



General Assembly

**Amendment**

January Session, 2023

LCO No. 9778



Offered by:  
REP. D'AGOSTINO, 91<sup>st</sup> Dist.

To: Subst. House Bill No. 6700

File No. 202

Cal. No. 151

**"AN ACT CONCERNING HEMP LICENSEES AND THE ADULT-USE CANNABIS MARKET."**

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

3 "Section 1. Section 21a-409 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 (a) As used in this section, "producer" has the same meaning as  
6 provided in section 21a-408 and "manufacture", "market", "cultivate",  
7 "hemp", "hemp products", [and] "manufacturer hemp products" and  
8 "producer hemp products" have the same meanings as provided in  
9 section 22-61l. Any producer licensed [under] pursuant to section 21a-  
10 408 shall manufacture, market, cultivate or store hemp and  
11 manufacturer hemp products in accordance with the provisions of this  
12 chapter and any regulations adopted [under] pursuant to this chapter.  
13 Producers may obtain hemp and manufacturer hemp products from a  
14 person authorized under the laws of this state or another state, territory  
15 or possession of the United States or another sovereign entity to possess

16 and sell such hemp and manufacturer hemp products.

17 (b) Hemp or manufacturer hemp products purchased by producers  
18 from third parties shall be tracked as a separate batch throughout the  
19 manufacturing process in order to document the disposition of such  
20 hemp or manufacturer hemp products. Hemp or manufacturer hemp  
21 products obtained, manufactured, marketed, cultivated or stored by a  
22 producer shall be deemed marijuana and shall comply with the  
23 requirements for marijuana contained in the applicable provisions of the  
24 general statutes and any regulations adopted [under] pursuant to such  
25 provisions. Producers shall retain a copy of the certificate of analysis for  
26 purchased hemp or manufacturer hemp products and invoice and  
27 transport documents that evidence the quantity purchased and date  
28 received.

29 (c) (1) No hemp or producer hemp products shall be sold or  
30 distributed within a dispensary facility that is licensed [under] pursuant  
31 to this chapter.

32 (2) Notwithstanding subdivision (1) of this subsection, manufacturer  
33 hemp products may be sold within a dispensary facility that is licensed  
34 pursuant to this chapter, provided such manufacturer hemp products  
35 are:

36 (A) Stored separately from marijuana;

37 (B) Separated, by a physical separation, from marijuana in any  
38 display area;

39 (C) Displayed with signage approved by the department;

40 (D) Tested by a laboratory that meets the standards for accreditation  
41 and testing, and sampling methods, set forth for an independent testing  
42 laboratory in section 22-61m, which laboratory may be located outside  
43 of this state;

44 (E) Clearly labeled to distinguish the product as (i) a manufacturer  
45 hemp product, (ii) subject to different testing standards than cannabis

46 or marijuana, and (iii) not cannabis or marijuana; and

47 (F) Sold in accordance with this chapter, chapter 424 and any  
48 regulations adopted pursuant to said chapters.

49 Sec. 2. Section 21a-420r of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective July 1, 2023*):

51 (a) On and after July 1, 2021, the department may issue or renew a  
52 license for a person to be a retailer. No person may act as a retailer or  
53 represent that such person is a retailer unless such person has obtained  
54 a license from the department pursuant to this section.

55 (b) A retailer may obtain cannabis from a cultivator, micro-cultivator,  
56 producer, product packager, food and beverage manufacturer, product  
57 manufacturer or transporter or an undeliverable return from a delivery  
58 service. A retailer may sell, transport or transfer cannabis or cannabis  
59 products to a delivery service, laboratory or research program. A retailer  
60 may sell cannabis to a consumer or research program. A retailer may  
61 not conduct sales of medical marijuana products nor offer discounts or  
62 other inducements to qualifying patients or caregivers. A retailer shall  
63 not gift or transfer cannabis at no cost to a consumer as part of a  
64 commercial transaction.

65 (c) Retailers shall maintain a secure location, in a manner approved  
66 by the commissioner, at the licensee's premises where cannabis that is  
67 unable to be delivered by an employee or delivery service may be  
68 returned to the retailer. Such secure cannabis return location shall meet  
69 specifications set forth by the commissioner and published on the  
70 department's Internet web site or included in regulations adopted by  
71 the department.

72 (d) A retailer may deliver cannabis through a delivery service or by  
73 utilizing its own employees, subject to the provisions of subsection (b)  
74 of section 21a-420c.

75 (e) Manufacturer hemp products, as defined in section 22-61l, may be

76 sold within a retailer facility, provided such manufacturer hemp  
77 products are:

78 (1) Stored separately from cannabis and cannabis products;

79 (2) Separated, by a physical separation, from cannabis and cannabis  
80 products in any display area;

81 (3) Displayed with signage approved by the department;

82 (4) Tested by a laboratory that meets the standards for accreditation  
83 and testing, and sampling methods, set forth for an independent testing  
84 laboratory in section 22-61m, which laboratory may be located outside  
85 of this state;

86 (5) Clearly labeled to distinguish the product as (A) a manufacturer  
87 hemp product, (B) subject to different testing standards than cannabis,  
88 and (C) not cannabis or a cannabis product; and

89 (6) Sold in accordance with this chapter, chapter 424 and any  
90 regulations adopted pursuant to said chapters.

91 Sec. 3. Section 21a-420s of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective July 1, 2023*):

93 (a) On and after July 1, 2021, the department may issue or renew a  
94 license for a hybrid retailer. No person may act as a hybrid retailer or  
95 represent that such person is a hybrid retailer unless such person has  
96 obtained a license from the department pursuant to this section.

97 (b) A hybrid retailer may obtain cannabis from a cultivator, micro-  
98 cultivator, producer, product packager, food and beverage  
99 manufacturer, product manufacturer or transporter. In addition to the  
100 activities authorized under section 21a-420t, a hybrid retailer may sell,  
101 transport or transfer cannabis to a delivery service, laboratory or  
102 research program. A hybrid retailer may sell cannabis products to a  
103 consumer or research program. A hybrid retailer shall not gift or  
104 transfer cannabis at no cost to a consumer, qualifying patient or

105 caregiver as part of a commercial transaction.

106 (c) In addition to conducting general retail sales, a hybrid retailer may  
107 sell cannabis and medical marijuana products, to qualifying patients  
108 and caregivers. Any cannabis or medical marijuana products sold to  
109 qualifying patients and caregivers shall be dispensed by a licensed  
110 pharmacist and shall be recorded in the electronic prescription drug  
111 monitoring program, established pursuant to section 21a-254, in real-  
112 time or immediately upon completion of the transaction, unless not  
113 reasonably feasible for a specific transaction, but in no case longer than  
114 one hour after completion of the transaction. Only a licensed pharmacist  
115 or dispensary technician may upload or access data in the prescription  
116 drug monitoring program.

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

120 (e) The hybrid retailer location shall include a private consultation  
121 space for pharmacists to meet with qualifying patients and caregivers.  
122 Additionally, the hybrid retailer premises shall accommodate an  
123 expedited method of entry that allows for priority entrance into the  
124 premises for qualifying patients and caregivers.

125 (f) Hybrid retailers shall maintain a secure location, in a manner  
126 approved by the commissioner, at the licensee's premises where  
127 cannabis that is unable to be delivered may be returned to the hybrid  
128 retailer. Such secure cannabis return location shall meet specifications  
129 set forth by the commissioner and published on the department's  
130 Internet web site or included in regulations adopted by the department.

131 (g) Cannabis dispensed to a qualifying patient or caregiver that are  
132 unable to be delivered and are returned by the delivery service to the  
133 hybrid retailer shall be returned to the licensee inventory system and  
134 removed from the prescription drug monitoring program not later than  
135 forty-eight hours after receipt of the cannabis from the delivery service.

136 (h) A hybrid retailer may not convert its license to a retailer license.  
137 To obtain a retailer license, a hybrid retailer shall apply through the  
138 lottery application process. A hybrid retailer may convert to a  
139 dispensary facility if the hybrid retailer complies with all applicable  
140 provisions of chapter 420f, and upon written approval by the  
141 department.

142 (i) Manufacturer hemp products, as defined in section 22-61l, may be  
143 sold within a hybrid retailer facility, provided such manufacturer hemp  
144 products are:

145 (1) Stored separately from cannabis and cannabis products;

146 (2) Separated, by a physical separation, from cannabis and cannabis  
147 products in any display area;

148 (3) Displayed with signage approved by the department;

149 (4) Tested by a laboratory that meets the standards for accreditation  
150 and testing, and sampling methods, set forth for an independent testing  
151 laboratory in section 22-61m, which laboratory may be located outside  
152 of this state;

153 (5) Clearly labeled to distinguish the product as (A) a manufacturer  
154 hemp product, (B) subject to different testing standards than cannabis,  
155 and (C) not cannabis or a cannabis product; and

156 (6) Sold in accordance with this chapter, chapter 424 and any  
157 regulations adopted pursuant to said chapters.

158 Sec. 4. Section 22-61n of the general statutes is repealed and the  
159 following is substituted in lieu thereof (*Effective July 1, 2023*):

160 (a) As used in this section: [, "producer", "cultivator", "micro-  
161 cultivator", "product manufacturer", "hybrid retailer" and "retailer" have  
162 the same meanings as provided in section 21a-420; and "hemp" and  
163 "hemp products" have the same meanings as provided in section 22-61l.]

164 (1) "Cultivator" has the same meaning as provided in section 21a-420;

165 (2) "Hemp" has the same meaning as provided in section 22-61l;

166 (3) "Hemp products" has the same meaning as provided in section 22-  
167 61l;

168 (4) "Micro-cultivator" has the same meaning as provided in section  
169 21a-420;

170 (5) "Producer" has the same meaning as provided in section 21a-420;  
171 and

172 (6) "Product manufacturer" has the same meaning as provided in  
173 section 21a-420.

174 (b) Any producer, cultivator, micro-cultivator and product  
175 manufacturer may manufacture, market, cultivate or store hemp and  
176 hemp products in accordance with the provisions of this chapter and  
177 any regulations adopted [under] pursuant to said chapter. [, except that  
178 a] A producer, cultivator, micro-cultivator and product manufacturer  
179 [may obtain] that obtains hemp and hemp products shall only obtain  
180 such hemp and hemp products from a person authorized under the laws  
181 of this state or another state, territory or possession of the United States  
182 or another sovereign entity to possess and sell such hemp and hemp  
183 products.

184 (c) Hemp or hemp products purchased by a producer, cultivator,  
185 micro-cultivator or product manufacturer from a third party shall be  
186 tracked as a separate batch throughout the manufacturing process in  
187 order to document the disposition of such hemp or hemp products.  
188 Once hemp or hemp products are received by a producer, cultivator,  
189 micro-cultivator or product manufacturer, such hemp or hemp products  
190 shall be deemed cannabis and shall comply with the requirements for  
191 cannabis contained in the applicable provisions of the general statutes  
192 and any regulations adopted [under] pursuant to such provisions. A  
193 producer, cultivator, micro-cultivator and product manufacturer shall

194 retain a copy of the certificate of analysis for purchased hemp or hemp  
195 products and invoice and transport documents that evidence the  
196 quantity purchased and date received.

197 [(d) No hemp or hemp products shall be sold or distributed within a  
198 dispensary facility that is licensed under chapter 420f or the business  
199 premises of a hybrid retailer or a retailer.]

200 Sec. 5. Section 21a-408h of the general statutes is repealed and the  
201 following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

209 (c) The Commissioner of Consumer Protection shall determine the  
210 number of dispensary facilities appropriate to meet the needs of  
211 qualifying patients in this state and shall adopt regulations, in  
212 accordance with chapter 54, to provide for the licensure and standards  
213 for dispensary facilities in this state and specify the maximum number  
214 of dispensary facilities that may be licensed in this state. On and after  
215 the effective date of such regulations, the commissioner may license any  
216 person who applies for a license in accordance with such regulations,  
217 provided the commissioner deems such applicant qualified to acquire,  
218 possess, distribute and dispense marijuana pursuant to sections 21a-408  
219 to 21a-408m, inclusive. At a minimum, such regulations shall:

220 (1) Indicate the maximum number of dispensary facilities that may  
221 be licensed in this state;

222 (2) Provide that no marijuana may be dispensed from, obtained from  
223 or transferred to a location outside of this state;



224 (3) Establish a licensing fee and renewal fee for each dispensary  
225 facility, provided such fees shall not be less than the amount necessary  
226 to cover the direct and indirect cost of licensing and regulating  
227 dispensary facilities pursuant to sections 21a-408 to 21a-408m, inclusive;

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

230 (5) Describe areas in this state where dispensary facilities may not be  
231 located, after considering the criteria for the location of retail liquor  
232 permit premises set forth in subsection (a) of section 30-46;

233 (6) Establish health, safety and security requirements for dispensary  
234 facilities, which may include, but need not be limited to: (A) The ability  
235 to maintain adequate control against the diversion, theft and loss of  
236 marijuana acquired or possessed by the dispensary facility, and (B) the  
237 ability to maintain the knowledge, understanding, judgment,  
238 procedures, security controls and ethics to ensure optimal safety and  
239 accuracy in the distributing, dispensing and use of palliative marijuana;

240 (7) Establish standards and procedures for revocation, suspension,  
241 summary suspension and nonrenewal of dispensary facility licenses,  
242 provided such standards and procedures are consistent with the  
243 provisions of subsection (c) of section 4-182; and

244 (8) Establish other licensing, renewal and operational standards  
245 deemed necessary by the commissioner.

246 (d) Any fees collected by the Department of Consumer Protection  
247 under this section shall be paid to the State Treasurer and credited to the  
248 General Fund.

249 [(e) On or before January 1, 2017, and annually thereafter, each  
250 dispensary facility shall report data to the Department of Consumer  
251 Protection relating to the types, mixtures and dosages of palliative  
252 marijuana dispensed by such dispensary facility. A report prepared  
253 pursuant to this subsection shall be in such form as may be prescribed

254 by the Commissioner of Consumer Protection.]

255 Sec. 6. (*Effective from passage*) Sections 41 and 45 of substitute house  
256 bill 6699 of the current session, as amended by House Amendment  
257 Schedule "A", shall take effect October 1, 2023."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	21a-409
Sec. 2	<i>July 1, 2023</i>	21a-420r
Sec. 3	<i>July 1, 2023</i>	21a-420s
Sec. 4	<i>July 1, 2023</i>	22-61n
Sec. 5	<i>July 1, 2023</i>	21a-408h
Sec. 6	<i>from passage</i>	New section