



General Assembly

Amendment

June Special Session, 2021

LCO No. 10935



Offered by:

REP. DUBITSKY, 47th Dist.
REP. FISHBEIN, 90th Dist.
REP. FIORELLO, 149th Dist.
REP. DAUPHINAIS, 44th Dist.
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To: Senate Bill No. 1201

File No.

Cal. No.

(As Amended)

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 21a-240 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 The following words and phrases, as used in this chapter and sections
6 4, 8 and 9 of this act, shall have the following meanings, unless the
7 context otherwise requires:

8 (1) "Abuse of drugs" means the use of controlled substances solely for
9 their stimulant, depressant or hallucinogenic effect upon the higher

10 functions of the central nervous system and not as a therapeutic agent
11 prescribed in the course of medical treatment or in a program of
12 research operated under the direction of a physician or pharmacologist;

13 (2) "Administer" means the direct application of a controlled
14 substance, whether by injection, inhalation, ingestion or any other
15 means, to the body of a patient or research subject by: (A) A practitioner,
16 or, in his presence, by his authorized agent, or (B) the patient or research
17 subject at the direction and in the presence of the practitioner, or (C) a
18 nurse or intern under the direction and supervision of a practitioner;

19 (3) "Agent" means an authorized person who acts on behalf of or at
20 the direction of a manufacturer, distributor, dispenser or prescribing
21 practitioner. It does not include a common or contract carrier, public
22 warehouseman, or employee of the carrier or warehouseman;

23 (4) "Amphetamine-type substances" include amphetamine, optical
24 isomers thereof, salts of amphetamine and its isomers, and chemical
25 compounds which are similar thereto in chemical structure or which are
26 similar thereto in physiological effect, and which show a like potential
27 for abuse, which are controlled substances under this chapter unless
28 modified;

29 (5) "Barbiturate-type drugs" include barbituric acid and its salts,
30 derivatives thereof and chemical compounds which are similar thereto
31 in chemical structure or which are similar thereto in physiological effect,
32 and which show a like potential for abuse, which are controlled
33 substances under this chapter unless modified;

34 (6) "Bureau" means the Bureau of Narcotics and Dangerous Drugs,
35 United States Department of Justice, or its successor agency;

36 (7) "Cannabis" means marijuana, as defined in this section;

37 (8) "Cannabis flower" means the flower, including abnormal and
38 immature flowers, of a plant of the genus cannabis that has been
39 harvested, dried and cured, and prior to any processing whereby the

40 flower material is transformed into a cannabis product. "Cannabis
41 flower" does not include (A) the leaves or stem of such plant, or (B)
42 hemp, as defined in section 22-61l;

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

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

53 (11) "Cannabis concentrate" means any form of concentration,
54 including, but not limited to, extracts, oils, tinctures, shatter and waxes,
55 that is extracted from cannabis;

56 [(7)] (12) "Cannabis-type substances" include all parts of any plant, or
57 species of the genus cannabis or any infra specific taxon thereof whether
58 growing or not; the seeds thereof; the resin extracted from any part of
59 such a plant; and every compound, manufacture, salt, derivative,
60 mixture or preparation of such plant, its seeds or resin; but shall not
61 include the mature stalks of such plant, fiber produced from such stalks,
62 oil or cake made from the seeds of such plant, any other compound,
63 manufacture, salt, derivative, mixture or preparation of such mature
64 stalks, except the resin extracted therefrom, fiber, oil or cake, the
65 sterilized seed of such plant which is incapable of germination, or hemp,
66 as defined in 7 USC 1639o, as amended from time to time. Included are
67 cannabinon, cannabiniol, cannabidiol and chemical compounds which
68 are similar to cannabinon, cannabiniol or cannabidiol in chemical
69 structure or which are similar thereto in physiological effect, and which
70 show a like potential for abuse, which are controlled substances under
71 this chapter unless derived from hemp, as defined in section 22-61l;

72 [(8)] (13) "Controlled drugs" are those drugs which contain any
73 quantity of a substance which has been designated as subject to the
74 federal Controlled Substances Act, or which has been designated as a
75 depressant or stimulant drug pursuant to federal food and drug laws,
76 or which has been designated by the Commissioner of Consumer
77 Protection pursuant to section 21a-243, as having a stimulant,
78 depressant or hallucinogenic effect upon the higher functions of the
79 central nervous system and as having a tendency to promote abuse or
80 psychological or physiological dependence, or both. Such controlled
81 drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-
82 type, cocaine-type, hallucinogenic, morphine-type and other stimulant
83 and depressant drugs. Specifically excluded from controlled drugs and
84 controlled substances are alcohol, nicotine and caffeine;

85 [(9)] (14) "Controlled substance" means a drug, substance, or
86 immediate precursor in schedules I to V, inclusive, of the Connecticut
87 controlled substance scheduling regulations adopted pursuant to
88 section 21a-243;

89 [(10)] (15) "Counterfeit substance" means a controlled substance
90 which, or the container or labeling of which, without authorization,
91 bears the trademark, trade name or other identifying mark, imprint,
92 number or device, or any likeness thereof, of a manufacturer, distributor
93 or dispenser other than the person who in fact manufactured,
94 distributed or dispensed the substance;

95 [(11)] (16) "Deliver or delivery" means the actual, constructive or
96 attempted transfer from one person to another of a controlled substance,
97 whether or not there is an agency relationship;

98 [(12)] (17) "Dentist" means a person authorized by law to practice
99 dentistry in this state;

100 [(13)] (18) "Dispense" means to deliver a controlled substance to an
101 ultimate user or research subject by or pursuant to the lawful order of a
102 practitioner, including the prescribing, administering, packaging,
103 labeling or compounding necessary to prepare the substance for the

104 delivery;

105 [(14)] (19) "Dispenser" means a practitioner who dispenses;

106 [(15)] (20) "Distribute" means to deliver other than by administering
107 or dispensing a controlled substance;

108 [(16)] (21) "Distributor" means a person who distributes and includes
109 a wholesaler who is a person supplying or distributing controlled drugs
110 which he himself has not produced or prepared to hospitals, clinics,
111 practitioners, pharmacies, other wholesalers, manufacturers and
112 federal, state and municipal agencies;

113 [(17)] (22) "Drug" means (A) substances recognized as drugs in the
114 official United States Pharmacopoeia, official Homeopathic
115 Pharmacopoeia of the United States, or official National Formulary, or
116 any supplement to any of them; (B) substances intended for use in the
117 diagnosis, cure, mitigation, treatment or prevention of disease in man
118 or animals; (C) substances, other than food, intended to affect the
119 structure or any function of the body of man or animals; and (D)
120 substances intended for use as a component of any article specified in
121 subparagraph (A), (B) or (C) of this subdivision. It does not include
122 devices or their components, parts or accessories;

123 [(18)] (23) "Drug dependence" means a psychoactive substance
124 dependence on drugs as that condition is defined in the most recent
125 edition of the "Diagnostic and Statistical Manual of Mental Disorders"
126 of the American Psychiatric Association;

127 [(19)] (24) "Drug-dependent person" means a person who has a
128 psychoactive substance dependence on drugs as that condition is
129 defined in the most recent edition of the "Diagnostic and Statistical
130 Manual of Mental Disorders" of the American Psychiatric Association;

131 [(20)] (25) (A) "Drug paraphernalia" refers to equipment, products
132 and materials of any kind which are used, intended for use or designed
133 for use in planting, propagating, cultivating, growing, harvesting,

134 manufacturing, compounding, converting, producing, processing,
135 preparing, testing, analyzing, packaging, repackaging, storing,
136 containing or concealing, or ingesting, inhaling or otherwise
137 introducing into the human body, any controlled substance contrary to
138 the provisions of this chapter including, but not limited to: (i) Kits
139 intended for use or designed for use in planting, propagating,
140 cultivating, growing or harvesting of any species of plant which is a
141 controlled substance or from which a controlled substance can be
142 derived; (ii) kits used, intended for use or designed for use in
143 manufacturing, compounding, converting, producing, processing or
144 preparing controlled substances; (iii) isomerization devices used,
145 intended for use in increasing the potency of any species of plant which
146 is a controlled substance; (iv) testing equipment used, intended for use
147 or designed for use in identifying or analyzing the strength,
148 effectiveness or purity of controlled substances; (v) dilutents and
149 adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
150 and lactose used, intended for use or designed for use in cutting
151 controlled substances; (vi) separation gins and sifters used, intended for
152 use or designed for use in removing twigs and seeds from, or in
153 otherwise cleaning or refining, marijuana; (vii) capsules and other
154 containers used, intended for use or designed for use in packaging small
155 quantities of controlled substances; (viii) containers and other objects
156 used, intended for use or designed for use in storing or concealing
157 controlled substances; (ix) objects used, intended for use or designed for
158 use in ingesting, inhaling, or otherwise introducing marijuana, cocaine,
159 hashish, or hashish oil into the human body, such as: Metal, wooden,
160 acrylic, glass, stone, plastic or ceramic pipes with screens, permanent
161 screens, hashish heads or punctured metal bowls; water pipes;
162 carburetion tubes and devices; smoking and carburetion masks; roach
163 clips: Meaning objects used to hold burning material, such as a
164 marijuana cigarette, that has become too small or too short to be held in
165 the hand; miniature cocaine spoons, and cocaine vials; chamber pipes;
166 carburetor pipes; electric pipes; air-driven pipes; chillums; bongs or ice
167 pipes or chillers;

168 (B) "Factory" means any place used for the manufacturing, mixing,
169 compounding, refining, processing, packaging, distributing, storing,
170 keeping, holding, administering or assembling illegal substances
171 contrary to the provisions of this chapter, or any building, rooms or
172 location which contains equipment or paraphernalia used for this
173 purpose;

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

178 [(21)] (27) "Federal Controlled Substances Act, 21 USC 801 et seq."
179 means Public Law 91-513, the Comprehensive Drug Abuse Prevention
180 and Control Act of 1970;

181 [(22)] (28) "Federal food and drug laws" means the federal Food, Drug
182 and Cosmetic Act, as amended, Title 21 USC 301 et seq.;

183 [(23)] (29) "Hallucinogenic substances" are psychodysleptic
184 substances, other than cannabis-type substances, which assert a
185 confusional or disorganizing effect upon mental processes or behavior
186 and mimic acute psychotic disturbances. Exemplary of such drugs are
187 mescaline, peyote, psilocyn and d-lysergic acid diethylamide, which are
188 controlled substances under this chapter unless modified;

189 [(24)] (30) "Hospital", as used in sections 21a-243 to 21a-283, inclusive,
190 means an institution for the care and treatment of the sick and injured,
191 approved by the Department of Public Health or the Department of
192 Mental Health and Addiction Services as proper to be entrusted with
193 the custody of controlled drugs and substances and professional use of
194 controlled drugs and substances under the direction of a licensed
195 practitioner;

196 [(25)] (31) "Intern" means a person who holds a degree of doctor of
197 medicine or doctor of dental surgery or medicine and whose period of
198 service has been recorded with the Department of Public Health and

199 who has been accepted and is participating in training by a hospital or
200 institution in this state. Doctors meeting the foregoing requirements and
201 commonly designated as "residents" and "fellows" shall be regarded as
202 interns for purposes of this chapter;

203 [(26)] (32) "Immediate precursor" means a substance which the
204 Commissioner of Consumer Protection has found to be, and by
205 regulation designates as being, the principal compound commonly used
206 or produced primarily for use, and which is an immediate chemical
207 intermediary used or likely to be used, in the manufacture of a
208 controlled substance, the control of which is necessary to prevent, curtail
209 or limit manufacture;

210 [(27)] (33) "Laboratory" means a laboratory approved by the
211 Department of Consumer Protection as proper to be entrusted with the
212 custody of controlled substances and the use of controlled substances
213 for scientific and medical purposes and for purposes of instruction,
214 research or analysis;

215 [(28)] (34) "Manufacture" means the production, preparation,
216 cultivation, growing, propagation, compounding, conversion or
217 processing of a controlled substance, either directly or indirectly by
218 extraction from substances of natural origin, or independently by means
219 of chemical synthesis, or by a combination of extraction and chemical
220 synthesis, and includes any packaging or repackaging of the substance
221 or labeling or relabeling of its container, except that this term does not
222 include the preparation or compounding of a controlled substance by
223 an individual for his own use or the preparation, compounding,
224 packaging or labeling of a controlled substance: (A) By a practitioner as
225 an incident to his administering or dispensing of a controlled substance
226 in the course of his professional practice, or (B) by a practitioner, or by
227 his authorized agent under his supervision, for the purpose of, or as an
228 incident to, research, teaching or chemical analysis and not for sale;

229 (35) Repealed by P.A. 99-102, S. 51;

230 [(29)] (36) "Marijuana" means all parts of any plant, or species of the

231 genus cannabis or any infra specific taxon thereof, whether growing or
232 not; the seeds thereof; the resin extracted from any part of the plant; and
233 every compound, manufacture, salt, derivative, mixture, or preparation
234 of such plant, its seeds or resin. Marijuana does not include the mature
235 stalks of such plant, fiber produced from such stalks, oil or cake made
236 from the seeds of such plant, any other compound, manufacture, salt,
237 derivative, mixture or preparation of such mature stalks, except the
238 resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such
239 plant which is incapable of germination, or hemp, as defined in 7 USC
240 1639o, as amended from time to time. Included are cannabion, ~~cannabion~~,
241 cannabionol or cannabidiol and chemical compounds which are similar
242 to cannabion, cannabionol or cannabidiol in chemical structure or which
243 are similar thereto in physiological effect, and which show a like
244 potential for abuse, which are controlled substances under this chapter
245 unless derived from hemp, as defined in section 22-61l;

246 [(30)] (37) "Narcotic substance" means any of the following, whether
247 produced directly or indirectly by extraction from a substance of
248 vegetable origin, or independently by means of chemical synthesis, or
249 by a combination of extraction and chemical synthesis: (A) Morphine-
250 type: (i) Opium or opiate, or any salt, compound, derivative, or
251 preparation of opium or opiate which is similar to any such substance
252 in chemical structure or which is similar to any such substance in
253 physiological effect and which shows a like potential for abuse, which
254 is a controlled substance under this chapter unless modified; (ii) any
255 salt, compound, isomer, derivative, or preparation of any such
256 substance which is chemically equivalent or identical to any substance
257 referred to in clause (i) of this subdivision, but not including the
258 isoquinoline alkaloids of opium; (iii) opium poppy or poppy straw; or
259 (iv) (I) fentanyl or any salt, compound, derivative or preparation of
260 fentanyl which is similar to any such substance in chemical structure or
261 which is similar to any such substance in physiological effect and which
262 shows a like potential for abuse, which is a controlled substance under
263 this chapter unless modified, or (II) any salt, compound, isomer,
264 derivative or preparation of any such substance which is chemically

265 equivalent or identical to any substance referred to in subclause (I) of
266 this clause; or (B) cocaine-type; coca leaves or any salt, compound,
267 derivative or preparation of coca leaves, or any salt, compound, isomer,
268 derivatives or preparation of any such substance which is chemically
269 equivalent or identical to any such substance or which is similar to any
270 such substance in physiological effect and which shows a like potential
271 for abuse, but not including decocainized coca leaves or extractions of
272 coca leaves which do not contain cocaine or ecgonine;

273 [(31)] (38) "Nurse" means a person performing nursing as defined in
274 section 20-87a;

275 [(32)] (39) "Official written order" means an order for controlled
276 substances written on a form provided by the bureau for that purpose
277 under the federal Controlled Substances Act;

278 [(33)] (40) "Opiate" means any substance having an addiction-
279 forming or addiction-sustaining liability similar to morphine or being
280 capable of conversion into a drug having addiction-forming or
281 addiction-sustaining liability; it does not include, unless specifically
282 designated as controlled under this chapter, the dextrorotatory isomer
283 of 3-methoxy-n-methylmorphinan and its salts (dextro-methorphan) but
284 shall include its racemic and levorotatory forms;

285 [(34)] (41) "Opium poppy" means the plant of the species *papaver*
286 *somniferum* L., except its seed;

287 [(35) Repealed by P.A. 99-102, S. 51;]

288 [(36)] (42) "Other stimulant and depressant drugs" means controlled
289 substances other than amphetamine-type, barbiturate-type, cannabis-
290 type, cocaine-type, hallucinogenics and morphine-type which are found
291 to exert a stimulant and depressant effect upon the higher functions of
292 the central nervous system and which are found to have a potential for
293 abuse and are controlled substances under this chapter;

294 [(37)] (43) "Person" includes any corporation, limited liability

295 company, association or partnership, or one or more individuals,
296 government or governmental subdivisions or agency, business trust,
297 estate, trust, or any other legal entity. Words importing the plural
298 number may include the singular; words importing the masculine
299 gender may be applied to females;

300 [(38)] (44) "Pharmacist" means a person authorized by law to practice
301 pharmacy pursuant to section 20-590, 20-591, 20-592 or 20-593;

302 [(39)] (45) "Pharmacy" means an establishment licensed pursuant to
303 section 20-594;

304 [(40)] (46) "Physician" means a person authorized by law to practice
305 medicine in this state pursuant to section 20-9;

306 [(41)] (47) "Podiatrist" means a person authorized by law to practice
307 podiatry in this state;

308 [(42)] (48) "Poppy straw" means all parts, except the seeds, of the
309 opium poppy, after mowing;

310 [(43)] (49) "Practitioner" means: (A) A physician, dentist, veterinarian,
311 podiatrist, scientific investigator or other person licensed, registered or
312 otherwise permitted to distribute, dispense, conduct research with
313 respect to or to administer a controlled substance in the course of
314 professional practice or research in this state; (B) a pharmacy, hospital
315 or other institution licensed, registered or otherwise permitted to
316 distribute, dispense, conduct research with respect to or to administer a
317 controlled substance in the course of professional practice or research in
318 this state;

319 [(44)] (50) "Prescribe" means order or designate a remedy or any
320 preparation containing controlled substances;

321 [(45)] (51) "Prescription" means a written, oral or electronic order for
322 any controlled substance or preparation from a licensed practitioner to
323 a pharmacist for a patient;

324 [(46)] (52) "Production" includes the manufacture, planting,
325 cultivation, growing or harvesting of a controlled substance;

326 [(47)] (53) "Registrant" means any person licensed by this state and
327 assigned a current federal Bureau of Narcotics and Dangerous Drug
328 Registry Number as provided under the federal Controlled Substances
329 Act;

330 [(48)] (54) "Registry number" means the alphabetical or numerical
331 designation of identification assigned to a person by the federal Drug
332 Enforcement Administration, or other federal agency, which is
333 commonly known as the federal registry number;

334 [(49)] (55) "Restricted drugs or substances" are the following
335 substances without limitation and for all purposes: Datura stramonium;
336 hyoscyamus niger; atropa belladonna, or the alkaloids atropine;
337 hyoscyamine; belladonnine; apatropine; or any mixture of these
338 alkaloids such as daturine, or the synthetic homatropine or any salts of
339 these alkaloids, except that any drug or preparation containing any of
340 the above-mentioned substances which is permitted by federal food and
341 drug laws to be sold or dispensed without a prescription or written
342 order shall not be a controlled substance; amyl nitrite; the following
343 volatile substances to the extent that said chemical substances or
344 compounds containing said chemical substances are sold, prescribed,
345 dispensed, compounded, possessed or controlled or delivered or
346 administered to another person with the purpose that said chemical
347 substances shall be breathed, inhaled, sniffed or drunk to induce a
348 stimulant, depressant or hallucinogenic effect upon the higher functions
349 of the central nervous system: Acetone; benzene; butyl alcohol; butyl
350 nitrate and its salts, isomers, esters, ethers or their salts; cyclohexanone;
351 dichlorodifluoromethane; ether; ethyl acetate; formaldehyde; hexane;
352 isopropanol; methanol; methyl cellosolve acetate; methyl ethyl ketone;
353 methyl isobutyl ketone; nitrous oxide; pentochlorophenol; toluene;
354 toluol; trichloroethane; trichloroethylene; 1,4 butanediol;

355 [(50)] (56) "Sale" is any form of delivery which includes barter,

356 exchange or gift, or offer therefor, and each such transaction made by
357 any person whether as principal, proprietor, agent, servant or employee;

358 [(51)] (57) "State", when applied to a part of the United States,
359 includes any state, district, commonwealth, territory or insular
360 possession thereof, and any area subject to the legal authority of the
361 United States of America;

362 [(52)] (58) "State food, drug and cosmetic laws" means the Uniform
363 Food, Drug and Cosmetic Act, section 21a-91 et seq.;

364 [(53)] (59) "Ultimate user" means a person who lawfully possesses a
365 controlled substance for his own use or for the use of a member of his
366 household or for administering to an animal owned by him or by a
367 member of his household;

368 [(54)] (60) "Veterinarian" means a person authorized by law to
369 practice veterinary medicine in this state;

370 [(55)] (61) "Wholesaler" means a distributor or a person who supplies
371 controlled substances that he himself has not produced or prepared to
372 registrants as defined in subdivision [(47)] (53) of this section;

373 [(56)] (62) "Reasonable times" means the time or times any office, care-
374 giving institution, pharmacy, clinic, wholesaler, manufacturer,
375 laboratory, warehouse, establishment, store or place of business, vehicle
376 or other place is open for the normal affairs or business or the practice
377 activities usually conducted by the registrant;

378 [(57)] (63) "Unit dose drug distribution system" means a drug
379 distribution system used in a hospital or chronic and convalescent
380 nursing home in which drugs are supplied in individually labeled unit
381 of use packages, each patient's supply of drugs is exchanged between
382 the hospital pharmacy and the drug administration area or, in the case
383 of a chronic and convalescent nursing home between a pharmacy and
384 the drug administration area, at least once each twenty-four hours and
385 each patient's medication supply for this period is stored within a

386 patient-specific container, all of which is conducted under the direction
387 of a pharmacist licensed in Connecticut and, in the case of a hospital,
388 directly involved in the provision and supervision of pharmaceutical
389 services at such hospital at least thirty-five hours each week;

390 [(58)] (64) "Cocaine in a free-base form" means any substance which
391 contains cocaine, or any compound, isomer, derivative or preparation
392 thereof, in a nonsalt form.

393 Sec. 2. Subsection (a) of section 21a-279 of the general statutes is
394 repealed and the following is substituted in lieu thereof (*Effective July 1,*
395 *2021*):

396 (a) (1) Any person who possesses or has under such person's control
397 any quantity of any controlled substance, except [less than one-half
398 ounce of a cannabis-type substance] any quantity of cannabis and except
399 as authorized in this chapter or chapter 420f, shall be guilty of a class A
400 misdemeanor.

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

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

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

411 (a) [Any] (1) Notwithstanding the provisions of subsection (a) of
412 section 21a-279, as amended by this act, any person under twenty-one
413 years of age who possesses or has under [his] such person's control less
414 than [one-half ounce of a cannabis-type substance, as defined in section
415 21a-240, except as authorized in this chapter, shall (1) for a first offense,

416 be fined one hundred fifty dollars, and (2) for a subsequent offense, be
417 fined not less than two hundred dollars or more than five hundred
418 dollars.] (A) one ounce of cannabis plant material, (B) an equivalent
419 amount of cannabis products, as provided in subsection (e) of this
420 section, or (C) an equivalent amount of a combination of cannabis and
421 cannabis products, as provided in subsection (d) of this section, except
422 as authorized in this chapter or chapter 420f, shall be required to view
423 and sign a statement acknowledging the health effects of cannabis on
424 young people and shall (i) for a first offense, be fined fifty dollars,
425 provided such person may attest to his or her indigency, in which case
426 such fine shall be waived, and (ii) for any subsequent offense, be fined
427 one hundred fifty dollars, provided such person may in lieu of paying
428 such fine, contribute six community service hours to a private nonprofit
429 charity or other nonprofit organization and attest to and present
430 documentation confirming that such community service was
431 performed.

432 (2) Any person under twenty-one years of age, who possesses or has
433 under such person's control (A) one ounce or more of cannabis plant
434 material, (B) an equivalent amount of cannabis products, as provided in
435 subsection (d) of this section, or (C) an equivalent amount of a
436 combination of cannabis and cannabis products, as provided in
437 subsection (d) of this section, except as authorized in this chapter or
438 chapter 420f, shall be required to view and sign a statement
439 acknowledging the health effects of cannabis on young people and shall
440 (i) for a first offense, be fined five hundred dollars, provided such
441 person may attest to his or her indigency, in which case such fine shall
442 be waived, and (ii) for any subsequent offense, be guilty of a class D
443 misdemeanor.

444 (b) The law enforcement officer issuing a complaint for a violation of
445 subsection (a) of this section shall seize [the cannabis-type substance] all
446 cannabis and cause such substance to be destroyed as contraband in
447 accordance with law.

448 (c) Any person who, at separate times, has twice entered a plea of

449 nolo contendere to, or been found guilty after trial of, a violation of
450 subsection (a) of this section shall, upon a subsequent plea of nolo
451 contendere to, or finding of guilty of, a violation of said subsection, be
452 referred for participation in a drug education program at such person's
453 own expense.

454 (d) (1) For purposes of determining any amount specified in this
455 section, one ounce of cannabis plant material shall be considered
456 equivalent to (A) five grams of cannabis concentrate, or (B) any other
457 cannabis products with up to five hundred milligrams of THC.

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

462 Sec. 4. (NEW) (*Effective July 1, 2021*) Notwithstanding the provisions
463 of chapter 420b or 420f of the general statutes, any individual twenty-
464 one years of age or older may cultivate cannabis plants on any property
465 owned or controlled by the individual, provided such plants are secure
466 from access by any unauthorized individual.

467 Sec. 5. Section 21a-267 of the general statutes is repealed and the
468 following is substituted in lieu thereof (*Effective July 1, 2021*):

469 (a) No person shall use or possess with intent to use drug
470 paraphernalia, as defined in subdivision [(20)] (25) of section 21a-240, as
471 amended by this act, to plant, propagate, cultivate, grow, harvest,
472 manufacture, compound, convert, produce, process, prepare, test,
473 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
474 otherwise introduce into the human body, any controlled substance, as
475 defined in subdivision [(9)] (14) of section 21a-240, as amended by this
476 act, other than [a cannabis-type substance in a quantity of less than one-
477 half ounce] cannabis. Any person who violates any provision of this
478 subsection shall be guilty of a class C misdemeanor.

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

489 (c) Any person who violates subsection (a) or (b) of this section [in or
490 on, or within one thousand five hundred feet of,] (1) with intent to
491 commit such violation at a specific location that the trier of fact
492 determines is (A) in or on the real property comprising a public or
493 private elementary or secondary school, or (B) within two hundred feet
494 of the perimeter of the real property comprising a public or private
495 elementary or secondary school, and (2) who is not enrolled as a student
496 in such school shall be imprisoned for a term of one year which shall not
497 be suspended and shall be in addition and consecutive to any term of
498 imprisonment imposed for violation of subsection (a) or (b) of this
499 section.

500 [(d) No person shall (1) use or possess with intent to use drug
501 paraphernalia to plant, propagate, cultivate, grow, harvest,
502 manufacture, compound, convert, produce, process, prepare, test,
503 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
504 otherwise introduce into the human body, less than one-half ounce of a
505 cannabis-type substance, or (2) deliver, possess with intent to deliver or
506 manufacture with intent to deliver drug paraphernalia knowing, or
507 under circumstances where one reasonably should know, that it will be
508 used to plant, propagate, cultivate, grow, harvest, manufacture,
509 compound, convert, produce, process, prepare, test, analyze, pack,
510 repack, store, contain or conceal, or to ingest, inhale or otherwise
511 introduce into the human body, less than one-half ounce of a cannabis-
512 type substance. Any person who violates any provision of this

513 subsection shall have committed an infraction.]

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

530 Sec. 6. Section 21a-277 of the general statutes is repealed and the
531 following is substituted in lieu thereof (*Effective July 1, 2021*):

532 (a) (1) No person may manufacture, distribute, sell, prescribe,
533 dispense, compound, transport with the intent to sell or dispense,
534 possess with the intent to sell or dispense, offer, give or administer to
535 another person, except as authorized in this chapter, any controlled
536 substance that is a (A) narcotic substance, or (B) hallucinogenic
537 substance.

538 (2) Any person who violates subdivision (1) of this subsection (A) for
539 a first offense, shall be imprisoned not more than fifteen years and may
540 be fined not more than fifty thousand dollars, or be both fined and
541 imprisoned, (B) for a second offense, shall be imprisoned not more than
542 thirty years and may be fined not more than one hundred thousand
543 dollars, or be both fined and imprisoned, and (C) for any subsequent
544 offense, shall be imprisoned not more than thirty years and may be fined

545 not more than two hundred fifty thousand dollars, or be both fined and
546 imprisoned.

547 (b) (1) No person may manufacture, distribute, sell, prescribe,
548 dispense, compound, transport with the intent to sell or dispense,
549 possess with the intent to sell or dispense, offer, give or administer to
550 another person, except as authorized in this chapter or chapter 420f, any
551 controlled substance other than a (A) narcotic substance, or (B)
552 hallucinogenic substance.

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

559 (c) No person may knowingly possess drug paraphernalia in a drug
560 factory situation as defined by subdivision [(20)] (25) of section 21a-240,
561 as amended by this act, for the unlawful mixing, compounding or
562 otherwise preparing any controlled substance for purposes of violation
563 of this chapter.

564 (d) As an alternative to the sentences specified in subsections (a) and
565 (b) of this section, the court may sentence the person to the custody of
566 the Commissioner of Correction for an indeterminate term not to exceed
567 three years or the maximum term specified for the offense, whichever is
568 less, and, at any time within such indeterminate term and without
569 regard to any other provision of law regarding minimum term of
570 confinement, the Commissioner of Correction may release the convicted
571 person so sentenced subject to such conditions as the commissioner may
572 impose including, but not limited to, supervision by suitable authority.
573 At any time during such indeterminate term, the Commissioner of
574 Correction may revoke any such conditional release in the
575 commissioner's discretion for violation of the conditions imposed and
576 return the convicted person to a correctional institution.

577 (e) The provisions of this section shall not apply to any person who
578 manufactures, distributes, sells, prescribes, dispenses, compounds,
579 transports with the intent to sell or dispense, or possesses with the intent
580 to sell or dispense, offers, gives or administers to another person
581 cannabis.

582 Sec. 7. Section 21a-278 of the general statutes is repealed and the
583 following is substituted in lieu thereof (*Effective July 1, 2021*):

584 (a) (1) No person may manufacture, distribute, sell, prescribe,
585 dispense, compound, transport with the intent to sell or dispense,
586 possess with the intent to sell or dispense, offer, give or administer to
587 another person, except as authorized in this chapter, (A) one or more
588 preparations, compounds, mixtures or substances containing an
589 aggregate weight of (i) one ounce or more of heroin or methadone, or
590 (ii) one-half ounce or more of cocaine or cocaine in a free-base form, or
591 (B) a substance containing five milligrams or more of lysergic acid
592 diethylamide. The provisions of this subdivision shall not apply to a
593 person who is, at the time of the commission of the offense, a drug-
594 dependent person.

595 (2) Any person who violates subdivision (1) of this subsection shall
596 be imprisoned not less than five years or more than life. The execution
597 of the mandatory minimum sentence imposed by the provisions of this
598 subdivision shall not be suspended, except that the court may suspend
599 the execution of such mandatory minimum sentence if, at the time of the
600 commission of the offense, such person was under the age of eighteen
601 years or such person's mental capacity was significantly impaired, but
602 not so impaired as to constitute a defense to prosecution.

603 (b) (1) No person may manufacture, distribute, sell, prescribe,
604 dispense, compound, transport with the intent to sell or dispense,
605 possess with the intent to sell or dispense, offer, give or administer to
606 another person, except as authorized in this chapter or chapter 420f, (A)
607 a narcotic substance, (B) a hallucinogenic substance, or (C) an
608 amphetamine-type substance, [, or (D) one kilogram or more of a

609 cannabis-type substance.] The provisions of this subdivision shall not
610 apply to a person who is, at the time of the commission of the offense, a
611 drug-dependent person.

612 (2) Any person who violates subdivision (1) of this subsection (A) for
613 a first offense, shall be imprisoned not less than five years or more than
614 twenty years, and (B) for any subsequent offense, shall be imprisoned
615 not less than ten years or more than twenty-five years. The execution of
616 the mandatory minimum sentence imposed by the provisions of this
617 subdivision shall not be suspended, except that the court may suspend
618 the execution of such mandatory minimum sentence if, at the time of the
619 commission of the offense, such person was under the age of eighteen
620 years or such person's mental capacity was significantly impaired, but
621 not so impaired as to constitute a defense to prosecution.

622 (c) The provisions of this section shall not apply to any person who
623 manufactures, distributes, sells, prescribes, dispenses, compounds,
624 transports with the intent to sell or dispense or possesses with the intent
625 to sell or dispense, offers, gives or administers to another person
626 cannabis.

627 Sec. 8. (NEW) (*Effective July 1, 2022*) (a) (1) Any person who has been
628 convicted in any court in this state (A) (i) on October 1, 2015, or
629 thereafter, and prior to July 1, 2021, or (ii) prior to January 1, 2000, of a
630 violation of section 21a-279 of the general statutes, as amended by this
631 act, for possession of a cannabis-type substance, (B) prior to July 1, 2021,
632 of a violation of subsection (a) of section 21a-267 of the general statutes,
633 as amended by this act, for use or possession with intent to use of drug
634 paraphernalia to store, contain or conceal, or to ingest, inhale or
635 otherwise introduce into the human body cannabis, or (C) prior to July
636 1, 2021, of a violation of subsection (b) of section 21a-277 of the general
637 statutes, as amended by this act, for manufacturing, distributing, selling,
638 prescribing, compounding, transporting with the intent to sell or
639 dispense, possessing with the intent to sell or dispense, offering, giving
640 or administering to another person a cannabis-type substance may file
641 a petition with the Superior Court at the location in which such

642 conviction was effected, or with the Superior Court at the location
643 having custody of the records of such conviction or if such conviction
644 was in the Court of Common Pleas, Circuit Court, municipal court or by
645 a trial justice, in the Superior Court where venue would currently exist
646 for criminal prosecution, for an order of erasure.

647 (2) As part of such petition, such person shall include a copy of the
648 arrest record or an affidavit supporting such person's petition that in the
649 case of a violation of subsection (a) of section 21a-267 of the general
650 statutes, as amended by this act, such person used or possessed with
651 intent to use such drug paraphernalia only to store, contain or conceal,
652 or to ingest, inhale or otherwise introduce into the human body
653 cannabis or in the case of a violation of subsection (b) of section 21a-277
654 of the general statutes, as amended by this act, such person
655 manufactured, distributed, sold, prescribed, compounded, transported
656 with the intent to sell or dispense, possessed with the intent to sell or
657 dispense, offered, gave or administered to another person a cannabis-
658 type substance or cannabis plants grown on any property owned or
659 controlled by such person for personal use.

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

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

666 (b) The provisions of this section shall not apply to any police or court
667 records or records of the state's or prosecuting attorney pertaining to
668 such offense in instances where the case contains more than one count,
669 until the records pertaining to all counts are entitled to erasure, except
670 that when the criminal case is disposed of, electronic records or portions
671 of electronic records released to the public that reference a charge that
672 would otherwise be entitled to erasure under this section shall be erased
673 in accordance with the provisions of this section.

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

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

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

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

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

704 (e) For the purposes of this section, "court records" shall not include

705 a record or transcript of the proceedings made or prepared by an official
706 court reporter, court recording monitor or any other entity designated
707 by the Chief Court Administrator.

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

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

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

721 Sec. 10. Section 21a-278a of the general statutes is repealed and the
722 following is substituted in lieu thereof (*Effective July 1, 2021*):

723 (a) Any person eighteen years of age or older who violates section
724 21a-277 or 21a-278, as amended by this act, and who is not, at the time
725 of such action, a drug-dependent person, by distributing, selling,
726 prescribing, dispensing, offering, giving or administering any
727 controlled substance to another person who is under eighteen years of
728 age and is at least two years younger than such person who is in
729 violation of section 21a-277 or 21a-278, as amended by this act, shall be
730 imprisoned for a term of two years, which shall not be suspended and
731 shall be in addition and consecutive to any term of imprisonment
732 imposed for violation of section 21a-277 or 21a-278, as amended by this
733 act.

734 (b) Any person who violates section 21a-277 or 21a-278, as amended

735 by this act, by manufacturing, distributing, selling, prescribing,
736 dispensing, compounding, transporting with the intent to sell or
737 dispense, possessing with the intent to sell or dispense, offering, giving
738 or administering to another person any controlled substance in or on, or
739 within one thousand five hundred feet of, the real property comprising
740 a public or private elementary or secondary school, a public housing
741 project or a licensed child care center, as defined in section 19a-77, that
742 is identified as a child care center by a sign posted in a conspicuous place
743 shall be imprisoned for a term of three years, which shall not be
744 suspended and shall be in addition and consecutive to any term of
745 imprisonment imposed for violation of section 21a-277 or 21a-278, as
746 amended by this act. To constitute a violation of this subsection, an act
747 of transporting or possessing a controlled substance shall be with intent
748 to sell or dispense in or on, or within one thousand five hundred feet of,
749 the real property comprising a public or private elementary or
750 secondary school, a public housing project or a licensed child care
751 center, as defined in section 19a-77, that is identified as a child care
752 center by a sign posted in a conspicuous place. For the purposes of this
753 subsection, "public housing project" means dwelling accommodations
754 operated as a state or federally subsidized multifamily housing project
755 by a housing authority, nonprofit corporation or municipal developer,
756 as defined in section 8-39, pursuant to chapter 128 or by the Connecticut
757 Housing Authority pursuant to chapter 129.

758 (c) Any person who employs, hires, uses, persuades, induces, entices
759 or coerces a person under eighteen years of age to violate section 21a-
760 277 or 21a-278, as amended by this act, shall be imprisoned for a term of
761 three years, which shall not be suspended and shall be in addition and
762 consecutive to any term of imprisonment imposed for violation of
763 section 21a-277 or 21a-278, as amended by this act.

764 (d) The provisions of this section do not apply to any person who
765 distributes, sells, prescribes, dispenses, offers, gives or administers
766 cannabis to another person.

767 Sec. 11. Section 54-142e of the general statutes is repealed and the

768 following is substituted in lieu thereof (*Effective January 1, 2023*):

769 (a) Notwithstanding the provisions of subsection (e) of section 54-
770 142a and section 54-142c, with respect to any person, including, but not
771 limited to, a consumer reporting agency as defined in subsection (i) of
772 section 31-51i, or a background screening provider or similar data-based
773 service or company, that purchases criminal matters of public record, as
774 defined in said subsection (i), from the Judicial Department or any
775 criminal justice agency pursuant to subsection (b) of section 54-142g, the
776 department shall make available to such person information concerning
777 such criminal matters of public record that have been erased pursuant
778 to section 54-142a. Such information may include docket numbers or
779 other information that permits the person to identify and permanently
780 delete records that have been erased pursuant to section 54-142a.

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

795 Sec. 12. Section 21a-408 of the general statutes is repealed and the
796 following is substituted in lieu thereof (*Effective October 1, 2021*):

797 As used in this section, sections 21a-408a to 21a-408o, inclusive, as
798 amended by this act, and sections 21a-408r to 21a-408v, inclusive, unless
799 the context otherwise requires:

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

802 (2) "Cannabis" means marijuana, as defined in section 21a-240, as
803 amended by this act;

804 [(2)] (3) "Cultivation" includes planting, propagating, cultivating,
805 growing and harvesting;

806 [(3)] (4) "Debilitating medical condition" means (A) cancer, glaucoma,
807 positive status for human immunodeficiency virus or acquired immune
808 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
809 the nervous tissue of the spinal cord with objective neurological
810 indication of intractable spasticity, epilepsy or uncontrolled intractable
811 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
812 posttraumatic stress disorder, irreversible spinal cord injury with
813 objective neurological indication of intractable spasticity, cerebral palsy,
814 cystic fibrosis or terminal illness requiring end-of-life care, except, if the
815 qualifying patient is under eighteen years of age, "debilitating medical
816 condition" means terminal illness requiring end-of-life care, irreversible
817 spinal cord injury with objective neurological indication of intractable
818 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
819 intractable seizure disorder, or (B) any medical condition, medical
820 treatment or disease approved for qualifying patients by the
821 Department of Consumer Protection [pursuant to regulations adopted
822 under section 21a-408m] and posted online pursuant to section 21a-408l;

823 (5) "Dispensary facility" means a place of business where marijuana
824 may be dispensed, sold or distributed in accordance with this chapter
825 and any regulations adopted thereunder to qualifying patients and
826 caregivers and for which the department has issued a dispensary facility
827 license pursuant to this chapter;

828 [(4)] (6) "Institutional animal care and use committee" means a
829 committee that oversees an organization's animal program, facilities
830 and procedures to ensure compliance with federal policies, guidelines
831 and principles related to the care and use of animals in research;

832 [(5)] (7) "Institutional review board" means a specifically constituted
833 review body established or designated by an organization to protect the
834 rights and welfare of persons recruited to participate in biomedical,
835 behavioral or social science research;

836 [(6)] (8) "Laboratory" means a laboratory located in the state that is
837 licensed by the department to provide analysis of [controlled substances
838 pursuant to] marijuana and that meets the licensure requirements set
839 forth in section 21a-246; [and section 21a-408r;]

840 [(7)] (9) "Laboratory employee" means a person who is [(A) licensed]
841 registered as a laboratory employee pursuant to section 21a-408r; [, or
842 (B) holds a temporary certificate of registration issued pursuant to
843 section 21a-408r;]

844 [(8)] (10) "Licensed dispensary" or "dispensary" means [a person] an
845 individual who is a licensed [as] pharmacist employed by a dispensary
846 [pursuant to section 21a-408h] facility or hybrid retailer;

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

849 [(10)] (12) "Marijuana" means marijuana, as defined in section 21a-
850 240, as amended by this act;

851 [(11)] (13) "Nurse" means a person who is licensed as a nurse under
852 chapter 378;

853 [(12)] (14) "Palliative use" means the acquisition, distribution,
854 transfer, possession, use or transportation of marijuana or paraphernalia
855 relating to marijuana, including the transfer of marijuana and
856 paraphernalia relating to marijuana from the patient's [primary]
857 caregiver to the qualifying patient, to alleviate a qualifying patient's
858 symptoms of a debilitating medical condition or the effects of such
859 symptoms, but does not include any such use of marijuana by any
860 person other than the qualifying patient;

861 [(13)] (15) "Paraphernalia" means drug paraphernalia, as defined in

862 section 21a-240, as amended by this act;

863 [(14)] (16) "Physician" means a person who is licensed as a physician
864 under chapter 370, but does not include a physician assistant, as defined
865 in section 20-12a;

866 [(15) "Primary caregiver"] (17) "Caregiver" means a person, other than
867 the qualifying patient and the qualifying patient's physician or
868 advanced practice registered nurse, who is eighteen years of age or older
869 and has agreed to undertake responsibility for managing the well-being
870 of the qualifying patient with respect to the palliative use of marijuana,
871 provided (A) in the case of a qualifying patient (i) under eighteen years
872 of age and not an emancipated minor, or (ii) otherwise lacking legal
873 capacity, such person shall be a parent, guardian or person having legal
874 custody of such qualifying patient, and (B) in the case of a qualifying
875 patient eighteen years of age or older or an emancipated minor, the need
876 for such person shall be evaluated by the qualifying patient's physician
877 or advanced practice registered nurse and such need shall be
878 documented in the written certification;

879 [(16)] (18) "Qualifying patient" means a person who: (A) Is a resident
880 of Connecticut, (B) has been diagnosed by a physician or an advanced
881 practice registered nurse as having a debilitating medical condition, and
882 (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or
883 (iii) has written consent from a custodial parent, guardian or other
884 person having legal custody of such person that indicates that such
885 person has permission from such parent, guardian or other person for
886 the palliative use of marijuana for a debilitating medical condition and
887 that such parent, guardian or other person will (I) serve as a [primary]
888 caregiver for the qualifying patient, and (II) control the acquisition and
889 possession of marijuana and any related paraphernalia for palliative use
890 on behalf of such person. "Qualifying patient" does not include an
891 inmate confined in a correctional institution or facility under the
892 supervision of the Department of Correction;

893 [(17)] (19) "Research program" means a study approved by the

894 Department of Consumer Protection in accordance with this chapter
895 and undertaken to increase information or knowledge regarding the
896 growth ~~[] or processing[] of marijuana, or the~~ medical attributes,
897 dosage forms, administration or use of marijuana to treat or alleviate
898 symptoms of any medical conditions or the effects of such symptoms;

899 ~~[(18)]~~ (20) "Research program employee" means a person who (A) is
900 ~~[licensed]~~ registered as a research program employee under section 21a-
901 408t, or (B) holds a temporary certificate of registration issued pursuant
902 to section 21a-408t;

903 ~~[(19)]~~ (21) "Research program subject" means a person registered as a
904 research program subject pursuant to section 21a-408v;

905 ~~[(20)]~~ (22) "Usable marijuana" means the dried leaves and flowers of
906 the marijuana plant, and any mixtures or preparations of such leaves
907 and flowers, that are appropriate for the palliative use of marijuana, but
908 does not include the seeds, stalks and roots of the marijuana plant; and

909 ~~[(21)]~~ (23) "Written certification" means a written certification issued
910 by a physician or an advanced practice registered nurse pursuant to
911 section 21a-408c, as amended by this act.

912 Sec. 13. Section 21a-408a of the general statutes is repealed and the
913 following is substituted in lieu thereof (*Effective July 1, 2021*):

914 (a) A qualifying patient shall register with the Department of
915 Consumer Protection pursuant to section 21a-408d, as amended by this
916 act, prior to engaging in the palliative use of marijuana. A qualifying
917 patient who has a valid registration certificate from the Department of
918 Consumer Protection pursuant to subsection (a) of section 21a-408d, as
919 amended by this act, and complies with the requirements of sections
920 21a-408 to ~~[21a-408n]~~ 21a-408m, inclusive, as amended by this act, shall
921 not be subject to arrest or prosecution, penalized in any manner,
922 including, but not limited to, being subject to any civil penalty, or denied
923 any right or privilege, including, but not limited to, being subject to any
924 disciplinary action by a professional licensing board, for the palliative

925 use of marijuana if:

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

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

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

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

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

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

947 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
948 in any other moving vehicle, (B) in the workplace, (C) on any school
949 grounds or any public or private school, dormitory, college or university
950 property, unless such college or university is participating in a research
951 program and such use is pursuant to the terms of the research program,
952 (D) in any public place, or (E) in the presence of a person under the age
953 of eighteen, unless such person is a qualifying patient or research
954 program subject. For the purposes of this subdivision, (i) "presence"

955 means within the direct line of sight of the palliative use of marijuana or
956 exposure to second-hand marijuana smoke, or both; (ii) "public place"
957 means any area that is used or held out for use by the public whether
958 owned or operated by public or private interests; (iii) "vehicle" means a
959 vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus,
960 as defined in section 14-1; and (v) "school bus" means a school bus, as
961 defined in section 14-1.

962 Sec. 14. Section 21a-408b of the general statutes is repealed and the
963 following is substituted in lieu thereof (*Effective July 1, 2021*):

964 (a) No person may serve as a [primary] caregiver for a qualifying
965 patient (1) unless such qualifying patient has a valid registration
966 certificate from the Department of Consumer Protection pursuant to
967 subsection (a) of section 21a-408d, as amended by this act, and (2) if such
968 person has been convicted of a violation of any law pertaining to the
969 illegal manufacture, sale or distribution of a controlled substance. A
970 [primary] caregiver may not be responsible for the care of more than one
971 qualifying patient at any time, except that a [primary] caregiver may be
972 responsible for the care of more than one qualifying patient if the
973 [primary] caregiver and each qualifying patient have a parental,
974 guardianship, conservatorship or sibling relationship.

975 (b) A [primary] caregiver who has a valid registration certificate from
976 the Department of Consumer Protection pursuant to subsection (a) of
977 section 21a-408d, as amended by this act, and complies with the
978 requirements of sections 21a-408 to [21a-408n] 21a-408m, inclusive, as
979 amended by this act, shall not be subject to arrest or prosecution,
980 penalized in any manner, including, but not limited to, being subject to
981 any civil penalty, or denied any right or privilege, including, but not
982 limited to, being subject to any disciplinary action by a professional
983 licensing board, for the acquisition, distribution, possession or
984 transportation of marijuana or paraphernalia related to marijuana on
985 behalf of such [primary] caregiver's qualifying patient, provided [(1)]
986 the amount of any marijuana so acquired, distributed, possessed or
987 transported, together with the combined amount of usable marijuana

988 possessed by the qualifying patient and the [primary] caregiver, does
989 not exceed [an amount reasonably necessary to ensure uninterrupted
990 availability for a period of one month, as determined by the Department
991 of Consumer Protection pursuant to regulations adopted under section
992 21a-408m, and (2) such amount is obtained solely within this state from
993 a licensed dispensary. Any person with a valid registration certificate
994 who is found to be in possession of marijuana that did not originate from
995 the selected dispensary may be subject to a hearing before the
996 commissioner for possible enforcement action concerning the
997 registration certificate issued by the department] five ounces. For the
998 purposes of this subsection, "distribution" or "distributed" means the
999 transfer of marijuana and paraphernalia related to marijuana from the
1000 [primary] caregiver to the qualifying patient.

1001 (c) A dispensary facility shall not dispense any [marijuana] cannabis
1002 product, as defined in section 21a-240, as amended by this act, in a
1003 smokable, inhalable or vaporizable form to a [primary] caregiver for a
1004 qualifying patient who is under eighteen years of age.

1005 Sec. 15. Section 21a-408c of the general statutes is repealed and the
1006 following is substituted in lieu thereof (*Effective July 1, 2021*):

1007 (a) A physician or an advanced practice registered nurse may issue a
1008 written certification to a qualifying patient that authorizes the palliative
1009 use of marijuana by the qualifying patient. Such written certification
1010 shall be in the form prescribed by the Department of Consumer
1011 Protection and shall include a statement signed and dated by the
1012 qualifying patient's physician or advanced practice registered nurse
1013 stating that, in such physician's or advanced practice registered nurse's
1014 professional opinion, the qualifying patient has a debilitating medical
1015 condition and the potential benefits of the palliative use of marijuana
1016 would likely outweigh the health risks of such use to the qualifying
1017 patient.

1018 (b) Any written certification for the palliative use of marijuana issued
1019 by a physician or an advanced practice registered nurse under

1020 subsection (a) of this section shall be valid for a period not to exceed one
1021 year from the date such written certification is signed and dated by the
1022 physician or advanced practice registered nurse. Not later than ten
1023 calendar days after the expiration of such period, or at any time before
1024 the expiration of such period should the qualifying patient no longer
1025 wish to possess marijuana for palliative use, the qualifying patient or
1026 the [primary] caregiver shall destroy all usable marijuana possessed by
1027 the qualifying patient and the [primary] caregiver for palliative use.

1028 (c) A physician or an advanced practice registered nurse shall not be
1029 subject to arrest or prosecution, penalized in any manner, including, but
1030 not limited to, being subject to any civil penalty, or denied any right or
1031 privilege, including, but not limited to, being subject to any disciplinary
1032 action by the Connecticut Medical Examining Board, the Connecticut
1033 State Board of Examiners for Nursing or other professional licensing
1034 board, for providing a written certification for the palliative use of
1035 marijuana under subdivision (1) of subsection (a) of section 21a-408a, as
1036 amended by this act, if:

1037 (1) The physician or advanced practice registered nurse has
1038 diagnosed the qualifying patient as having a debilitating medical
1039 condition;

1040 (2) The physician or advanced practice registered nurse has explained
1041 the potential risks and benefits of the palliative use of marijuana to the
1042 qualifying patient and, if the qualifying patient lacks legal capacity, to a
1043 parent, guardian or person having legal custody of the qualifying
1044 patient;

1045 (3) The written certification issued by the physician or advanced
1046 practice registered nurse is based upon the physician's or advanced
1047 practice registered nurse's professional opinion after having completed
1048 a medically reasonable assessment of the qualifying patient's medical
1049 history and current medical condition made in the course of a bona fide
1050 health care professional-patient relationship; and

1051 (4) The physician or advanced practice registered nurse has no

1052 financial interest in a dispensary licensed under section 21a-408h or a
1053 producer licensed under section 21a-408i.

1054 (d) A nurse shall not be subject to arrest or prosecution, penalized in
1055 any manner, including, but not limited to, being subject to any civil
1056 penalty, or denied any right or privilege, including, but not limited to,
1057 being subject to any disciplinary action by the Board of Examiners for
1058 Nursing, or other professional licensing board, for administering
1059 marijuana to a qualifying patient or research program subject in a
1060 hospital or health care facility licensed by the Department of Public
1061 Health.

1062 (e) Notwithstanding the provisions of this section, sections 21a-408 to
1063 21a-408b, inclusive, as amended by this act, and sections 21a-408d to
1064 21a-408o, inclusive, as amended by this act, an advanced practice
1065 registered nurse shall not issue a written certification to a qualifying
1066 patient when the qualifying patient's debilitating medical condition is
1067 glaucoma.

1068 Sec. 16. Section 21a-408d of the general statutes is repealed and the
1069 following is substituted in lieu thereof (*Effective October 1, 2021*):

1070 (a) Each qualifying patient who is issued a written certification for the
1071 palliative use of marijuana under subdivision (1) of subsection (a) of
1072 section 21a-408a, as amended by this act, and the [primary] caregiver of
1073 such qualifying patient, shall register with the Department of Consumer
1074 Protection. Such registration shall be effective from the date the
1075 Department of Consumer Protection issues a certificate of registration
1076 until the expiration of the written certification issued by the physician
1077 or advanced practice registered nurse. The qualifying patient and the
1078 [primary] caregiver shall provide sufficient identifying information, as
1079 determined by the department, to establish the personal identity of the
1080 qualifying patient and the [primary] caregiver. If the qualifying patient
1081 is under eighteen years of age and not an emancipated minor, the
1082 custodial parent, guardian or other person having legal custody of the
1083 qualifying patient shall also provide a letter from both the qualifying

1084 patient's [primary] care provider and a physician who is board certified
1085 in an area of medicine involved in the treatment of the debilitating
1086 condition for which the qualifying patient was certified that confirms
1087 that the palliative use of marijuana is in the best interest of the qualifying
1088 patient. A physician may issue a written certification for the palliative
1089 use of marijuana by a qualifying patient who is under eighteen years of
1090 age, provided such written certification shall not be for marijuana in a
1091 dosage form that requires that the marijuana be smoked, inhaled or
1092 vaporized. The qualifying patient or the [primary] caregiver shall report
1093 any change in the identifying information to the department not later
1094 than five business days after such change. The department shall issue a
1095 registration certificate to the qualifying patient and to the [primary]
1096 caregiver and may charge a reasonable fee, not to exceed twenty-five
1097 dollars, for each registration certificate issued under this subsection.
1098 Any registration fees collected by the department under this subsection
1099 shall be paid to the State Treasurer and credited to the General Fund.

1100 [(b) The qualifying patient, or, if the qualifying patient is under
1101 eighteen years of age and not an emancipated minor, the custodial
1102 parent, guardian or other person having legal custody of the qualifying
1103 patient, shall select a licensed, in-state dispensary to obtain the palliative
1104 marijuana products at the time of registration. Upon the issuance of the
1105 certificate of registration by the department, the qualifying patient, or
1106 the qualifying patient's custodial parent, guardian or other person
1107 having legal custody of the qualifying patient, shall purchase such
1108 palliative marijuana products from such dispensary, except that the
1109 qualifying patient, or the qualifying patient's custodial parent, guardian
1110 or other person having legal custody of the qualifying patient, may
1111 change such dispensary in accordance with regulations adopted by the
1112 department. Any person with a valid registration certificate who is
1113 found to be in possession of marijuana that did not originate from the
1114 selected dispensary may be subject to hearing before the commissioner
1115 for possible enforcement action concerning the registration certificate
1116 issued by the department.]

1117 (b) Any qualifying patient who is eighteen years of age or older may

1118 cultivate cannabis plants on any property owned or controlled by the
1119 patient, provided such plants are secure from access by any
1120 unauthorized individual.

1121 (c) A dispensary shall not dispense any marijuana products in a
1122 smokable, inhalable or vaporizable form to a qualifying patient who is
1123 under eighteen years of age or such qualifying patient's caregiver.

1124 (d) Information obtained under this section shall be confidential and
1125 shall not be subject to disclosure under the Freedom of Information Act,
1126 as defined in section 1-200, except that reasonable access to registry
1127 information obtained under this section [and temporary registration
1128 information obtained under section 21a-408n] shall be provided to: (1)
1129 State agencies, federal agencies and local law enforcement agencies for
1130 the purpose of investigating or prosecuting a violation of law; (2)
1131 physicians, advanced practice registered nurses and pharmacists for the
1132 purpose of providing patient care and drug therapy management and
1133 monitoring controlled substances obtained by the qualifying patient; (3)
1134 public or private entities for research or educational purposes, provided
1135 no individually identifiable health information may be disclosed; (4) a
1136 licensed dispensary for the purpose of complying with sections 21a-408
1137 to [21a-408n] 21a-408m, inclusive, as amended by this act; (5) a
1138 qualifying patient, but only with respect to information related to such
1139 qualifying patient or such qualifying patient's [primary] caregiver; or (6)
1140 a [primary] caregiver, but only with respect to information related to
1141 such [primary] caregiver's qualifying patient.

1142 Sec. 17. Section 21a-408f of the general statutes is repealed and the
1143 following is substituted in lieu thereof (*Effective July 1, 2021*):

1144 Any marijuana, paraphernalia relating to marijuana, or other
1145 property seized by law enforcement officials from a qualifying patient
1146 or a [primary] caregiver in connection with the claimed palliative use of
1147 marijuana under sections 21a-408 to [21a-408n] 21a-408m, inclusive, as
1148 amended by this act, shall be returned to the qualifying patient or the
1149 [primary] caregiver immediately upon the determination by a court that

1150 the qualifying patient or the [primary] caregiver is entitled to the
 1151 palliative use of marijuana under sections 21a-408 to [21a-408n] 21a-
 1152 408m, inclusive, as amended by this act, as evidenced by a decision not
 1153 to prosecute, a dismissal of charges or an acquittal. The provisions of
 1154 this section do not apply to any qualifying patient or [primary] caregiver
 1155 who fails to comply with the requirements for the palliative use of
 1156 marijuana under sections 21a-408 to [21a-408n] 21a-408m, inclusive, as
 1157 amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	21a-240
Sec. 2	<i>July 1, 2021</i>	21a-279(a)
Sec. 3	<i>July 1, 2021</i>	21a-279a
Sec. 4	<i>July 1, 2021</i>	New section
Sec. 5	<i>July 1, 2021</i>	21a-267
Sec. 6	<i>July 1, 2021</i>	21a-277
Sec. 7	<i>July 1, 2021</i>	21a-278
Sec. 8	<i>July 1, 2022</i>	New section
Sec. 9	<i>January 1, 2023</i>	New section
Sec. 10	<i>July 1, 2021</i>	21a-278a
Sec. 11	<i>January 1, 2023</i>	54-142e
Sec. 12	<i>October 1, 2021</i>	21a-408
Sec. 13	<i>July 1, 2021</i>	21a-408a
Sec. 14	<i>July 1, 2021</i>	21a-408b
Sec. 15	<i>July 1, 2021</i>	21a-408c
Sec. 16	<i>October 1, 2021</i>	21a-408d
Sec. 17	<i>July 1, 2021</i>	21a-408f