

TRAINING BULLETIN

Regarding Public Act 23-79 AN ACT CONCERNING CANNABIS REGULATION

This training bulletin is regarding the investigation and enforcement standards concerning cannabis and High-THC Hemp products. Please read the following and make copies available to the officers under your command.

Public Act 23-79 Sec. 1 (29) now classifies High-THC Hemp products as cannabis.

High-THC Hemp products are subject to all cannabis laws including but not limited to, packaging and labeling. High-THC hemp products can only be sold by licensed cannabis establishments authorized by the Department of Consumer Protection (“DCP”) which includes; licensed dispensary facility, cannabis retailer, hybrid retailer, micro-cultivator, and delivery service. Please note that micro-cultivators can only sell to consumers through a delivery service, so micro-cultivators, like delivery services, will not have a storefront.

To determine if a business has a cannabis license issued by DCP please visit:

- <https://www.elicense.ct.gov/>
- Watch a short video about how to look up a credential
<https://portal.ct.gov/DCP/Licensing/Verify-a-License---Video>

Businesses without a DCP cannabis license **are prohibited** from selling High-THC Hemp products. However, Hemp products that fall within the legal limits of THC may be legally sold without a license.

High-THC Hemp products are products that exceed the following legal THC limits ([see additional DCP chart in attached PowerPoint](#)):

- Hemp Edible, Hemp Topical or Hemp Transdermal Patch:
 - 1 mg per serving; or,
 - 5 mg per container
- Hemp Tincture, including, but not limited to, oil intended for ingestion by swallowing, buccal (in the mouth or cheek) administrative or sublingual (under the tongue) absorption:
 - 1 mg per serving; or,
 - 25 mg per container
- Hemp concentrate or extract, including, but not limited to, a vape oil, wax or shatter;
 - 25 mg per container
- Manufacturer hemp product not described above:
 - 1 mg per serving;
 - 25 mg per container; or
 - 0.3% on a dry-weight basis for cannabis flower or cannabis trim

Businesses properly licensed as a cannabis establishment, specifically as a dispensary facility, hybrid retailer, retailer, micro-cultivator or delivery service by DCP, may legally sell cannabis products and will have the proper supportive documents, including a license issued by DCP for the specific license type.

Officers having an issue or concern at a licensed cannabis establishment should contact DCP immediately and take immediate and appropriate enforcement action if public safety is a concern.

Any High-THC Hemp investigation of a licensed DCP establishment, to include Cannabis, Lottery, Liquor or Electronic Cigarettes (vapes) are encouraged to contact DCP. DCP may be able to take action against a business' license if there is an imminent risk to public health and safety or after there is a criminal finding of guilt. (Contact information below)

Packaging

- Packaging cannot appeal to individuals under the age of 21 and must be child-proof, tamper-resistant and light-resistant.
- Edibles must be packaged in all-white packaging: this includes beverages, although plain aluminum cans and bottles are also allowed for beverages.
- Packaging cannot be similar to other products that do not contain cannabis or products that are marketed to people under the age of 21.

Labeling

- Must clearly indicate the brand name, presence of THC or CBD, serving size, dosing, and other information.
- Plain contrasting color with Times New Roman font.

Sample of Packaging

Not Legal



Legal



Sample of Connecticut Labeling



Unlicensed businesses selling High-THC Hemp products are subject to all cannabis laws. Criminal investigations and any enforcement action rests solely with local and/or state police.

Things to consider during the investigation of High-THC Hemp products:

- Determine if the establishment has a cannabis license from DCP.
- Determine the specific license type.
- Determine if the product exceeds the limit for THC allowed in Hemp.
- Determine if the packaging and labeling fall within the guidelines.
- Determine if probable cause exists, criminal violations.
- Search warrant consideration or exceptions to the search warrant.
- Determine if other state agency assistance is needed:
 - Department of Consumer Protection
 - Office of the State's Attorney
 - Department of Revenue Service
 - Department of Labor

What to look for during visual inspection:

- Labels that identify the hemp product as containing THC and/or its defined components and denote an amount that **exceeds** the levels prescribed in sec. 21a-240 (63). The delta variants are sometimes represented as $\Delta 7$, $\Delta 8$, $\Delta 9$, or $\Delta 10$.
- Any products that are administered via inhalation ("vaping"), whether or not they are labelled as containing hemp, and regardless of content.
- THC products that include Delta-7, Delta-8, Delta-9, Delta-10, THCA, and any other variation of tetrahydrocannabinol, these amounts in the aggregate (total THC) for each product, must be within the legal limits of milligram per servings. Compliant labels on legal cannabis products in Connecticut will have a "total THC" line item that shows how much THC is in that product.

What to do if the establishment is selling vaping products:

- Determine whether the establishment has an Electronic Cigarette license.
- If yes; any product administered via inhalation ("vaping") containing hemp (regardless of content) can only be sold at an establishment holding an electronic cigarette license from DCP.

- Establishments with a proper electronic cigarette license can only sell Hemp products under the legal limits. High-THC vaping products can only be sold at a DCP licensed cannabis dispensary, hybrid retailer or retailer.
- Any Vaping product over 25mg/container of THC requires a cannabis license.
- Vaping products identified as containing THC in excess of legal limits may be seized.
- If not licensed, take appropriate enforcement action.
- Notify DCP

What to do if a label identifies a product as containing THC in an amount that exceeds lawful levels (Note: No license or authorization is required to sell hemp products that are not high-THC):

- Determine whether the business is a licensed cannabis establishment.
- If not licensed, take appropriate enforcement action.
- Notify DCP

Relevant Laws to Consider:

Sec. 21a-240 (29): Defines marijuana to include a “high-THC hemp product[.]”

Sec. 21a-240 (59): "THC" means tetrahydrocannabinol, including, but not limited to, delta-7, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol and delta-10-tetrahydrocannabinol, and any material, compound, mixture or preparation which contain their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, regardless of the source, except: (A) Dronabinol substituted in sesame oil and encapsulated in a soft gelatin capsule in a federal Food and Drug Administration or successor agency approved product, or (B) any tetrahydrocannabinol product that has been approved by the federal Food and Drug Administration or successor agency to have a medical use and reclassified in any schedule of controlled substances or unscheduled by the federal Drug Enforcement Administration or successor agency.

Sec. 21a-240 (63): "High-THC hemp product" means a manufacturer hemp product, as defined in section 22-61l, as amended by this act, that has, or is advertised, labeled or offered for sale as having, total THC that exceeds (A) for a hemp edible, hemp topical or hemp transdermal patch (i) one milligram on a per-serving basis, or (ii) five milligrams on a per-container basis, (B) for a hemp tincture, including, but not limited to, oil intended for ingestion by swallowing, buccal administration or sublingual absorption (i) one milligram on a per-serving basis, or (ii) twenty-five milligrams on a per-container basis, (C) for a hemp concentrate or extract, including, but not limited to, a vape oil, wax or shatter, twenty-five milligrams on a per-container basis, or (D) for a manufacturer hemp product not described in subparagraph (A), (B) or (C) of this subdivision, (i) one milligram on a per-serving basis, (ii) five milligrams on a per-container basis, or (iii) three-tenths per cent on a dry-weight basis for cannabis flower or cannabis trim.

Sec. 22-61l (30): "Manufacturer hemp product" means a commodity manufactured from the hemp plant, for commercial or research purposes, that is intended for human ingestion, inhalation,

absorption or other internal consumption, that contains a THC concentration of not more than 0.3 per cent on a dry weight basis or per volume or weight of such manufacturer hemp product[.]”

For more information regarding the investigation of High-THC Hemp products, Officers are encouraged to reach out to the following agencies:

Department of Consumer Protection (DCP) Contact Information:

Drug Control Agent

- Email: dcp.drugcontrol@ct.gov
- Phone: (860) 713-6065

Cannabis

- Email: dcp.cannabis@ct.gov
- Phone: (860) 713-6-65

Gaming

- Email dcp.gaming@ct.gov
- Phone: (860) 713-6310

Liquor

- Email: dcp.liquorcontrol@ct.gov
- Phone: (860) 713-6210

State of Connecticut Forensic Laboratory

- Email: CT.ForensicLab@CT.gov
- Phone: 203-639-6400