented to the taking of the test upon
3477 which such analysis is made; [(2)] (B) a true copy of the report of the test
3478 result was mailed to or personally delivered to the defendant within
3479 twenty-four hours or by the end of the next regular business day, after
3480 such result was known, whichever is later; [(3)] (C) the test was
3481 performed by or at the direction of a police officer according to methods
3482 and with equipment approved by the Department of Emergency
3483 Services and Public Protection and was performed in accordance with
3484 the regulations adopted under subsection (d) of this section; [(4)] (D) the
3485 device used for such test was checked for accuracy in accordance with
3486 the regulations adopted under subsection (d) of this section; [(5)] (E) an
3487 additional chemical test of the same type was performed at least ten

3488 minutes after the initial test was performed or, if requested by the police
3489 officer for reasonable cause, an additional chemical test of a different
3490 type was performed, including a test to detect the presence of a drug or
3491 drugs other than or in addition to alcohol, provided the results of the
3492 initial test shall not be inadmissible under this subsection if reasonable
3493 efforts were made to have such additional test performed in accordance
3494 with the conditions set forth in this subsection and (i) such additional
3495 test was not performed or was not performed within a reasonable time,
3496 or (ii) the results of such additional test are not admissible for failure to
3497 meet a condition set forth in this subsection; and ~~[(6)]~~ (F) evidence is
3498 presented that the test was commenced within two hours of operation.
3499 In any prosecution under this section it shall be a rebuttable
3500 presumption that the results of such chemical [analysis] test establish
3501 the ratio of alcohol in the blood of the defendant at the time of the
3502 alleged offense, except that if the results of the additional test indicate
3503 that the ratio of alcohol in the blood of such defendant is ten-hundredths
3504 of one per cent or less of alcohol, by weight, and is higher than the
3505 results of the first test, evidence shall be presented that demonstrates
3506 that the test results and the analysis thereof accurately indicate the blood
3507 alcohol content at the time of the alleged offense.

3508 (2) If a law enforcement officer who is a drug recognition expert
3509 conducts a drug influence evaluation, the officer's testimony concerning
3510 such evaluation shall be admissible and competent as evidence of
3511 operation of a motor vehicle while under the influence of liquor or any
3512 drug, or both, under subdivision (1) of subsection (a) of this section.

3513 (c) In any prosecution for a violation of subdivision (1) of subsection
3514 (a) of this section, reliable evidence respecting the amount of alcohol in
3515 the defendant's blood or urine at the time of the alleged offense, as
3516 shown by a chemical analysis of the defendant's blood, breath or urine,
3517 otherwise admissible under subdivision (1) of subsection (b) of this
3518 section, shall be admissible only at the request of the defendant.

3519 (d) The Commissioner of Emergency Services and Public Protection

3520 shall ascertain the reliability of each method and type of device offered
3521 for chemical testing [and analysis purposes] of blood, of breath and of
3522 urine and certify those methods and types which [said] the
3523 commissioner finds suitable for use in testing [and analysis] of blood,
3524 breath and urine, respectively, in this state. The Commissioner of
3525 Emergency Services and Public Protection shall adopt regulations, in
3526 accordance with chapter 54, governing the conduct of chemical tests, the
3527 operation and use of chemical test devices, the training and certification
3528 of operators of such devices and the drawing or obtaining of blood,
3529 breath or urine samples as [said] the commissioner finds necessary to
3530 protect the health and safety of persons who submit to chemical tests
3531 and to insure reasonable accuracy in testing results. Such regulations
3532 shall not require recertification of a police officer solely because such
3533 officer terminates such officer's employment with the law enforcement
3534 agency for which certification was originally issued and commences
3535 employment with another such agency. A person qualified to withdraw
3536 blood or any hospital, laboratory or other clinic employing or utilizing
3537 the services of such a person shall not incur any civil liability as a result
3538 of such activities if requested by a police officer acting in accordance
3539 with this section or section 14-227c, as amended by this act, to withdraw
3540 blood unless the actions of the person while performing such activities
3541 constitute gross negligence.

3542 (e) (1) In any criminal prosecution for a violation of subsection (a) of
3543 this section, evidence that the defendant refused to submit to a blood,
3544 breath or urine test or the nontestimonial portion of a drug influence
3545 evaluation requested in accordance with section 14-227b, as amended
3546 by this act, shall be admissible provided the requirements of subsection
3547 (b) of said section have been satisfied. If a case involving a violation of
3548 subsection (a) of this section is tried to a jury, the court shall instruct the
3549 jury as to any inference that may or may not be drawn from the
3550 defendant's refusal to submit to [a blood, breath or urine test] such a test
3551 or evaluation.

3552 (2) A drug recognition expert may testify as to his or her opinion or

3553 otherwise as to the significance of any symptoms of impairment or
3554 intoxication for which evidence has been admitted or on the condition
3555 that such evidence be introduced.

3556 (3) In any prosecution for a violation of subdivision (1) of subsection
3557 (a) of this section in which it is alleged that the defendant's operation of
3558 a motor vehicle was impaired, in whole or in part, by consumption of
3559 cannabis, cannabis products or THC, as those terms are defined in
3560 section 1 of this act, the court may take judicial notice that the ingestion
3561 of THC (A) can impair a person's ability to operate a motor vehicle; (B)
3562 can impair a person's motor function, reaction time, tracking ability,
3563 cognitive attention, decision-making, judgment, perception, peripheral
3564 vision, impulse control and memory; and (C) does not enhance a
3565 person's ability to safely operate a motor vehicle.

3566 Sec. 92. Section 14-227b of the general statutes is repealed and the
3567 following is substituted in lieu thereof (*Effective April 1, 2022*):

3568 (a) Any person who operates a motor vehicle in this state shall be
3569 deemed to have given such person's consent to: [a] (1) A chemical
3570 [analysis] test of such person's blood, breath or urine; [and, if] and (2) a
3571 nontestimonial portion of a drug influence evaluation conducted by a
3572 drug recognition expert. If such person is a minor, such person's parent
3573 or parents or guardian shall also be deemed to have given their consent
3574 for such test or evaluation.

3575 [(b) If any such person, having been placed under arrest for a
3576 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
3577 subsection (a) of section 14-227n, and thereafter, after being apprised of
3578 such person's constitutional rights, having been requested to submit to
3579 a blood, breath or urine test at the option of the police officer, having
3580 been afforded a reasonable opportunity to telephone an attorney prior
3581 to the performance of such test and having been informed that such
3582 person's license or nonresident operating privilege may be suspended
3583 in accordance with the provisions of this section if such person refuses

3584 to submit to such test, or if such person submits to such test and the
3585 results of such test indicate that such person has an elevated blood
3586 alcohol content, and that evidence of any such refusal shall be
3587 admissible in accordance with subsection (e) of section 14-227a and may
3588 be used against such person in any criminal prosecution, refuses to
3589 submit to the designated test, the test shall not be given; provided, if the
3590 person refuses or is unable to submit to a blood test, the police officer
3591 shall designate the breath or urine test as the test to be taken. The police
3592 officer shall make a notation upon the records of the police department
3593 that such officer informed the person that such person's license or
3594 nonresident operating privilege may be suspended if such person
3595 refused to submit to such test or if such person submitted to such test
3596 and the results of such test indicated that such person had an elevated
3597 blood alcohol content.]

3598 (b) (1) A police officer who has placed a person under arrest for a
3599 violation of section 14-227a, as amended by this act, 14-227m or
3600 subdivision (1) or (2) of subsection (a) of section 14-227n may request
3601 that such person submit to a blood, breath or urine test at the option of
3602 the police officer, a drug influence evaluation conducted by a drug
3603 recognition expert, or both, after such person has been (A) apprised of
3604 such person's constitutional rights; (B) afforded a reasonable
3605 opportunity to telephone an attorney prior to the performance of such
3606 test or evaluation; (C) informed that evidence of any refusal to submit
3607 to such test or evaluation shall be admissible in accordance with
3608 subsection (e) of section 14-227a, as amended by this act, and may be
3609 used against such person in any criminal prosecution, except that
3610 refusal to submit to the testimonial portions of a drug influence
3611 evaluation shall not be considered evidence of refusal of such evaluation
3612 for purposes of any criminal prosecution; and (D) informed that such
3613 person's license or operating privilege may be suspended in accordance
3614 with the provisions of this section if (i) such person refuses to submit to
3615 such test or the nontestimonial portion of a drug influence evaluation,
3616 (ii) such person submits to such test and the results of such test indicate

3617 that such person has an elevated blood alcohol content, or (iii) the officer
3618 believes there is substantial evidence to conclude that such person was
3619 operating a motor vehicle under the influence of intoxicating liquor or
3620 any drug, or both.

3621 (2) If the person refuses to submit to any test or drug influence
3622 evaluation, the test or evaluation shall not be given, except if the person
3623 refuses or is unable to submit to a blood test, the police officer shall
3624 designate another test to be taken. If a person submits to a breath test
3625 and the results indicate that the person does not have an elevated blood
3626 alcohol content, the police officer may request that the person submit to
3627 a different type of test, except that if such person refuses or is unable to
3628 submit to a blood test, the officer shall designate a urine test to be taken.
3629 The police officer shall make a notation upon the records of the law
3630 enforcement unit, as defined in section 7-294a, that such officer
3631 informed the person that such person's license or operating privilege
3632 may be suspended if (A) such person refused to submit to such test or
3633 nontestimonial portion of a drug influence evaluation; (B) such person
3634 submitted to such test and the results of such test indicated that such
3635 person had an elevated blood alcohol content; or (C) the officer believes
3636 there is substantial evidence to conclude that such person was operating
3637 a motor vehicle under the influence of intoxicating liquor or any drug,
3638 or both.

3639 (c) If the person arrested refuses to submit to such test or [analysis]
3640 nontestimonial portion of a drug influence evaluation or submits to such
3641 test, [or analysis,] commenced within two hours of the time of operation,
3642 and the results of such test [or analysis] indicate that such person has an
3643 elevated blood alcohol content, the police officer, acting on behalf of the
3644 Commissioner of Motor Vehicles, shall immediately revoke and take
3645 possession of the motor vehicle operator's license or, if such person is
3646 not licensed or is a nonresident, suspend the [nonresident] operating
3647 privilege of such person, for a twenty-four-hour period. The police
3648 officer shall prepare a report of the incident and shall mail or otherwise
3649 transmit in accordance with this subsection the report and a copy of the

3650 results of any chemical test [or analysis] to the Department of Motor
3651 Vehicles within three business days, except that failure of an officer to
3652 mail or transmit such report within three business days shall not impact
3653 a decision to suspend such person's license or operating privilege and
3654 shall not render such report inadmissible at a hearing under this section.

3655 The report shall contain such information as prescribed by the
3656 Commissioner of Motor Vehicles and shall be subscribed and sworn to
3657 under penalty of false statement as provided in section 53a-157b by the
3658 arresting officer. If the person arrested refused to submit to such test or
3659 [analysis] evaluation, the report shall be endorsed by a third person who
3660 witnessed such refusal. The report shall set forth the grounds for the
3661 officer's belief that there was probable cause to arrest such person for a
3662 violation of section 14-227a, as amended by this act, or 14-227m or
3663 subdivision (1) or (2) of subsection (a) of section 14-227n and shall state
3664 that such person had refused to submit to such test or [analysis]
3665 evaluation when requested by such police officer to do so or that such
3666 person submitted to such test, [or analysis,] commenced within two
3667 hours of the time of operation, and the results of such test [or analysis]
3668 indicated that such person had an elevated blood alcohol content. The
3669 Commissioner of Motor Vehicles may accept a police report under this
3670 subsection that is prepared and transmitted as an electronic record,
3671 including electronic signature or signatures, subject to such security
3672 procedures as the commissioner may specify and in accordance with the
3673 provisions of sections 1-266 to 1-286, inclusive. In any hearing
3674 conducted pursuant to the provisions of subsection (g) of this section, it
3675 shall not be a ground for objection to the admissibility of a police report
3676 that it is an electronic record prepared by electronic means.

3677 [(d) If the person arrested submits to a blood or urine test at the
3678 request of the police officer, and the specimen requires laboratory
3679 analysis in order to obtain the test results, the police officer shall not take
3680 possession of the motor vehicle operator's license of such person or,
3681 except as provided in this subsection, follow the procedures subsequent
3682 to taking possession of the operator's license as set forth in subsection

3683 (c) of this section. If the test results indicate that such person has an
3684 elevated blood alcohol content, the police officer, immediately upon
3685 receipt of the test results, shall notify the Commissioner of Motor
3686 Vehicles and submit to the commissioner the written report required
3687 pursuant to subsection (c) of this section.]

3688 (d) If a police officer who has placed a person under arrest for a
3689 violation of section 14-227a, as amended by this act, 14-227m or
3690 subdivision (1) or (2) of subsection (a) of section 14-227n does not
3691 request that such person submit to a blood, breath or urine test under
3692 subsection (b) of this section, or obtains results from a test administered
3693 under subsection (b) of this section that indicate that the person does not
3694 have an elevated blood alcohol content, such officer shall:

3695 (1) Advise such person that such person's license or operating
3696 privilege may be suspended in accordance with the provisions of this
3697 section if such police officer believes there is substantial evidence to
3698 conclude that such person was operating a motor vehicle under the
3699 influence of intoxicating liquor or any drug, or both; and

3700 (2) Submit a report to the commissioner in accordance with the
3701 procedure set forth in subsection (c) of this section and, if such report
3702 contains the results of a blood, breath or urine test that does not show
3703 an elevated blood alcohol content, such report shall conform to the
3704 requirements in subsection (c) of this section for reports that contain
3705 results showing an elevated blood alcohol content. In any report
3706 submitted under this subdivision, the officer shall document (A) the
3707 basis for the officer's belief that there was probable cause to arrest such
3708 person for a violation of section 14-227a, as amended by this act, or 14-
3709 227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and
3710 (B) whether the officer believes that there is substantial evidence to
3711 conclude that the person was operating a motor vehicle under the
3712 influence of intoxicating liquor or any drug, or both. With such report,
3713 the officer may submit other supporting documentation indicating the
3714 person's intoxication by liquor or any drug, or both. If the officer

3715 believes there is substantial evidence to conclude that the person was
3716 operating a motor vehicle under the influence of intoxicating liquor or
3717 any drug, or both, the officer shall immediately revoke and take
3718 possession of the motor vehicle operator's license or, if such person is
3719 not licensed or is a nonresident, suspend the operating privilege of such
3720 person for a twenty-four-hour period.

3721 (e) (1) Except as provided in subdivision (2) of this subsection, upon
3722 receipt of [such] a report submitted under subsection (c) or (d) of this
3723 section, the [Commissioner of Motor Vehicles] commissioner may
3724 suspend any operator's license or [nonresident] operating privilege of
3725 such person effective as of a date certain, which date certain shall be not
3726 later than thirty days [after] from the later of the date such person
3727 received (A) notice of such person's arrest by the police officer, or (B) the
3728 results of a blood or urine test or a drug influence evaluation. Any
3729 person whose operator's license or [nonresident] operating privilege has
3730 been suspended in accordance with this subdivision shall automatically
3731 be entitled to a hearing before the commissioner to be held in accordance
3732 with the provisions of chapter 54 and prior to the effective date of the
3733 suspension. The commissioner shall send a suspension notice to such
3734 person informing such person that such person's operator's license or
3735 [nonresident] operating privilege is suspended as of a date certain and
3736 that such person is entitled to a hearing prior to the effective date of the
3737 suspension and may schedule such hearing by contacting the
3738 Department of Motor Vehicles not later than seven days after the date
3739 of mailing of such suspension notice.

3740 (2) [If the person arrested (A) is] Upon receipt of a report that (A) the
3741 person's arrest involved [in] an accident resulting in a fatality, or (B) the
3742 person has previously had such person's operator's license or
3743 [nonresident] operating privilege suspended under the provisions of
3744 section 14-227a, as amended by this act, 14-227m or 14-227n, as amended
3745 by this act, during the ten-year period preceding the present arrest,
3746 [upon receipt of such report, the Commissioner of Motor Vehicles] the
3747 commissioner may suspend any operator's license or [nonresident]

3748 operating privilege of such person effective as of the date specified in a
3749 notice of such suspension to such person. [Any] A person whose
3750 operator's license or [nonresident] operating privilege has been
3751 suspended in accordance with this subdivision shall automatically be
3752 entitled to a hearing before the commissioner, to be held in accordance
3753 with the provisions of chapter 54. The commissioner shall send a
3754 suspension notice to such person informing such person that such
3755 person's operator's license or [nonresident] operating privilege is
3756 suspended as of the date specified in such suspension notice, and that
3757 such person is entitled to a hearing and may schedule such hearing by
3758 contacting the Department of Motor Vehicles not later than seven days
3759 after the date of mailing of such suspension notice. Any suspension
3760 issued under this subdivision shall remain in effect until such
3761 suspension is affirmed under subsection (f) of this section or such
3762 operator's license or [nonresident] operating privilege is reinstated in
3763 accordance with [subsections (f) and] subsection (h) of this section.

3764 (f) If such person does not contact the department to schedule a
3765 hearing, the commissioner shall affirm the suspension contained in the
3766 suspension notice for the appropriate period specified in subsection (i)
3767 of this section.

3768 (g) (1) If such person contacts the department to schedule a hearing,
3769 the department shall assign a date, time and place for the hearing, which
3770 date shall be prior to the effective date of the suspension, except that,
3771 with respect to a person whose operator's license or [nonresident]
3772 operating privilege is suspended in accordance with subdivision (2) of
3773 subsection (e) of this section, such hearing shall be scheduled not later
3774 than thirty days after such person contacts the department. At the
3775 request of such person, the hearing officer or the department and upon
3776 a showing of good cause, the commissioner may grant one or more
3777 continuances. [The hearing]

3778 (2) A hearing based on a report submitted under subsection (c) of this
3779 section shall be limited to a determination of the following issues: [(1)]

3780 (A) Did the police officer have probable cause to arrest the person for
3781 operating a motor vehicle while under the influence of intoxicating
3782 liquor or any drug, or both; ~~[(2)]~~ (B) was such person placed under
3783 arrest; ~~[(3)]~~ (C) did such person (i) refuse to submit to such test or
3784 [analysis or did such person] nontestimonial portion of a drug influence
3785 evaluation, or (ii) submit to such test, [or analysis,] commenced within
3786 two hours of the time of operation, and the results of such test [or
3787 analysis] indicated that such person had an elevated blood alcohol
3788 content; and ~~[(4)]~~ (D) was such person operating the motor vehicle.

3789 (3) A hearing based on a report submitted under subsection (d) of this
3790 section shall be limited to a determination of the following issues: (A)
3791 Did the police officer have probable cause to arrest the person for
3792 operating a motor vehicle while under the influence of intoxicating
3793 liquor or any drug, or both; (B) was such person placed under arrest; (C)
3794 is there substantial evidence to conclude that such person was operating
3795 a motor vehicle under the influence of intoxicating liquor or any drug,
3796 or both; and (D) was such person operating the motor vehicle.

3797 (4) In [the] a hearing under this subsection, the results of the test, [or
3798 analysis] if administered, shall be sufficient to indicate the ratio of
3799 alcohol in the blood of such person at the time of operation, provided
3800 such test was commenced within two hours of the time of operation.
3801 The fees of any witness summoned to appear at [the] a hearing under
3802 this subsection shall be the same as provided by the general statutes for
3803 witnesses in criminal cases. Notwithstanding the provisions of
3804 subsection (a) of section 52-143, any subpoena summoning a police
3805 officer as a witness shall be served not less than seventy-two hours prior
3806 to the designated time of the hearing.

3807 (5) In a hearing based on a report submitted under subsection (d) of
3808 this section, evidence of operation under the influence of intoxicating
3809 liquor or any drug, or both shall be admissible. Such evidence may
3810 include, but need not be limited to, (A) the police officer's observations
3811 of intoxication, as documented in a report submitted to the

3812 commissioner under subsection (d) of this section; (B) the results of any
3813 chemical test administered under this section or a toxicology report
3814 certified by the Division of Scientific Services within the Department of
3815 Emergency Services and Public Protection; (C) hospital or medical
3816 records obtained in accordance with subsection (j) of this section or by
3817 the consent of the operator; (D) the results of any tests conducted by, or
3818 the report of, an officer trained in advanced roadside impaired driving
3819 enforcement; or (E) reports of drug recognition experts.

3820 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
3821 this section, the commissioner finds in the negative on any one of the
3822 [said] issues [in the negative] specified in subparagraph (A), (B), (C) or
3823 (D) of said subdivision, the commissioner shall reinstate such license or
3824 operating privilege. If, after a hearing under subdivision (3) of
3825 subsection (g) of this section, the commissioner finds in the negative on
3826 any one of the issues specified in subparagraph (A), (B), (C) or (D) of
3827 said subdivision, the commissioner shall reinstate such license or
3828 operating privilege. If, after such hearing under subdivision (2) or (3) of
3829 subsection (g) of this section, the commissioner does not find on any one
3830 of [the] said issues in the negative or if such person fails to appear at
3831 such hearing, the commissioner shall affirm the suspension contained
3832 in the suspension notice for the appropriate period specified in
3833 subsection (i) of this section. The commissioner shall render a decision
3834 at the conclusion of such hearing and send a notice of the decision by
3835 bulk certified mail to such person. The notice of such decision sent by
3836 bulk certified mail to the address of such person as shown by the records
3837 of the commissioner shall be sufficient notice to such person that such
3838 person's operator's license or [nonresident] operating privilege is
3839 reinstated or suspended, as the case may be.

3840 (i) (1) The commissioner shall suspend the operator's license or
3841 [nonresident] operating privilege of a person who did not contact the
3842 department to schedule a hearing, who failed to appear at a hearing, or
3843 against whom a decision was issued, after a hearing, pursuant to
3844 subsection (h) of this section, as of the effective date contained in the

3845 suspension notice, for a period of forty-five days. As a condition for the
3846 restoration of such operator's license or [nonresident] operating
3847 privilege, such person shall be required to install an ignition interlock
3848 device on each motor vehicle owned or operated by such person and,
3849 upon such restoration, be prohibited from operating a motor vehicle
3850 unless such motor vehicle is equipped with a functioning, approved
3851 ignition interlock device, as defined in section 14-227j, for the longer of
3852 either (A) the period prescribed in subdivision (2) of this subsection for
3853 the present arrest and suspension, or (B) the period prescribed in
3854 subdivision (1), (2) or (3) of subsection (g) of section 14-227a or
3855 subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
3856 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
3857 arrest and conviction, if any.

3858 (2) (A) A person twenty-one years of age or older at the time of the
3859 arrest who submitted to a test [or analysis] and the results of such test
3860 [or analysis] indicated that such person had an elevated blood alcohol
3861 content, or was found to have been operating a motor vehicle under the
3862 influence of intoxicating liquor or any drug, or both based on a report
3863 filed pursuant to subsection (d) of this section, shall install and maintain
3864 an ignition interlock device for the following periods: (i) For a first
3865 suspension under this section, six months; (ii) for a second suspension
3866 under this section, one year; and (iii) for a third or subsequent
3867 suspension under this section, two years; (B) a person under twenty-one
3868 years of age at the time of the arrest who submitted to a test [or analysis]
3869 and the results of such test [or analysis] indicated that such person had
3870 an elevated blood alcohol content, or was found to have been operating
3871 a motor vehicle under the influence of intoxicating liquor or any drug,
3872 or both based on a report filed pursuant to subsection (d) of this section,
3873 shall install and maintain an ignition interlock device for the following
3874 periods: (i) For a first suspension under this section, one year; (ii) for a
3875 second suspension under this section, two years; and (iii) for a third or
3876 subsequent suspension under this section, three years; and (C) a person,
3877 regardless of age, who refused to submit to a test or [analysis]

3878 nontestimonial portion of a drug influence evaluation shall install and
3879 maintain an ignition interlock device for the following periods: (i) For a
3880 first suspension under this section, one year; (ii) for a second suspension
3881 under this section, two years; and (iii) for a third or subsequent
3882 suspension, under this section, three years.

3883 (3) Notwithstanding the provisions of subdivisions (1) and (2) of this
3884 subsection, a person whose motor vehicle operator's license or
3885 [nonresident] operating privilege has been permanently revoked upon
3886 a third offense pursuant to subsection (g) of section 14-227a, as amended
3887 by this act, or subsection (c) of section 14-227m shall be subject to the
3888 penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

3889 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
3890 of this section, any police officer who obtains the results of a [chemical
3891 analysis] test of a blood sample taken from or a urine sample provided
3892 by an operator of a motor vehicle who was involved in an accident and
3893 suffered or allegedly suffered physical injury in such accident, or who
3894 was otherwise deemed by a police officer to require treatment or
3895 observation at a hospital, shall notify the [Commissioner of Motor
3896 Vehicles] commissioner and submit to the commissioner a written
3897 report if such results indicate that such person had an elevated blood
3898 alcohol content, or any quantity of an intoxicating liquor or any drug, or
3899 both, in such person's blood, and if such person was arrested for
3900 violation of section 14-227a, as amended by this act, or 14-227m or
3901 subdivision (1) or (2) of subsection (a) of section 14-227n. The report
3902 shall be made on a form approved by the commissioner containing such
3903 information as the commissioner prescribes, and shall be subscribed and
3904 sworn to under penalty of false statement, as provided in section 53a-
3905 157b, by the police officer. The commissioner may, after notice and an
3906 opportunity for hearing, which shall be conducted by a hearing officer
3907 on behalf of the commissioner in accordance with chapter 54, suspend
3908 the motor vehicle operator's license or [nonresident] operating privilege
3909 of such person for the appropriate period of time specified in subsection
3910 (i) of this section and require such person to install and maintain an

3911 ignition interlock device for the appropriate period of time prescribed
3912 in subsection (i) of this section. Each hearing conducted under this
3913 subsection shall be limited to a determination of the following issues: (1)
3914 Whether the police officer had probable cause to arrest the person for
3915 operating a motor vehicle while under the influence of intoxicating
3916 liquor or drug, or both; (2) whether such person was placed under
3917 arrest; (3) whether such person was operating the motor vehicle; (4)
3918 whether the results of the analysis of the blood or urine of such person
3919 indicate that such person had an elevated blood alcohol content, or there
3920 is substantial evidence to conclude that the person was operating a
3921 motor vehicle under the influence of intoxicating liquor or any drug, or
3922 both; and (5) in the event that a blood sample was taken, whether the
3923 blood sample was obtained in accordance with conditions for
3924 admissibility and competence as evidence as set forth in subsection (k)
3925 of section 14-227a. If, after such hearing, the commissioner finds on any
3926 one of the said issues in the negative, the commissioner shall not impose
3927 a suspension. The fees of any witness summoned to appear at the
3928 hearing shall be the same as provided by the general statutes for
3929 witnesses in criminal cases, as provided in section 52-260.

3930 (k) The provisions of this section shall apply with the same effect to
3931 the refusal by any person to submit to an additional chemical test as
3932 provided in subparagraph (E) of subdivision [(5)] (1) of subsection (b)
3933 of section 14-227a, as amended by this act.

3934 (l) The provisions of this section shall not apply to any person whose
3935 physical condition is such that, according to competent medical advice,
3936 such test would be inadvisable.

3937 (m) The state shall pay the reasonable charges of any physician who,
3938 at the request of a [municipal police department] law enforcement unit,
3939 as defined in section 7-294a, takes a blood sample for purposes of a test
3940 under the provisions of this section.

3941 (n) For the purposes of this section, "elevated blood alcohol content"

3942 means (1) a ratio of alcohol in the blood of such person that is eight-
3943 hundredths of one per cent or more of alcohol, by weight, (2) if such
3944 person is operating a commercial motor vehicle, a ratio of alcohol in the
3945 blood of such person that is four-hundredths of one per cent or more of
3946 alcohol, by weight, or (3) if such person is less than twenty-one years of
3947 age, a ratio of alcohol in the blood of such person that is two-hundredths
3948 of one per cent or more of alcohol, by weight.

3949 (o) The Commissioner of Motor Vehicles shall adopt regulations, in
3950 accordance with chapter 54, to implement the provisions of this section.

3951 Sec. 93. Section 14-227c of the general statutes is repealed and the
3952 following is substituted in lieu thereof (*Effective April 1, 2022*):

3953 (a) As part of the investigation of any motor vehicle accident resulting
3954 in the death of a person, the Chief Medical Examiner, Deputy Chief
3955 Medical Examiner, an associate medical examiner, a pathologist as
3956 specified in section 19a-405, or an authorized assistant medical
3957 examiner, as the case may be, shall order that a blood sample be taken
3958 from the body of any operator or pedestrian who dies as a result of such
3959 accident. Such blood samples shall be examined for the presence and
3960 concentration of alcohol and any drug by the Division of Scientific
3961 Services within the Department of Emergency Services and Public
3962 Protection or by the Office of the Chief Medical Examiner, or by any
3963 forensic toxicology laboratory pursuant to an agreement with the office.
3964 Nothing in this subsection or section 19a-406 shall be construed as
3965 requiring such medical examiner to perform an autopsy in connection
3966 with obtaining such blood samples.

3967 (b) [A blood or breath sample shall be obtained from any surviving
3968 operator whose motor vehicle is involved in an accident resulting in the
3969 serious physical injury, as defined in section 53a-3, or death of another
3970 person, if] If any surviving operator whose motor vehicle is involved in
3971 an accident resulting in the serious physical injury, as defined in section
3972 53a-3, or death of another person, and (1) a police officer has probable

3973 cause to believe that such operator operated such motor vehicle while
3974 under the influence of intoxicating liquor or any drug, or both, or (2)
3975 such operator has been charged with a motor vehicle violation in
3976 connection with such accident and a police officer has a reasonable and
3977 articulable suspicion that such operator operated such motor vehicle
3978 while under the influence of intoxicating liquor or any drug, or both;

3979 (A) A blood, breath or urine sample shall be obtained from such
3980 surviving operator. The test shall be performed by or at the direction of
3981 a police officer according to methods and with equipment approved by
3982 the Department of Emergency Services and Public Protection and shall
3983 be performed by a person certified or recertified for such purpose by
3984 said department or recertified by persons certified as instructors by the
3985 Commissioner of Emergency Services and Public Protection. The
3986 equipment used for such test shall be checked for accuracy by a person
3987 certified by the Department of Emergency Services and Public
3988 Protection immediately before and after such test is performed. If a
3989 blood test is performed, it shall be on a blood sample taken by a person
3990 licensed to practice medicine and surgery in this state, a qualified
3991 laboratory technician, a registered nurse, a physician assistant or a
3992 phlebotomist. [The blood samples] A blood sample obtained from an
3993 operator pursuant to this subsection shall be examined for the presence
3994 and concentration of alcohol and any drug by the Division of Scientific
3995 Services within the Department of Emergency Services and Public
3996 Protection; and

3997 (B) A drug recognition expert shall conduct a drug influence
3998 evaluation of such surviving operator, provided such operator is not
3999 seriously injured or otherwise unable to take such evaluation as a result
4000 of the accident.

4001 (c) Each police officer who obtains from a surviving operator any
4002 blood, breath or urine sample or a drug influence evaluation conducted
4003 on such operator pursuant to subsection (b) of this section shall submit
4004 to the Commissioner of Motor Vehicles a written report providing the

4005 results of such sample or evaluation on a form approved by the
4006 commissioner. The commissioner may, after notice and an opportunity
4007 for a hearing held in accordance with chapter 54 and section 14-227b, as
4008 amended by this act, suspend the motor vehicle operator's license or
4009 operating privilege of such person and require such person to install and
4010 maintain an ignition interlock device as provided for in subsection (i) of
4011 section 14-227b, as amended by this act. Such hearing shall be limited to
4012 a determination of the following issues: (1) Was the person operating
4013 the motor vehicle; (2) was the person's sample obtained in accordance
4014 with, or drug influence evaluation conducted pursuant to, the
4015 provisions of subsection (b) of this section; and (3) was the examined
4016 sample found to have an elevated blood alcohol content, as defined in
4017 section 14-227b, as amended by this act, or was there substantial
4018 evidence that the person was operating the motor vehicle under the
4019 influence of intoxicating liquor or any drug, or both.

4020 (d) In any motor vehicle accident resulting in the death of a person,
4021 the law enforcement unit, as defined in section 7-294a, responding to the
4022 accident shall assign an officer trained in advanced roadside impaired
4023 driving enforcement to respond, if such an officer is available.

4024 Sec. 94. Subsection (c) of section 14-44k of the general statutes is
4025 repealed and the following is substituted in lieu thereof (*Effective April*
4026 *1, 2022*):

4027 (c) In addition to any other penalties provided by law, and except as
4028 provided in subsection (d) of this section, a person is disqualified from
4029 operating a commercial motor vehicle for one year if the commissioner
4030 finds that such person (1) has refused to submit to a test to determine
4031 such person's blood alcohol concentration while operating any motor
4032 vehicle [, or has failed such a test when given,] or to a nontestimonial
4033 portion of a drug influence evaluation conducted by a drug recognition
4034 expert, (2) has an elevated blood alcohol content based on such a test
4035 pursuant to section 14-227b, as amended by this act, or (3) was found to
4036 have been operating under the influence of intoxicating liquor or any

4037 drug, or both based on a report filed pursuant to the provisions of
4038 subsection (d) of section 14-227b, as amended by this act, or pursuant to
4039 the provisions of a law of any other state that is deemed by the
4040 commissioner to be substantially similar to section 14-227b, as amended
4041 by this act. For the purpose of this subsection, [a person shall be deemed
4042 to have failed such a test if, when driving a commercial motor vehicle,
4043 the ratio of alcohol in the blood of such person was four-hundredths of
4044 one per cent or more of alcohol, by weight, or if, when driving any other
4045 motor vehicle, the ratio of alcohol in the blood of such person was eight-
4046 hundredths of one per cent or more of alcohol, by weight] "drug
4047 recognition expert" and "nontestimonial portion of a drug influence
4048 evaluation" have the same meanings as provided in section 14-227a, as
4049 amended by this act.

4050 Sec. 95. (NEW) (*Effective July 1, 2021*) The state Traffic Safety Resource
4051 Prosecutor, in consultation with the Department of Transportation, the
4052 Department of Motor Vehicles, the state-wide drug recognition expert
4053 coordinator, and the Connecticut Police Chiefs Association, shall seek
4054 any guidance available from the National Highway Traffic Safety
4055 Administration, and shall (1) develop educational materials and
4056 programs about the drug recognition expert program and drug
4057 influence evaluations, and (2) make such materials and programs
4058 available to the Judicial Branch and the Connecticut Judges Association.

4059 Sec. 96. Section 15-140q of the general statutes is repealed and the
4060 following is substituted in lieu thereof (*Effective April 1, 2022*):

4061 (a) Any person who operates a vessel in this state shall be deemed to
4062 have consented to (1) a chemical [analysis] test of such person's blood,
4063 breath or urine, [and if] and (2) a nontestimonial portion of a drug
4064 influence evaluation conducted by a drug recognition expert. If such
4065 person is a minor, such person's parent or parents or guardian shall also
4066 be deemed to have given their consent for such [an analysis of the
4067 minor's blood, breath or urine] test or evaluation.

4068 [(b) If any such person, having been placed under arrest for: (1)
4069 Violating subsection (b) of section 53-206d; (2) operating a vessel upon
4070 the waters of this state while under the influence of intoxicating liquor
4071 or any drug, or both; (3) operating a vessel upon the waters of this state
4072 while such person has an elevated blood alcohol content, and thereafter,
4073 after being apprised of such person's constitutional rights, having been
4074 requested to submit to a blood, breath or urine test at the option of the
4075 police officer, having been afforded a reasonable opportunity to
4076 telephone an attorney prior to the performance of such test and having
4077 been informed that such person's safe boating certificate, right to
4078 operate a vessel that requires a safe boating certificate for operation or
4079 certificate of personal watercraft operation issued by the commissioner
4080 as a condition of operating a vessel shall be suspended in accordance
4081 with the provisions of this section if such person refuses to submit to
4082 such test or if such person submits to such test and the results of such
4083 test indicate that such person has an elevated blood alcohol content and
4084 that evidence of any such refusal shall be admissible in accordance with
4085 subsection (d) of section 15-140r, and may be used against such person
4086 in any criminal prosecution, refuses to submit to the designated test, the
4087 test shall not be given; provided, if such person refuses or is unable to
4088 submit to a blood test, the peace officer shall designate the breath or
4089 urine test as the test to be taken. The peace officer shall make a notation
4090 upon the records of the police department that such officer informed
4091 such person that such person's safe boating certificate, right to operate
4092 a vessel that requires a safe boating certificate for operation or certificate
4093 of personal watercraft operation would be suspended if such person
4094 refused to submit to such test or if such person submitted to such test
4095 and the results of such test indicated that such person has an elevated
4096 blood alcohol content.]

4097 (b) (1) A peace officer who has placed a person under arrest for
4098 violating subsection (b) of section 53-206d; operating a vessel upon the
4099 waters of this state while under the influence of intoxicating liquor or
4100 any drug, or both; or operating a vessel upon the waters of this state

4101 while such person has an elevated blood alcohol content, may request
4102 that such person submit to a blood, breath or urine test at the option of
4103 the peace officer, a drug influence evaluation conducted by a drug
4104 recognition expert, or both, after such person has been (A) apprised of
4105 such person's constitutional rights, (B) afforded a reasonable
4106 opportunity to telephone an attorney prior to the performance of such
4107 test or evaluation, (C) informed that evidence of any refusal to submit
4108 to such test or evaluation shall be admissible in accordance with
4109 subsection (d) of section 15-140r, as amended by this act, and may be
4110 used against such person in any criminal prosecution, except that
4111 refusal to submit to the testimonial portions of a drug influence
4112 evaluation shall not be considered evidence of refusal of such evaluation
4113 for purposes of any criminal prosecution, and (D) informed that such
4114 person's safe boating certificate, right to operate a vessel that requires a
4115 safe boating certificate for operation or certificate of personal watercraft
4116 operation issued by the commissioner as a condition of operating a
4117 vessel may be suspended in accordance with the provisions of this
4118 section if (i) such person refuses to submit to such test or nontestimonial
4119 portion of a drug influence evaluation, (ii) such person submits to such
4120 test and the results of such test indicate that such person has an elevated
4121 blood alcohol content, or (iii) the officer believes there is substantial
4122 evidence to conclude that such person was operating a vessel under the
4123 influence of intoxicating liquor or any drug, or both.

4124 (2) If the person refuses to submit to any test or drug influence
4125 evaluation, the test or evaluation shall not be given, except that if the
4126 person refuses or is unable to submit to a blood test, the peace officer
4127 shall designate another test to be taken. If a person submits to a breath
4128 test and the results indicate that the person does not have an elevated
4129 blood alcohol content, the peace officer may request that the person
4130 submit to a different type of test, except that if the person refuses or is
4131 unable to submit to a blood test, the peace officer shall designate a urine
4132 test to be taken. The peace officer shall make a notation upon the records
4133 of the law enforcement unit, as defined in section 7-294a, that such

4134 officer informed the person that such person's safe boating certificate,
4135 right to operate a vessel that requires a safe boating certificate for
4136 operation or certificate of personal watercraft operation may be
4137 suspended if such person (A) refused to submit to such test or the
4138 nontestimonial portion of a drug influence evaluation; (B) submitted to
4139 such test and the results of such test indicated that such person had an
4140 elevated blood alcohol content; or (C) the officer believes there is
4141 substantial evidence to conclude that such person was operating a
4142 vessel under the influence of intoxicating liquor or any drug, or both.

4143 (c) (1) If the person arrested refuses to submit to such test or [analysis]
4144 nontestimonial portion of a drug influence evaluation, or submits to
4145 such test [or analysis] and the results of such test [or analysis] indicate
4146 that at the time of the alleged offense such person had an elevated blood
4147 alcohol content, the peace officer shall immediately revoke the safe
4148 boating certificate, right to operate a vessel that requires a safe boating
4149 certificate for operation or certificate of personal watercraft operation, if
4150 any, of such person for a twenty-four-hour period. The peace officer
4151 shall prepare a written report of the incident and shall mail the report,
4152 together with any certificate taken into possession and a copy of the
4153 results of any chemical test, [or analysis,] to the commissioner within
4154 three business days, except that failure of an officer to mail or transmit
4155 such report within three business days shall not impact a decision to
4156 suspend a safe boating certificate, right to operate a vessel that requires
4157 a safe boating certificate for operation or certificate of personal
4158 watercraft operation issued by the commissioner as a condition of
4159 operating a vessel and shall not render such report inadmissible at a
4160 hearing under this section. The report shall be made on a form approved
4161 by the commissioner and shall be subscribed and sworn to under
4162 penalty of false statement as provided in section 53a-157b by the peace
4163 officer before whom such refusal was made or who administered or
4164 caused to be administered such test, [or analysis.] If the person arrested
4165 refused to submit to such test or [analysis] evaluation, the report shall
4166 be endorsed by a third person who witnessed such refusal. The report

4167 shall set forth the grounds for the officer's belief that there was probable
4168 cause to arrest such person for operating such vessel while under the
4169 influence of intoxicating liquor or any drug, or both, or while such
4170 person has an elevated blood alcohol content and shall state that such
4171 person refused to submit to such test or [analysis] evaluation when
4172 requested by such peace officer or that such person submitted to such
4173 test [or analysis] and the results of such test [or analysis] indicated that
4174 such person at the time of the alleged offense had an elevated blood
4175 alcohol content.

4176 [(d) If the person arrested submits to a blood or urine test at the
4177 request of the peace officer, and the specimen requires laboratory
4178 analysis in order to obtain the test results, and if the test results indicate
4179 that such person has an elevated blood alcohol content, the peace officer,
4180 immediately upon receipt of the test results, shall notify and submit to
4181 the commissioner the written report required pursuant to subsection (c)
4182 of this section.]

4183 (d) If a peace officer has placed a person under arrest for violating
4184 subsection (b) of section 53-206d; operating a vessel upon the waters of
4185 this state while under the influence of intoxicating liquor or any drug,
4186 or both; or operating a vessel upon the waters of this state while such
4187 person has an elevated blood alcohol content and does not request that
4188 such person submit to a blood, breath or urine test under subsection (b)
4189 of this section, or obtains test results from a test administered under
4190 subsection (b) of this section that indicate that the person does not have
4191 an elevated blood alcohol content, such officer shall:

4192 (1) Advise such person that such person's safe boating certificate,
4193 right to operate a vessel that requires a safe boating certificate for
4194 operation or certificate of personal watercraft operation issued by the
4195 commissioner as a condition of operating a vessel may be suspended in
4196 accordance with the provisions of this section if such officer believes
4197 there is substantial evidence to conclude that such person was operating
4198 a vessel under the influence of intoxicating liquor or any drug, or both;

4199 and

4200 (2) Submit a report to the commissioner in accordance with the
4201 procedure set forth in subsection (c) of this section and, if such report
4202 contains the results of a blood, breath or urine test that does not show
4203 an elevated blood alcohol content, such report shall conform to the
4204 requirements in subsection (c) of this section for reports that contain
4205 results showing an elevated blood alcohol content. In any report
4206 submitted under this subdivision, the officer shall document (A) the
4207 basis for the officer's belief that there was probable cause to arrest such
4208 person for a violation of subsection (b) of section 53-206d; operating a
4209 vessel upon the waters of this state while under the influence of
4210 intoxicating liquor or any drug, or both; or operating a vessel upon the
4211 waters of this state while such person has an elevated blood alcohol
4212 content, and (B) whether the officer believes that there is substantial
4213 evidence to conclude that the person was operating a vessel under the
4214 influence of intoxicating liquor or any drug, or both. With such report,
4215 the officer may submit other supporting documentation indicating the
4216 person's intoxication by liquor or any drug, or both. If the officer
4217 believes there is substantial evidence to conclude that the person was
4218 operating a vessel under the influence of intoxicating liquor or any drug,
4219 or both, the officer shall immediately revoke and take possession of the
4220 person's safe boating certificate, right to operate a vessel that requires a
4221 safe boating certificate for operation or certificate of personal watercraft
4222 operation issued by the commissioner as a condition of operating a
4223 vessel, for a twenty-four-hour period.

4224 (e) Upon receipt of [such] a report submitted under subsection (c) or
4225 (d) of this section, the commissioner shall suspend the safe boating
4226 certificate, right to operate a vessel that requires a safe boating certificate
4227 for operation or certificate of personal watercraft operation of such
4228 person effective as of a date certain, and such date certain shall be no
4229 later than thirty-five days [after] from the later of the date such person
4230 received (1) notice of such person's arrest by the peace officer, or (2) the
4231 results of a blood or urine test or a drug influence evaluation. Any

4232 person whose safe boating certificate, right to operate a vessel that
4233 requires a safe boating certificate for operation or certificate of personal
4234 watercraft operation is suspended in accordance with this subsection
4235 shall be entitled to a hearing before the commissioner to be held prior to
4236 the effective date of the suspension. The commissioner shall send a
4237 suspension notice to such person informing such person that such
4238 person's safe boating certificate, right to operate a vessel that requires a
4239 safe boating certificate for operation or certificate of personal watercraft
4240 operation is suspended and shall specify the date of such suspension
4241 and that such person is entitled to a hearing prior to the effective date of
4242 the suspension and may schedule such hearing by contacting the
4243 commissioner not later than seven days after the date of mailing of such
4244 suspension notice.

4245 (f) If such person does not contact the department to schedule a
4246 hearing, the commissioner shall affirm the suspension contained in the
4247 suspension notice for the appropriate period specified in subsection (i)
4248 of this section.

4249 (g) (1) If such person contacts the department to schedule a hearing,
4250 the commissioner shall assign a date, time and place for the hearing,
4251 which date shall be prior to the effective date of the suspension. At the
4252 request of such person and upon a showing of good cause, the
4253 commissioner may grant one continuance for a period not to exceed
4254 thirty days. [The hearing]

4255 (2) A hearing based on a report submitted under subsection (c) of this
4256 section shall be limited to a determination of the following issues: [(1)]
4257 (A) Whether the peace officer had probable cause to arrest the person
4258 for operating the vessel while under the influence of intoxicating liquor
4259 or drugs, or both, or while such person has an elevated blood alcohol
4260 content; [(2)] (B) whether such person was placed under arrest; [(3)] (C)
4261 whether such person [(A)] (i) refused to submit to such test or [analysis]
4262 nontestimonial portion of a drug influence evaluation, or [(B)] (ii)
4263 submitted to such test [or analysis] and the results of such test [or

4264 analysis] indicated that at the time of the alleged offense that such
4265 person had an elevated blood alcohol content; and [(4)] (D) whether
4266 such person was operating the vessel.

4267 (3) A hearing based on a report submitted under subsection (d) of this
4268 section shall be limited to a determination of the following issues: (A)
4269 Whether the peace officer had probable cause to arrest the person for
4270 operating a vessel while under the influence of intoxicating liquor or
4271 drugs, or both, or while such person has an elevated blood alcohol
4272 content; (B) whether such person was placed under arrest; (C) whether
4273 there is substantial evidence to conclude that such person was operating
4274 a vessel under the influence of intoxicating liquor or any drug, or both;
4275 and (D) whether such person was operating the vessel.

4276 (4) At [the] a hearing held under this subsection, the results of the
4277 test, [or analysis] if administered, shall be sufficient to indicate the ratio
4278 of alcohol in the blood of such person at the time of operation, except
4279 that if the results of an additional test, administered pursuant to section
4280 15-140r, as amended by this act, indicate that the ratio of alcohol in the
4281 blood of such person is eight-hundredths of one per cent or less of
4282 alcohol, by weight, and is higher than the results of the first test,
4283 evidence shall be presented that demonstrates that the test results and
4284 analysis thereof accurately indicate the blood alcohol content at the time
4285 of operation. The fees of any witness summoned to appear at [the] a
4286 hearing under this subsection shall be the same as provided in section
4287 52-260.

4288 (5) In a hearing based on a report submitted under subsection (d) of
4289 this section, evidence of operation under the influence of intoxicating
4290 liquor or any drug, or both shall be admissible. Such evidence may
4291 include, but need not be limited to, (A) the peace officer's observations
4292 of intoxication, as documented in a report submitted to the
4293 commissioner under subsection (d) of this section; (B) the results of any
4294 chemical test administered under this section or a toxicology report
4295 certified by the Division of Scientific Services within the Department of

4296 Emergency Services and Public Protection; (C) hospital or medical
4297 records obtained in accordance with subsection (j) of this section or by
4298 the consent of the operator; or (D) reports of drug recognition experts.

4299 (h) If, after [such] a hearing under subdivision (2) of subsection (g) of
4300 this section, the commissioner finds in the negative on any one of [said]
4301 the issues specified in [the negative] subparagraph (A), (B), (C) or (D) of
4302 said subdivision, the commissioner shall stay the safe boating certificate,
4303 right to operate a vessel that requires a safe boating certificate for
4304 operation or certificate of personal watercraft operation suspension. If,
4305 after a hearing under subdivision (3) of subsection (g) of this section, the
4306 commissioner finds in the negative on any one of the issues specified in
4307 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
4308 shall stay the safe boating certificate, right to operate a vessel that
4309 requires a safe boating certificate for operation or certificate of personal
4310 watercraft operation suspension. If, after such hearing under
4311 subdivision (2) or (3) of subsection (g) of this section, the commissioner
4312 does not find on any one of said issues in the negative or if such person
4313 fails to appear at such hearing, the commissioner shall affirm the
4314 suspension contained in the suspension notice for the appropriate
4315 period specified in subsection (i) of this section. The commissioner shall
4316 render a decision at the conclusion of such hearing or send a notice of
4317 the decision by certified mail to such person not later than thirty-five
4318 days from the date of notice of such person's arrest by the peace officer
4319 or, if a continuance is granted, not later than sixty-five days from the
4320 date such person received notice of such person's arrest by the peace
4321 officer. The notice of such decision sent by certified mail to the address
4322 of such person as shown by the records of the commissioner shall be
4323 sufficient notice to such person that such person's safe boating
4324 certificate, right to operate a vessel that requires a safe boating certificate
4325 for operation or certificate of personal watercraft operation is suspended
4326 or the suspension is stayed. Unless a continuance of the hearing is
4327 granted pursuant to subsection (g) of this section, if the commissioner
4328 fails to render a decision within thirty-five days from the date that such

4329 person received notice of such person's arrest by the peace officer, the
4330 commissioner shall not suspend such person's safe boating certificate,
4331 right to operate a vessel that requires a safe boating certificate for
4332 operation or certificate of personal watercraft operation.

4333 (i) The commissioner shall suspend the operator's safe boating
4334 certificate, right to operate a vessel that requires a safe boating certificate
4335 for operation or certificate of personal watercraft operation of a person
4336 who does not contact the department to schedule a hearing under
4337 subsection (e) of this section, who fails to appear at such hearing, or
4338 against whom, after a hearing, the commissioner holds pursuant to
4339 subsection (g) of this section. Such suspension shall be as of the effective
4340 date contained in the suspension notice or the date the commissioner
4341 renders a decision, whichever is later, for a period of: (1) (A) Except as
4342 provided in subparagraph (B) of this subdivision, ninety days if such
4343 person submitted to a test [or analysis] and the results of such test [or
4344 analysis] indicated that at the time of the alleged offense that such
4345 person had an elevated blood alcohol content, or such person was found
4346 to have been operating a vessel under the influence of intoxicating
4347 liquor or any drug, or both, based on a report filed pursuant to
4348 subsection (d) of this section, or (B) one hundred twenty days if such
4349 person submitted to a test [or analysis] and the results of such test [or
4350 analysis] indicated that the ratio of alcohol in the blood of such person
4351 was sixteen-hundredths of one per cent or more of alcohol, by weight,
4352 or (C) six months if such person refused to submit to such test; [or
4353 analysis;] (2) if such person has previously had such person's safe
4354 boating certificate, right to operate a vessel that requires a safe boating
4355 certificate for operation or certificate of personal watercraft operation
4356 suspended under this section, (A) except as provided in subparagraph
4357 (B) of this subdivision, nine months if such person submitted to a test
4358 [or analysis] and the results of such test [or analysis] indicated that at
4359 the time of the alleged offense that such person had an elevated blood
4360 alcohol content, or such person was found to have been operating a
4361 vessel under the influence of intoxicating liquor or any drug, or both,

4362 based on a report filed pursuant to subsection (d) of this section, (B) ten
4363 months if such person submitted to a test [or analysis] and the results of
4364 such test [or analysis] indicated that the ratio of alcohol in the blood of
4365 such person was sixteen-hundredths of one per cent or more of alcohol,
4366 by weight, and (C) one year if such person refused to submit to such
4367 test; [or analysis;] and (3) if such person has two or more times
4368 previously had such person's safe boating certificate, right to operate a
4369 vessel that requires a safe boating certificate for operation or certificate
4370 of personal watercraft operation suspended under this section, (A)
4371 except as provided in subparagraph (B) of this subdivision, two years if
4372 such person submitted to a test [or analysis] and the results of such test
4373 [or analysis] indicated that at the time of the alleged offense that such
4374 person had an elevated blood alcohol content, or such person was found
4375 to have been operating a vessel under the influence of intoxicating
4376 liquor or any drug, or both, based on a report filed pursuant to
4377 subsection (d) of this section, (B) two and one-half years if such person
4378 submitted to a test [or analysis] and the results of such test [or analysis]
4379 indicated that the ratio of alcohol in the blood of such person was
4380 sixteen-hundredths of one per cent or more of alcohol, by weight, and
4381 (C) three years if such person refused to submit to such test. [or
4382 analysis.]

4383 (j) Notwithstanding the provisions of subsections (b) to (i), inclusive,
4384 of this section, any peace officer who obtains the results of a chemical
4385 analysis of a blood sample taken from an operator of a vessel involved
4386 in an accident who suffered or allegedly suffered physical injury in such
4387 accident shall notify the commissioner and submit to the commissioner
4388 a written report if such results indicate that at the time of the alleged
4389 offense such person had an elevated blood alcohol content, or any
4390 quantity of an intoxicating liquor or any drug, or both, in such person's
4391 blood, and if such person was arrested for a violation of section 15-132a,
4392 subsection (d) of section 15-133 or section 15-140l or 15-140n in
4393 connection with such accident. The report shall be made on a form
4394 approved by the commissioner containing such information as the

4395 commissioner prescribes and shall be subscribed and sworn under
4396 penalty of false statement, as provided in section 53a-157b, by the peace
4397 officer. The commissioner shall, after notice and an opportunity for
4398 hearing, which shall be conducted in accordance with chapter 54,
4399 suspend the safe boating certificate, right to operate a vessel that
4400 requires a safe boating certificate for operation or certificate of personal
4401 watercraft operation of such person for a period of up to ninety days,
4402 or, if such person has previously had such person's operating privilege
4403 suspended under this section, for a period up to one year. Each hearing
4404 conducted under this section shall be limited to a determination of the
4405 following issues: (1) Whether the peace officer had probable cause to
4406 arrest the person for operating a vessel while under the influence of
4407 intoxicating liquor or drugs, or both, or while such person has an
4408 elevated blood alcohol content; (2) whether such person was placed
4409 under arrest; (3) whether such person was operating the vessel; (4)
4410 whether the results of the analysis of the blood of such person indicate
4411 that such person had an elevated blood alcohol content, or there is
4412 substantial evidence to conclude that the person was operating a vessel
4413 under the influence of intoxicating liquor or any drug, or both; and (5)
4414 whether the blood sample was obtained in accordance with conditions
4415 for admissibility as set forth in section 15-140s. If, after such hearing, the
4416 commissioner finds on any issue in the negative, the commissioner shall
4417 not impose a suspension. The fees of any witness summoned to appear
4418 at the hearing shall be the same as provided by the general statutes for
4419 witnesses in criminal cases.

4420 (k) The provisions of this section shall apply with the same effect to
4421 the refusal by any person to submit to an additional chemical test as
4422 provided in [subdivision (5)] subparagraph (E) of subdivision (1) of
4423 subsection (a) of section 15-140r, as amended by this act.

4424 (l) The provisions of this section do not apply to any person whose
4425 physical condition is such that, according to competent medical advice,
4426 such test would be inadvisable.

4427 (m) The state shall pay the reasonable charges of any physician who,
4428 at the request of a [municipal police department] law enforcement unit,
4429 as defined in section 7-294a, takes a blood sample for purposes of a test
4430 under the provisions of this section.

4431 (n) For the purposes of this section, "elevated blood alcohol content"
4432 means: (1) A ratio of alcohol in the blood of such person that is eight-
4433 hundredths of one per cent or more of alcohol, by weight, or (2) if such
4434 person is under twenty-one years of age, a ratio of alcohol in the blood
4435 of such person that is two-hundredths of one per cent or more of alcohol,
4436 by weight.

4437 (o) The commissioner may adopt regulations, in accordance with
4438 chapter 54, to implement the provisions of this section.

4439 (p) For purposes of this section and section 15-140r, as amended by
4440 this act, (1) "drug influence evaluation" means a twelve-part evaluation
4441 developed by the National Highway Traffic Safety Administration and
4442 the International Association of Chiefs of Police that is conducted by a
4443 drug recognition expert to determine the level of a person's impairment
4444 from the use of drugs and the drug category causing such impairment;
4445 (2) "drug recognition expert" means a person certified by the
4446 International Association of Chiefs of Police as having met all
4447 requirements of the International Drug Evaluation and Classification
4448 Program; and (3) "nontestimonial portion of a drug influence
4449 evaluation" means a drug influence evaluation conducted by a drug
4450 recognition expert that does not include a verbal interview with the
4451 subject.

4452 Sec. 97. Section 15-140r of the general statutes is repealed and the
4453 following is substituted in lieu thereof (*Effective April 1, 2022*):

4454 (a) (1) Except as provided in section 15-140s or subsection (d) of this
4455 section, in any criminal prosecution for the violation of section 15-132a,
4456 subsection (d) of section 15-133, section 15-140l or 15-140n or subsection
4457 (b) of section 53-206d, evidence respecting the amount of alcohol or drug

4458 in the defendant's blood or urine at the time of the alleged offense, as
4459 shown by a chemical [analysis] test of the defendant's breath, blood or
4460 urine shall be admissible and competent provided: [(1)] (A) The
4461 defendant was afforded a reasonable opportunity to telephone an
4462 attorney prior to the performance of the test and consented to the taking
4463 of the test upon which such analysis is made; [(2)] (B) a true copy of the
4464 report of the test result was mailed to or personally delivered to the
4465 defendant within twenty-four hours or by the end of the next regular
4466 business day, after such result was known, whichever is later; [(3)] (C)
4467 the test was performed by or at the direction of a certified law
4468 enforcement officer according to methods and with equipment
4469 approved by the Department of Emergency Services and Public
4470 Protection, and if a blood test was performed, it was performed on a
4471 blood sample taken by a person licensed to practice medicine and
4472 surgery in this state, a qualified laboratory technician, an emergency
4473 medical technician II or a registered nurse in accordance with the
4474 regulations adopted under subsection (b) of this section; [(4)] (D) the
4475 device used for such test was checked for accuracy in accordance with
4476 the regulations adopted under subsection (b) of this section; [(5)] (E) an
4477 additional chemical test of the same type was performed at least ten
4478 minutes after the initial test was performed or, if requested by the peace
4479 officer for reasonable cause, an additional chemical test of a different
4480 type was performed, including a test to detect the presence of a drug or
4481 drugs other than or in addition to alcohol, except that the results of the
4482 initial test shall not be inadmissible under this subsection if reasonable
4483 efforts were made to have such additional test performed in accordance
4484 with the conditions set forth in this subsection and (i) such additional
4485 test was not performed or was not performed within a reasonable time,
4486 or (ii) the results of such additional test are not admissible for failure to
4487 meet a condition set forth in this subsection; and [(6)] (F) evidence is
4488 presented that the test was commenced within two hours of operation
4489 of the vessel or expert testimony establishes the reliability of a test
4490 commenced beyond two hours of operation of the vessel. In any
4491 prosecution under this section, it shall be a rebuttable presumption that

4492 the results of such chemical analysis establish the ratio of alcohol in the
4493 blood of the defendant at the time of the alleged offense, except that if
4494 the results of the additional test indicate that the ratio of alcohol in the
4495 blood of such defendant is ten-hundredths of one per cent or less of
4496 alcohol, by weight, and is higher than the results of the first test,
4497 evidence shall be presented that demonstrates that the test results and
4498 the analysis thereof accurately indicate the blood alcohol content at the
4499 time of the alleged offense.

4500 (2) If a law enforcement officer who is a drug recognition expert
4501 conducts a drug influence evaluation, the officer's testimony concerning
4502 such evaluation shall be admissible and competent as evidence of the
4503 operation of a vessel while under the influence of liquor or any drug, or
4504 both under subdivision (1) of subsection (a) of this section.

4505 (b) The Commissioner of Emergency Services and Public Protection
4506 shall ascertain the reliability of each method and type of device offered
4507 for chemical testing and analysis of blood, of breath and of urine and
4508 certify those methods and types which the Commissioner of Emergency
4509 Services and Public Protection finds suitable for use in testing and
4510 analysis of blood, breath and urine, respectively, in this state. The
4511 Commissioner of Emergency Services and Public Protection, after
4512 consultation with the Commissioner of Public Health, shall adopt
4513 regulations, in accordance with chapter 54, governing the conduct of
4514 chemical tests, the operation and use of chemical test devices and the
4515 training and certification of operators of such devices and the drawing
4516 or obtaining of blood, breath or urine samples as the Commissioner of
4517 Emergency Services and Public Protection finds necessary to protect the
4518 health and safety of persons who submit to chemical tests and to insure
4519 reasonable accuracy in testing results. Such regulations shall not require
4520 recertification of a peace officer solely because such officer terminates
4521 such officer's employment with the law enforcement agency for which
4522 certification was originally issued and commences employment with
4523 another such agency.

4524 (c) If a person is charged with a violation of section 15-132a,
4525 subsection (d) of section 15-133 or section 15-140l or 15-140n, the charge
4526 may not be reduced, nolle or dismissed unless the prosecuting
4527 authority states in open court such prosecutor's reasons for the
4528 reduction, nolle or dismissal.

4529 (d) (1) In any criminal prosecution for a violation of section 15-132a,
4530 subsection (d) of section 15-133 or section 15-140l or 15-140n, evidence
4531 that the defendant refused to submit to a blood, breath or urine test or
4532 the nontestimonial portion of a drug influence evaluation requested in
4533 accordance with section 15-140q, as amended by this act, shall be
4534 admissible provided the requirements of subsection (a) of said section
4535 have been satisfied. If a case involving a violation of section 15-132a,
4536 subsection (d) of section 15-133 or section 15-140l or 15-140n is tried to a
4537 jury, the court shall instruct the jury as to any inference that may or may
4538 not be drawn from the defendant's refusal to submit to a blood, breath
4539 or urine test or evaluation.

4540 (2) In any prosecution for a violation of subdivision (1) of subsection
4541 (a) of this section, a drug recognition expert may testify as to his or her
4542 opinion or otherwise as to the significance of any symptoms of
4543 impairment or intoxication for which evidence has been admitted or on
4544 the condition that such evidence be introduced.

4545 (3) In any prosecution for a violation of subdivision (1) of subsection
4546 (a) of this section in which it is alleged that the defendant's operation of
4547 a vessel was impaired, in whole or in part, by consumption of cannabis,
4548 cannabis products or THC, as those terms are defined in section 1 of this
4549 act, the court may take judicial notice that the ingestion of THC (i) can
4550 impair a person's ability to operate a vessel; (ii) can impair a person's
4551 motor function, reaction time, tracking ability, cognitive attention,
4552 decision-making, judgment, perception, peripheral vision, impulse
4553 control and memory; and (iii) does not enhance a person's ability to
4554 safely operate a vessel.

4555 Sec. 98. (NEW) (*Effective July 1, 2021*) (a) As used in this section and
4556 sections 99 and 100 of this act:

4557 (1) "Cannabis" has the same meaning as provided in section 1 of this
4558 act;

4559 (2) "Cannabis flower" means the flower, including abnormal and
4560 immature flowers, of a plant of the genus cannabis that has been
4561 harvested, dried and cured, and prior to any processing whereby the
4562 flower material is transformed into a cannabis product. "Cannabis
4563 flower" does not include (A) the leaves or stem of such plant, or (B)
4564 industrial hemp, as defined in 7 USC 1639o, as amended from time to
4565 time;

4566 (3) "Cannabis product" has the same meaning as provided in section
4567 1 of this act;

4568 (4) "Cannabis retailer" means "retailer", as defined in section 1 of this
4569 act;

4570 (5) "Cannabis trim" means all parts, including abnormal or immature
4571 parts, of a plant of the genus cannabis, other than cannabis flowers, that
4572 have been harvested, dried and cured, and prior to any processing
4573 whereby the plant material is transformed into a cannabis product.
4574 "Cannabis trim" does not include hemp, as defined in 7 USC 1639o, as
4575 amended from time to time;

4576 (6) "Consumer" has the same meaning as provided in section 1 of this
4577 act;

4578 (7) "Cultivator" has the same meaning as provided in section 1 of this
4579 act;

4580 (8) "Delivery service" has the same meaning as provided in section 1
4581 of this act;

4582 (9) "Dispensary facility" has the same meaning as provided in section

4583 1 of this act;

4584 (10) "Food and beverage manufacturer" has the same meaning as
4585 provided in section 1 of this act;

4586 (11) "Hybrid retailer" has the same meaning as provided in section 1
4587 of this act;

4588 (12) "Micro-cultivator" has the same meaning as provided in section
4589 1 of this act;

4590 (13) "Municipality" has the same meaning as provided in section 1 of
4591 this act;

4592 (14) "Palliative use" has the same meaning as provided in section 21a-
4593 408 of the general statutes;

4594 (15) "Producer" has the same meaning as provided in section 1 of this
4595 act;

4596 (16) "Product manufacturer" has the same meaning as provided in
4597 section 1 of this act;

4598 (17) "Product packager" has the same meaning as provided in section
4599 1 of this act; and

4600 (18) "Wet cannabis" means the whole plant of the genus cannabis,
4601 including abnormal and immature plants, that has been harvested and
4602 weighed within two hours of harvesting and has not undergone any
4603 processing such as drying, curing, trimming or increasing the ambient
4604 temperature in the room in which such plant is held.

4605 (b) Beginning on the first day of the month in which a cultivator,
4606 micro-cultivator, food and beverage manufacturer, product
4607 manufacturer, product packager or delivery service may legally operate
4608 within the state or a cannabis retailer, hybrid retailer or producer may
4609 legally sell cannabis other than cannabis for palliative use, there is

4610 imposed a tax on the first sale or first use in the state by a producer,
4611 cultivator or micro-cultivator of cannabis flowers, cannabis trim or wet
4612 cannabis, at the rate of (1) one dollar and twenty-five cents per dry-
4613 weight gram of cannabis flowers, (2) fifty cents per dry-weight gram of
4614 cannabis trim, and (3) twenty-eight cents per gram of wet cannabis.

4615 (c) On or before the last day of each month in which a cultivator or
4616 micro-cultivator may legally operate within the state or a producer may
4617 legally sell cannabis other than cannabis for palliative use, each such
4618 cultivator, micro-cultivator and producer shall file with the
4619 Commissioner of Revenue Services a return for the calendar month
4620 immediately preceding. Such return shall be in such form and contain
4621 such information as the commissioner prescribes, and shall be
4622 accompanied by a payment of the amount of the tax shown to be due
4623 thereon.

4624 (d) If any cultivator, micro-cultivator or producer fails to pay the
4625 amount of tax reported due on its return within the time specified under
4626 this section, there shall be imposed a penalty equal to twenty-five per
4627 cent of such amount due and unpaid, or two hundred fifty dollars,
4628 whichever is greater. Such amount shall bear interest at the rate of one
4629 per cent per month or fraction thereof, from the due date of such tax
4630 until the date of payment. Subject to the provisions of section 12-3a of
4631 the general statutes, the commissioner may waive all or part of the
4632 penalties provided under this section when it is proven to the
4633 commissioner's satisfaction that the failure to pay any tax was due to
4634 reasonable cause and was not intentional or due to neglect.

4635 (e) Each person, other than a cultivator, micro-cultivator or producer,
4636 who is required, on behalf of such cultivator, micro-cultivator or
4637 producer, to collect, truthfully account for and pay over a tax imposed
4638 on such cultivator, micro-cultivator or producer under this section and
4639 who wilfully fails to collect, truthfully account for and pay over such tax
4640 or who wilfully attempts in any manner to evade or defeat the tax or the
4641 payment thereof, shall, in addition to other penalties provided by law,

4642 be liable for a penalty equal to the total amount of the tax evaded, or not
4643 collected, or not accounted for and paid over, including any penalty or
4644 interest attributable to such wilful failure to collect or truthfully account
4645 for and pay over such tax or such wilful attempt to evade or defeat such
4646 tax, provided such penalty shall only be imposed against such person in
4647 the event that such tax, penalty or interest cannot otherwise be collected
4648 from such cultivator, micro-cultivator or producer. The amount of such
4649 penalty with respect to which a person may be personally liable under
4650 this section shall be collected in accordance with the provisions of
4651 section 12-555a of the general statutes and any amount so collected shall
4652 be allowed as a credit against the amount of such tax, penalty or interest
4653 due and owing from the cultivator, micro-cultivator or producer. The
4654 dissolution of the cultivator, micro-cultivator or producer shall not
4655 discharge any person in relation to any personal liability under this
4656 section for wilful failure to collect or truthfully account for and pay over
4657 such tax or for a wilful attempt to evade or defeat such tax prior to
4658 dissolution, except as otherwise provided in this section. For purposes
4659 of this section, "person" includes any individual, corporation, limited
4660 liability company or partnership and any officer or employee of any
4661 corporation, including a dissolved corporation, and a member of or
4662 employee of any partnership or limited liability company who, as such
4663 officer, employee or member, is under a duty to file a tax return under
4664 this section on behalf of a cultivator, micro-cultivator or producer or to
4665 collect or truthfully account for and pay over a tax imposed under this
4666 section on behalf of such cultivator, micro-cultivator or producer.

4667 (f) The provisions of sections 12-548, 12-551 to 12-554, inclusive, and
4668 12-555a of the general statutes shall apply to the provisions of this
4669 section in the same manner and with the same force and effect as if the
4670 language of said sections had been incorporated in full into this section
4671 and had expressly referred to the tax under this section, except to the
4672 extent that any provision is inconsistent with a provision in this section.

4673 (g) The commissioner shall not issue a refund of any tax paid by a
4674 cultivator, micro-cultivator or producer under this section.

4675 (h) The commissioner may adopt regulations, in accordance with the
4676 provisions of chapter 54 of the general statutes, to implement the
4677 provisions of this section.

4678 (i) (1) The tax received by the state under this section shall be
4679 deposited as follows: (A) For the fiscal years ending June 30, 2022, and
4680 June 30, 2023, in the General Fund; and (B) for the fiscal year ending
4681 June 30, 2024, and each fiscal year thereafter, fifty per cent of such tax
4682 received in the community aid PILOT account established under
4683 subdivision (2) of this section and fifty per cent in the General Fund.

4684 (2) (A) On and after July 1, 2023, there is established an account to be
4685 known as the "community aid PILOT account" which shall be a separate,
4686 nonlapsing account within the General Fund. The account shall contain
4687 any moneys required by law to be deposited in the account.

4688 (B) For the fiscal year commencing July 1, 2023, and each fiscal year
4689 thereafter, moneys in the account shall be expended by the Office of
4690 Policy and Management for the payment of grants in lieu of taxes to
4691 municipalities under the provisions of section 12-18b of the general
4692 statutes.

4693 (j) At the close of each fiscal year in which the tax imposed under the
4694 provisions of this section are received by the commissioner, the
4695 Comptroller is authorized to record as revenue for such fiscal year that
4696 amounts of such tax that are received by the commissioner not later than
4697 five business days from the July thirty-first immediately following the
4698 end of such fiscal year.

4699 Sec. 99. (NEW) (*Effective July 1, 2021*) (a) (1) There is imposed a tax at
4700 the rate of three per cent on the gross receipts from the sale of cannabis
4701 and cannabis products by a cannabis retailer, hybrid retailer or micro-
4702 cultivator. For the purposes of this section, "gross receipts" means the
4703 total amount of the sales price from sales of cannabis and cannabis
4704 products by a cannabis retailer, hybrid retailer or micro-cultivator.

4705 (2) The tax under this section:

4706 (A) Shall not apply to the sale of cannabis for palliative use;

4707 (B) Shall not apply to the transfer of cannabis or cannabis products to
4708 a delivery service for transport to any other cultivator, micro-cultivator,
4709 food and beverage manufacturer, product manufacturer, product
4710 packager, dispensary facility, cannabis retailer, hybrid retailer or
4711 producer;

4712 (3) Shall not apply to the sale of cannabis or cannabis products by a
4713 delivery service to a consumer;

4714 (4) Shall be collected from the purchaser at the time of sale and shall
4715 be in addition to the tax imposed under chapter 219 of the general
4716 statutes; and

4717 (5) Shall be held in trust until remitted to the municipality.

4718 (b) On or before the last day of each month in which a cannabis
4719 retailer, hybrid retailer or micro-cultivator may legally sell cannabis
4720 other than cannabis sold for palliative use, each such cannabis retailer,
4721 hybrid retailer and micro-cultivator shall file a return with the tax
4722 collector of the municipality, or the individual designated by the
4723 municipality to receive such returns, in which such cannabis retailer,
4724 hybrid retailer or micro-cultivator is located. Such return shall report
4725 such cannabis retailer's, hybrid retailer's or micro-cultivator's gross
4726 receipts from the sale of cannabis and cannabis products other than
4727 cannabis sold for palliative use, for the calendar month immediately
4728 preceding and the amount of tax imposed under this section shown to
4729 be due thereon. Such return shall be in such form and contain such
4730 information as the tax collector of the municipality or the individual
4731 designated by the municipality to collect the tax imposed under this
4732 section, in consultation with the Department of Revenue Services and
4733 the Office of Policy and Management, prescribes, and shall be
4734 accompanied by a payment of the amount of the tax shown to be due

4735 thereon, such amount to become part of the general revenue of such
4736 municipality.

4737 (c) If any cannabis retailer, hybrid retailer or micro-cultivator fails to
4738 pay the amount of tax reported due on its return within the time period
4739 set forth under this section, there shall be imposed a penalty equal to
4740 twenty-five per cent of such amount due and unpaid, or two hundred
4741 fifty dollars, whichever is greater. Such amount shall bear interest at the
4742 rate of one per cent per month or fraction thereof, from the due date of
4743 such tax until the date of payment. A municipality may waive, by vote
4744 of its legislative body, all or part of the penalties provided under this
4745 subsection upon a finding by such body that the failure to pay any tax
4746 was due to reasonable cause and was not intentional or due to neglect.

4747 (d) A municipality may impose a lien on the real property of a
4748 cannabis retailer, hybrid retailer or micro-cultivator for nonpayment of
4749 tax due under this section. The amount of such lien shall not exceed the
4750 amount of tax due under this section plus penalties and interest. Such
4751 lien shall have the same priority as a municipal lien for real property
4752 taxes.

4753 (e) (1) If the tax collector, or the individual designated by the
4754 municipality to collect the tax imposed under this section, of a
4755 municipality in which a cannabis retailer, hybrid retailer or micro-
4756 cultivator is located has good cause to believe a cannabis retailer, hybrid
4757 retailer or micro-cultivator has underpaid the tax under this section or
4758 otherwise has made a material misrepresentation in a return filed
4759 pursuant to subsection (b) of this section, the tax collector or such
4760 individual may require such cannabis retailer, hybrid retailer or micro-
4761 cultivator to have an audit. Such audit shall be performed in the same
4762 manner and with the same time periods for completion and extension
4763 as for a nonstate entity under the provisions of section 4-232 of the
4764 general statutes. An audit shall not be ordered more than once per fiscal
4765 year.

4766 (2) The cannabis retailer, hybrid retailer or micro-cultivator shall file
4767 a copy of the audit report with the tax collector of the municipality or
4768 the individual designated by the municipality to collect the tax imposed
4769 under this section. Any cannabis retailer, hybrid retailer or micro-
4770 cultivator, or auditor for such cannabis retailer, hybrid retailer or micro-
4771 cultivator, that fails to have the audit report filed within the time period
4772 set forth in subdivision (2) of subsection (b) of section 4-232 of the
4773 general statutes may be assessed a penalty by the tax collector or such
4774 individual, in an amount as provided under subdivision (2) of
4775 subsection (b) of section 4-232 of the general statutes.

4776 (3) If an audit report shows that the tax under this section was
4777 underpaid by a cannabis retailer, hybrid retailer or micro-cultivator,
4778 there shall be imposed a penalty equal to twenty-five per cent of the
4779 amount due and unpaid, or two hundred fifty dollars, whichever is
4780 greater. Such amount shall bear interest at the rate of one per cent per
4781 month or fraction thereof, from the due date of such tax until the date of
4782 payment. A municipality may waive, by vote of its legislative body, all
4783 or part of the penalties provided under this subsection upon a finding
4784 by such body that the failure to pay any tax was due to reasonable cause
4785 and was not intentional or due to neglect.

4786 (f) (1) No cannabis retailer, hybrid retailer, micro-cultivator or
4787 municipality shall issue a refund to a purchaser for any tax paid under
4788 this section by such purchaser.

4789 (2) No municipality shall issue a refund to a cannabis retailer, hybrid
4790 retailer or micro-cultivator for any tax paid under this section by such
4791 cannabis retailer, hybrid retailer or micro-cultivator.

4792 (3) No overpayment of the tax under this section by a purchaser,
4793 cannabis retailer, hybrid retailer or micro-cultivator shall be applied to
4794 any other liability due to such municipality from such purchaser,
4795 cannabis retailer, hybrid retailer or micro-cultivator.

4796 Sec. 100. (NEW) (*Effective July 1, 2021*) (a) The tax under chapter 219

4797 of the general statutes shall not be imposed on the transfer of cannabis
4798 or cannabis products to a delivery service by a cultivator, micro-
4799 cultivator, food and beverage manufacturer, product manufacturer,
4800 product packager, dispensary facility, cannabis retailer, hybrid retailer
4801 or producer, for transport to any other cultivator, micro-cultivator, food
4802 and beverage manufacturer, product manufacturer, product packager,
4803 dispensary facility, cannabis retailer, hybrid retailer or producer.

4804 (b) No person may purchase cannabis or cannabis products on a
4805 resale basis and no exemption under chapter 219 of the general statutes
4806 shall apply to the sale of cannabis or cannabis products, except as
4807 provided under section 12-412 of the general statutes, as amended by
4808 this act, for the sale of cannabis for palliative use.

4809 (c) (1) No cannabis retailer, hybrid retailer, micro-cultivator or
4810 delivery service, nor the Department of Revenue Services, shall issue a
4811 refund to a purchaser for any tax paid under chapter 219 of the general
4812 statutes for the sale of cannabis or cannabis products.

4813 (2) The Commissioner of Revenue Services shall not issue a refund to
4814 a cannabis retailer, hybrid retailer or micro-cultivator of any tax paid
4815 under chapter 219 of the general statutes by such cannabis retailer,
4816 hybrid retailer or micro-cultivator.

4817 (d) The provisions of subsection (g) of section 98 of this act,
4818 subsection (f) of section 99 of this act and subsection (c) of this section
4819 shall not be construed as authorizing suit against the state or any
4820 political subdivision thereof by a person against whom any tax, penalty
4821 or interest has been erroneously or illegally assessed or from whom any
4822 tax, penalty or interest has been erroneously or illegally collected and
4823 shall not be construed as a waiver of sovereign immunity.

4824 Sec. 101. Subdivision (120) of section 12-412 of the general statutes is
4825 repealed and the following is substituted in lieu thereof (*Effective July 1,*
4826 *2021*):

4827 (120) [On and after April 1, 2015, sales] (A) Sales of the following
4828 nonprescription drugs or medicines available for purchase for use in or
4829 on the body: Vitamin or mineral concentrates; dietary supplements;
4830 natural or herbal drugs or medicines; products intended to be taken for
4831 coughs, cold, asthma or allergies, or antihistamines; laxatives;
4832 antidiarrheal medicines; analgesics; antibiotic, antibacterial, antiviral
4833 and antifungal medicines; antiseptics; astringents; anesthetics; steroidal
4834 medicines; anthelmintics; emetics and antiemetics; antacids; [and] any
4835 medication prepared to be used in the eyes, ears or nose; and palliative
4836 marijuana sold under the provisions of chapter 420f.

4837 (B) Nonprescription drugs or medicines [shall] do not include
4838 cosmetics, [dentrifrices] dentifrices, mouthwash, shaving and hair care
4839 products, soaps, [or] deodorants or products containing cannabis, as
4840 defined in section 1 of this act, or cannabinoids.

4841 Sec. 102. Subparagraph (U) of subdivision (37) of subsection (a) of
4842 section 12-407 of the general statutes is repealed and the following is
4843 substituted in lieu thereof (*Effective July 1, 2021*):

4844 (U) (i) [Advertising] Except as provided in clause (ii) of this
4845 subparagraph, advertising or public relations services, including layout,
4846 art direction, graphic design, mechanical preparation or production
4847 supervision, not related to the development of media advertising or
4848 cooperative direct mail advertising;

4849 (ii) Advertising or public relations services, including layout, art
4850 direction, graphic design, mechanical preparation or production
4851 supervision, related to cannabis, as defined in section 1 of this act, or
4852 cannabis products;

4853 Sec. 103. Section 12-650 of the general statutes is repealed and the
4854 following is substituted in lieu thereof (*Effective July 1, 2021*):

4855 [As used in this chapter:

4856 (1) "Marijuana" means any marijuana, whether real or counterfeit, as
4857 defined in subdivision (29) of section 21a-240, that is held, possessed,
4858 transported, sold or offered to be sold in violation of any provision of
4859 the general statutes;

4860 (2) "Controlled substance" means any controlled substance as defined
4861 in subdivision (9) of section 21a-240, that is held, possessed, transported,
4862 sold or offered to be sold in violation of any provision of the general
4863 statutes;

4864 (3) "Dealer" means any person who, in violation of any provision of
4865 the general statutes, manufactures, produces, ships, transports, or
4866 imports into the state or in any manner acquires or possesses more than
4867 forty-two and one-half grams of marijuana or seven or more grams of
4868 any controlled substance or ten or more dosage units of any controlled
4869 substance which is not sold by weight; and

4870 (4) "Commissioner" means the Commissioner of Revenue Services.]

4871 Notwithstanding the provisions of this chapter, revision of 1958,
4872 revised to January 1, 2021, any outstanding liabilities or assessments, or
4873 any portion thereof, made under said chapter related to the sale,
4874 purchase, acquisition or possession within the state or the transport or
4875 importation into the state, of marijuana, as defined in section 21a-240,
4876 shall be cancelled. The Commissioner of Revenue Services may take any
4877 action necessary to effectuate the cancellation of such liabilities and
4878 assessments. No cancellation of a liability or an assessment pursuant to
4879 this section shall entitle any person affected by such cancellation to a
4880 refund or credit of any amount previously paid or collected in
4881 connection with such liability or assessment.

4882 Sec. 104. Subdivision (1) of subsection (a) of section 12-30a of the
4883 general statutes is repealed and the following is substituted in lieu
4884 thereof (*Effective July 1, 2021*):

4885 (a) (1) Whenever the provisions of section 12-35, 12-204, 12-205, 12-

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, 12-488, 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:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>January 1, 2022</i>	21a-279(a)
Sec. 3	<i>January 1, 2022</i>	21a-279a
Sec. 4	<i>July 1, 2022</i>	54-142d
Sec. 5	<i>July 1, 2022</i>	New section
Sec. 6	<i>January 1, 2022</i>	New section
Sec. 7	<i>January 1, 2022</i>	New section
Sec. 8	<i>January 1, 2022</i>	New section
Sec. 9	<i>January 1, 2022</i>	New section
Sec. 10	<i>January 1, 2022</i>	New section
Sec. 11	<i>January 1, 2022</i>	21a-277(b)
Sec. 12	<i>January 1, 2022</i>	New section
Sec. 13	<i>January 1, 2022</i>	New section
Sec. 14	<i>October 1, 2021</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>July 1, 2021</i>	New section
Sec. 18	<i>July 1, 2021</i>	New section
Sec. 19	<i>July 1, 2021</i>	New section
Sec. 20	<i>July 1, 2021</i>	New section
Sec. 21	<i>July 1, 2021</i>	New section
Sec. 22	<i>July 1, 2021</i>	New section
Sec. 23	<i>July 1, 2021</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>January 1, 2022</i>	New section
Sec. 26	<i>July 1, 2021</i>	New section
Sec. 27	<i>July 1, 2022</i>	New section
Sec. 28	<i>July 1, 2021</i>	New section
Sec. 29	<i>July 1, 2021</i>	New section
Sec. 30	<i>July 1, 2021</i>	New section
Sec. 31	<i>July 1, 2021</i>	New section
Sec. 32	<i>July 1, 2021</i>	New section
Sec. 33	<i>July 1, 2021</i>	New section
Sec. 34	<i>July 1, 2021</i>	New section
Sec. 35	<i>July 1, 2021</i>	New section
Sec. 36	<i>July 1, 2021</i>	New section

Governor's Bill No.

Sec. 37	<i>July 1, 2021</i>	New section
Sec. 38	<i>from passage</i>	New section
Sec. 39	<i>July 1, 2021</i>	New section
Sec. 40	<i>July 1, 2021</i>	New section
Sec. 41	<i>July 1, 2021</i>	New section
Sec. 42	<i>July 1, 2021</i>	New section
Sec. 43	<i>January 1, 2022</i>	New section
Sec. 44	<i>July 1, 2021</i>	New section
Sec. 45	<i>July 1, 2021</i>	New section
Sec. 46	<i>from passage</i>	New section
Sec. 47	<i>July 1, 2022</i>	New section
Sec. 48	<i>July 1, 2021</i>	New section
Sec. 49	<i>July 1, 2022</i>	New section
Sec. 50	<i>from passage</i>	New section
Sec. 51	<i>from passage</i>	New section
Sec. 52	<i>from passage</i>	New section
Sec. 53	<i>October 1, 2021</i>	21a-408
Sec. 54	<i>July 1, 2021</i>	21a-408a
Sec. 55	<i>July 1, 2021</i>	21a-408b
Sec. 56	<i>July 1, 2021</i>	21a-408c
Sec. 57	<i>October 1, 2021</i>	21a-408d
Sec. 58	<i>July 1, 2021</i>	21a-408h
Sec. 59	<i>October 1, 2021</i>	21a-408j
Sec. 60	<i>July 1, 2021</i>	21a-408k
Sec. 61	<i>October 1, 2021</i>	21a-408m
Sec. 62	<i>October 1, 2021</i>	21a-408l
Sec. 63	<i>October 1, 2021</i>	21a-408r
Sec. 64	<i>July 1, 2021</i>	21a-408t
Sec. 65	<i>July 1, 2021</i>	21a-408s
Sec. 66	<i>July 1, 2021</i>	21a-408u
Sec. 67	<i>October 1, 2021</i>	New section
Sec. 68	<i>July 1, 2021</i>	New section
Sec. 69	<i>October 1, 2021</i>	7-148(c)(7)(H)
Sec. 70	<i>October 1, 2021</i>	19a-342
Sec. 71	<i>October 1, 2021</i>	19a-342a
Sec. 72	<i>October 1, 2021</i>	31-40q
Sec. 73	<i>July 1, 2022</i>	New section
Sec. 74	<i>July 1, 2022</i>	New section
Sec. 75	<i>July 1, 2022</i>	New section

Sec. 76	<i>July 1, 2021</i>	New section
Sec. 77	<i>July 1, 2022</i>	New section
Sec. 78	<i>July 1, 2022</i>	New section
Sec. 79	<i>January 1, 2022</i>	New section
Sec. 80	<i>January 1, 2022</i>	New section
Sec. 81	<i>January 1, 2022</i>	New section
Sec. 82	<i>January 1, 2022</i>	New section
Sec. 83	<i>January 1, 2022</i>	New section
Sec. 84	<i>July 1, 2022</i>	New section
Sec. 85	<i>July 1, 2022</i>	New section
Sec. 86	<i>July 1, 2022</i>	New section
Sec. 87	<i>July 1, 2022</i>	New section
Sec. 88	<i>October 1, 2021</i>	New section
Sec. 89	<i>October 1, 2021</i>	New section
Sec. 90	<i>July 1, 2021</i>	New section
Sec. 91	<i>April 1, 2022</i>	14-227a(a) to (e)
Sec. 92	<i>April 1, 2022</i>	14-227b
Sec. 93	<i>April 1, 2022</i>	14-227c
Sec. 94	<i>April 1, 2022</i>	14-44k(c)
Sec. 95	<i>July 1, 2021</i>	New section
Sec. 96	<i>April 1, 2022</i>	15-140q
Sec. 97	<i>April 1, 2022</i>	15-140r
Sec. 98	<i>July 1, 2021</i>	New section
Sec. 99	<i>July 1, 2021</i>	New section
Sec. 100	<i>July 1, 2021</i>	New section
Sec. 101	<i>July 1, 2021</i>	12-412(120)
Sec. 102	<i>July 1, 2021</i>	12-407(a)(37)(U)
Sec. 103	<i>July 1, 2021</i>	12-650
Sec. 104	<i>July 1, 2021</i>	12-30a(a)(1)
Sec. 105	<i>July 1, 2021</i>	12-35b(a)
Sec. 106	<i>July 1, 2021</i>	Repealer section

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.]