



CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION

BRYANT T. CAFFERELLI | COMMISSIONER

TO: Licensed Producers, Adult-Use Cannabis Establishments and Medical Marijuana Establishments

FROM: Department of Consumer Protection

DATE: October 2, 2023

RE: Upcoming 2024 Legislative Session

As the Department reviews its legislative proposals for next year, we would like feedback from our cannabis licensees regarding the potential impact of changing the definitions of "manufactured cannabinoids" and "synthetic cannabinoids" and prohibiting synthetic cannabinoids in cannabis. Synthetic cannabinoids are already prohibited in manufactured hemp products made in the state. The revised definitions of "manufactured cannabinoids" and "synthetic cannabinoids" are based on new legislation arising out of other states including, but not limited to, Colorado. The goal is to set up a clear framework in which manufactured cannabinoids are legal and considered cannabis, and synthetic cannabinoids are prohibited and not included in the definition of cannabis.

Please review and provide feedback on the proposed language, specifically whether such a prohibition of synthetic cannabinoids in cannabis products would impede the development of products in a significant way. We are attempting to address public health concerns, largely stemming from the grey and black market.

Please email any feedback regarding the legislative proposal to dcp.cannabis@ct.gov. All feedback must be received by the Department by the end of the day on Friday, October 6, 2023.

Language in brackets is to be deleted, underlined language is new language to be inserted.

Language to be Amended:

CGS Section 21a-420

(29) "Marijuana" means all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin,

any high-THC hemp product; manufactured cannabinoids [~~, synthetic cannabinoids, except as provided in subparagraph (E) of this subdivision~~]; or cannabinon, cannabinol or cannabidiol and chemical compounds which are similar to cannabinon, cannabinol or cannabidiol in chemical structure or which are similar thereto in physiological effect, which are controlled substances under this chapter, except cannabidiol derived from hemp, as defined in section 22-61*l*, as amended by this act, that is not a high-THC hemp product. "Marijuana" does not include: (A) The mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted from such mature stalks or fiber, oil or cake; (B) the sterilized seed of such plant which is incapable of germination; (C) hemp, as defined in section 22-61*l*, as amended by this act, (i) with a total THC concentration of not more than three-tenths per cent on a dry-weight basis, and (ii) that is not a high-THC hemp product; (D) any substance approved by the federal Food and Drug Administration or successor agency as a drug and reclassified in any schedule of controlled substances or unscheduled by the federal Drug Enforcement Administration or successor agency which is included in the same schedule designated by the federal Drug Enforcement Administration or successor agency; or (E) synthetic cannabinoids which are controlled substances, other than marijuana, that are designated by the Commissioner of Consumer Protection, by whatever official, common, usual, chemical or trade name designation, as controlled substances that are classified in the appropriate schedule in accordance with subsections (i) and (j) of section 21a-243;

(61) "Manufactured cannabinoid" means cannabinoids [~~naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to cannabinoids derived from marijuana, as defined in section 21a-243, but are derived by a chemical or biological process.~~] created by converting one cannabinoid directly into a different cannabinoid through the application of light or heat, or through decarboxylation of naturally occurring acidic forms of cannabinoids.

(62) "Synthetic cannabinoid" means [~~any material, compound, mixture or preparation which contains any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that is produced artificially and not derived from an organic source naturally containing cannabinoids, unless listed in another schedule pursuant to section 21a-243.~~] (1) any substance created by a chemical reaction to convert one cannabinoid directly into a different cannabinoid that has any psychotropic response on cannabinoid-specific receptors, and (2) any substance created by a chemical reaction to convert a non-cannabinoid substance into a cannabinoid or cannabinoid-like substance. Synthetic cannabinoid does not include cannabinoids produced naturally, or through the application of light or heat, or through decarboxylation of naturally occurring acidic forms of cannabinoids.

CGS Section 21a-421aa

(a) No cannabis retailer or hybrid retailer shall accept payment or other form of compensation directly or indirectly from a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer or product packager to carry a cannabis product or for placement or promotion of such product in a retailer or hybrid retailer's establishment or through other promotional initiatives. No retailer

or hybrid retailer shall enter into a contract with a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer or product packager that requires or permits preferential treatment, exclusivity or near exclusivity or limits a retailer or hybrid retailer from purchasing from other cultivators, micro-cultivators, producers, food and beverage manufacturers or product manufacturers in any way.

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

(c) A retailer or hybrid retailer shall not knowingly sell to a consumer more than one ounce of cannabis or the equivalent amount of cannabis products or combination of cannabis and cannabis products, as set forth in subsection (i) of section 21a-279a, per day, except that a hybrid retailer or dispensary facility may sell up to five ounces of cannabis or the equivalent amount of cannabis products or combination of cannabis and cannabis products to a qualifying patient or caregiver per day. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, to avoid cannabis supply shortages or address a public health and safety concern, the commissioner may set temporary lower per-transaction limits, which shall be published on the department's Internet web site. Such limits shall become ineffective upon the commissioner's determination that a supply shortage or public health and safety concern no longer exists.

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

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

(f) Cannabis and cannabis products shall not contain any synthetic cannabinoid, as defined in section 21a-240 of the general statutes, as amended by this act.