

**CHAPTER 420h**  
**REGULATION OF ADULT-USE CANNABIS**

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## PART I

### LICENSING AND REGULATION OF CANNABIS ESTABLISHMENTS

**Sec. 21a-420. Definitions.** As used in RERACA, unless the context otherwise requires:

(1) “Responsible and Equitable Regulation of Adult-Use Cannabis Act” or “RERACA” means this section, sections 2-56j, 7-294kk, 7-294ll, 12-330ll to 12-330nn, inclusive, 14-227p, 21a-278b, 21a-278c, 21a-279c, 21a-279d, 21a-420a to 21a-420i, inclusive, 21a-420l to 21a-421r, inclusive, 21a-421aa to 21a-421ff, inclusive, 21a-421aaa to 21a-421ggg, inclusive, 21a-422 to 21a-422c, inclusive, 21a-422e to 21a-422g, inclusive, 21a-422j to 21a-422s, inclusive, 22-61n, 23-4b, 47a-9a, 53-247a, 53a-213a, 53a-213b, 54-33p, 54-56q, 54-56r, 54-125k and 54-142u, sections 23, 60, 63 to 65, inclusive, 124, 144 and 165 of public act 21-1 of the June special session\* and the amendments in public act 21-1 of the June special session to sections 7-148,

10-221, 12-30a, 12-35b, 12-412, 12-650, 12-704d, 14-44k, 14-111e, 14-227a to 14-227c, inclusive, 14-227j, 15-140q, 15-140r, 18-100h, 19a-342, 19a-342a, 21a-267, 21a-277, 21a-279, 21a-279a, 21a-408 to 21a-408f, inclusive, 21a-408h to 21a-408p, inclusive, 21a-408r to 21a-408v, inclusive, 30-89a, 31-40q, 32-39, 46b-120, 51-164n, 53-394, 53a-39c, 54-1m, 54-33g, 54-41b, 54-56e, 54-56g, 54-56i, 54-56k, 54-56n, 54-63d, 54-66a and 54-142e;

(2) “Backer” means any individual with a direct or indirect financial interest in a cannabis establishment. “Backer” does not include an individual with an investment interest in a cannabis establishment if (A) the interest held by such individual and such individual's spouse, parent or child, in the aggregate, does not exceed five per cent of the total ownership or interest rights in such cannabis establishment, and (B) such individual does not participate directly or indirectly in the control, management or operation of the cannabis establishment;

(3) “Cannabis” means marijuana, as defined in section 21a-240;

(4) “Cannabis establishment” means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter;

(5) “Cannabis flower” means the flower, including abnormal and immature flowers, of a plant of the genus cannabis that has been harvested, dried and cured, and prior to any processing whereby the flower material is transformed into a cannabis product. “Cannabis flower” does not include (A) the leaves or stem of such plant, or (B) hemp, as defined in section 22-61l;

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

(7) “Cannabis product” means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. “Cannabis product” does not include the raw cannabis plant;

(8) “Cannabis concentrate” means any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis;

(9) “Cannabis-type substances” have the same meaning as “marijuana”, as defined in section 21a-240;

(10) “Commissioner” means the Commissioner of Consumer Protection and includes any designee of the commissioner;

(11) “Consumer” means an individual who is twenty-one years of age or older;

(12) “Cultivation” has the same meaning as provided in section 21a-408;

(13) “Cultivator” means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space;

(14) “Delivery service” means a person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof;

(15) “Department” means the Department of Consumer Protection;

(16) “Dispensary facility” means a place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f and any regulations adopted thereunder;

(17) “Disproportionately impacted area” means a United States census tract in the state that has, as determined by the Social Equity Council under section 21a-420d, (A) a historical conviction rate for drug-related offenses greater than one-tenth, or (B) an unemployment rate greater than ten per cent;

(18) “Disqualifying conviction” means a conviction within the last ten years which has not been the subject of an absolute pardon under the provisions of section 54-130a, or an equivalent pardon process under the laws of another state or the federal government, for an offense under (A) section 53a-276, 53a-277 or 53a-278; (B) section 53a-291, 53a-292 or 53a-293; (C) section 53a-215; (D) section 53a-138 or 53a-139; (E) section 53a-142a; (F) sections 53a-147 to 53a-162, inclusive; (G) sections 53a-125c to 53a-125f, inclusive; (H) section 53a-129b, 53a-129c or 53a-129d; (I) subsection (b) of section 12-737; (J) section 53a-48 or 53a-49, if the offense which is attempted or is an object of the conspiracy is an offense under the statutes listed in subparagraphs (A) to (I), inclusive, of this subdivision; or (K) the law of any other state or of the federal government, if the offense on which such conviction is based is defined by elements that substantially include the elements of an offense under the statutes listed in subparagraphs (A) to (J), inclusive, of this subdivision;

(19) “Dispensary technician” means an individual who has had an active pharmacy technician or dispensary technician registration in this state within the past five years, is affiliated with a dispensary facility or hybrid retailer and is registered with the department in accordance with chapter 420f and any regulations adopted thereunder;

(20) “Employee” means any person who is not a backer, but is a member of the board of a company with an ownership interest in a cannabis establishment, and any person employed by a cannabis establishment or who otherwise has access to such establishment or the vehicles used to transport cannabis, including, but not limited to, an independent contractor who has routine access to the premises of such establishment or to the cannabis handled by such establishment;

(21) “Equity” and “equitable” means efforts, regulations, policies, programs, standards, processes and any other functions of government or principles of law and governance intended to: (A) Identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender and sexual orientation; (B) ensure that such patterns of discrimination and disparities, whether intentional or unintentional, are neither reinforced nor perpetuated; and (C) prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities of race, ethnicity, gender, and sexual orientation;

(22) “Equity joint venture” means a business entity that is at least fifty per cent owned and controlled by an individual or individuals, or such applicant is an individual, who meets the criteria of subparagraphs (A) and (B) of subdivision (48) of this section;

(23) “Extract” means the preparation, compounding, conversion or processing of cannabis, either directly or indirectly by extraction or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis to produce a cannabis concentrate;

(24) “Financial interest” means any right to, ownership, an investment or a compensation arrangement with another person, directly, through business, investment or family. “Financial interest” does not include ownership of investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by such person and such person's spouse, parent or child, in the aggregate, do not exceed one-half of one per cent of the total number of shares issued by the corporation;

(25) “Food and beverage manufacturer” means a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages;

(26) “Grow space” means the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. “Grow space” does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested;

(27) “Historical conviction count for drug-related offenses” means, for a given area, the number of convictions of residents of such area (A) for violations of sections 21a-267, 21a-277, 21a-278, 21a-279 and 21a-279a, and (B) who were arrested for such violations between January 1, 1982, and December 31, 2020, inclusive, where such arrest was recorded in databases maintained by the Department of Emergency Services and Public Protection;

(28) “Historical conviction rate for drug-related offenses” means, for a given area, the historical conviction count for drug-related offenses divided by the population of such area, as determined by the five-year estimates of the most recent American Community Survey conducted by the United States Census Bureau;

- (29) “Hybrid retailer” means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;
- (30) “Key employee” means an employee with the following management position or an equivalent title within a cannabis establishment: (A) President or chief officer, who is the top ranking individual at the cannabis establishment and is responsible for all staff and overall direction of business operations; (B) financial manager, who is the individual who reports to the president or chief officer and who is generally responsible for oversight of the financial operations of the cannabis establishment, including, but not limited to, revenue generation, distributions, tax compliance and budget implementation; or (C) compliance manager, who is the individual who reports to the president or chief officer and who is generally responsible for ensuring the cannabis establishment complies with all laws, regulations and requirements related to the operation of the cannabis establishment;
- (31) “Laboratory” means a laboratory located in the state that is licensed by the department to provide analysis of cannabis that meets the licensure requirements set forth in section 21a-246;
- (32) “Laboratory employee” means an individual who is registered as a laboratory employee pursuant to section 21a-408r;
- (33) “Labor peace agreement” means an agreement between a cannabis establishment and a bona fide labor organization under section 21a-421d pursuant to which the owners and management of the cannabis establishment agree not to lock out employees and that prohibits the bona fide labor organization from engaging in picketing, work stoppages or boycotts against the cannabis establishment;
- (34) “Manufacture” means to add or incorporate cannabis into other products or ingredients or create a cannabis product;
- (35) “Medical marijuana product” means cannabis that may be exclusively sold to qualifying patients and caregivers by dispensary facilities and hybrid retailers and which are designated by the commissioner as reserved for sale to qualifying patients and caregivers and published on the department's Internet web site;
- (36) “Micro-cultivator” means a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner;
- (37) “Municipality” means any town, city or borough, consolidated town and city or consolidated town and borough;
- (38) “Paraphernalia” means drug paraphernalia, as defined in section 21a-240;
- (39) “Person” means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal



- entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof;
- (40) “Producer” means a person that is licensed as a producer pursuant to section 21a-408i and any regulations adopted thereunder;
- (41) “Product manufacturer” means a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type;
- (42) “Product packager” means a person that is licensed to package and label cannabis;
- (43) “Qualifying patient” has the same meaning as provided in section 21a-408;
- (44) “Research program” has the same meaning as provided in section 21a-408;
- (45) “Retailer” means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs;
- (46) “Sale” or “sell” has the same meaning as provided in section 21a-240;
- (47) “Social Equity Council” or “council” means the council established under section 21a-420d;
- (48) “Social equity applicant” means a person that has applied for a license for a cannabis establishment, where such applicant is at least sixty-five per cent owned and controlled by an individual or individuals, or such applicant is an individual, who:
- (A) Had an average household income of less than three hundred per cent of the state median household income over the three tax years immediately preceding such individual's application; and
- (B) (i) Was a resident of a disproportionately impacted area for not less than five of the ten years immediately preceding the date of such application; or
- (ii) Was a resident of a disproportionately impacted area for not less than nine years prior to attaining the age of eighteen;
- (49) “THC” has the same meaning as provided in section 21a-240;
- (50) “Third-party lottery operator” means a person, or a constituent unit of the state system of higher education, that conducts lotteries pursuant to section 21a-420g, identifies the cannabis establishment license applications for consideration without performing any review of the applications that are identified for consideration, and that has no direct or indirect oversight of or investment in a cannabis establishment or a cannabis establishment applicant;
- (51) “Transfer” means to transfer, change, give or otherwise dispose of control over or interest in;
- (52) “Transport” means to physically move from one place to another;
- (53) “Transporter” means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs; and

(54) “Unemployment rate” means, in a given area, the number of people sixteen years of age or older who are in the civilian labor force and unemployed divided by the number of people sixteen years of age or older who are in the civilian labor force.

(June Sp. Sess. P.A. 21-1, S. 1.)

\*Note: Sections 23, 60, 63 to 65, inclusive, 124, 144 and 165 of public act 21-1 of the June special session are special in nature and therefore have not been codified but remain in full force and effect according to their terms.

History: June Sp. Sess. P.A. 21-1 effective June 22, 2021.

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**Sec. 21a-420a. Purchase, possession, display, sale or transportation of cannabis legal.**

Notwithstanding any provision of the general statutes, the purchase, possession, display, sale or transportation of cannabis by a cannabis establishment or employee thereof shall not be unlawful and shall not be an offense or a basis for seizure or forfeiture of assets so long as such purchase, possession, display, sale or transportation is within the scope of such person's employment or such person's license or registration and is in compliance with the laws and regulations that apply to such license or registration type.

(June Sp. Sess. P.A. 21-1, S. 52.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420b. Enforcement of violations of federal law related to cannabis.**

(a) No agency or political subdivision of the state may rely on a violation of federal law related to cannabis as the sole basis for taking an adverse action against a person, except for any adverse action taken as required by federal law, including, but not limited to, the state's disqualification of a commercial driver's license, commercial learner's permit, commercial motor vehicle operator's privilege or hazardous materials endorsement for violations of federal law related to cannabis for which the Federal Motor Carrier Safety Regulations or the Hazardous Materials Regulations require disqualification, or for which the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration has, based upon such violation, issued a disqualification order.

(b) It is the public policy of this state that contracts related to the operation of a cannabis establishment business are enforceable.

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

(d) No law enforcement officer employed by an agency that receives state or local government funds shall expend state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with this section and sections 21a-420a, 21a-420c to 21a-420i, inclusive, 21a-420l to 21a-420n, inclusive, 21a-420p to 21a-420t, inclusive, 21a-420v to 21a-421c, inclusive, 21a-421f, 21a-421g, 21a-421j to 21a-421q, inclusive, 21a-421aa to 21a-421dd, inclusive, 21a-422k and 53-247a and sections 23, 60 and 63 to 65, inclusive, of public act 21-1 of the June special session\* or chapter 420f.

(e) An officer may not expend state or local resources, including the officer's time, to provide any information or logistical support to any federal law enforcement authority or prosecuting entity related to activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with the provisions of this section and sections 21a-420a, 21a-420c to 21a-420i, inclusive, 21a-420l to 21a-420n, inclusive, 21a-420p to 21a-420t, inclusive, 21a-420v to 21a-421c, inclusive, 21-421f, 21a-421g, 21a-421j to 21a-421q, inclusive, 21a-421aa to 21a-421dd, inclusive, 21a-422k and 53-247a and sections 23, 60 and 63 to 65, inclusive, of public act 21-1 of the June special session\* or chapter 420f.

(June Sp. Sess. P.A. 21-1, S. 25.)

\*Note: Sections 23, 60 and 63 to 65, inclusive, of public act 21-1 of the June special session are special in nature and therefore have not been codified but remain in full force and effect according to their terms.

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420c. License required for sale, offering or delivery of cannabis.** (a) Except as provided in RERACA and chapter 420b or 420f, (1) no person, other than a retailer, hybrid retailer, micro-cultivator or delivery service, or an employee thereof in the course of his or her employment, may sell or offer cannabis to a consumer, and (2) no person, other than a hybrid

retailer, dispensary facility or a delivery service, or an employee thereof in the course of his or her employment, may sell or offer cannabis to qualifying patients and caregivers.

(b) No person except a delivery service, or an employee thereof, subject to the restrictions set forth in section 21a-420z, in the course of his or her employment may deliver cannabis to consumers, patients or caregivers except that retailers, hybrid retailers, micro-cultivators and dispensary facilities may utilize their own employees to deliver cannabis to the same individuals they may sell to pursuant to subsection (a) of this section until thirty days after the date the first five delivery service licensees have commenced public operation, which date shall be published by the commissioner on the department's Internet web site, and thereafter all delivery to consumers, patients or caregivers shall be done through a delivery service licensee.

(June Sp. Sess. P.A. 21-1, S. 21.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420d. Social Equity Council established. Membership. Powers. Study. Recommendations. List of disproportionately impacted areas. Duties.** (a) There is established a Social Equity Council, which shall be within the Department of Economic and Community Development for administrative purposes only.

(b) The council shall consist of fifteen members as follows:

- (1) One appointed by the speaker of the House of Representatives, who has a professional background of not less than five years working in the field of either social justice or civil rights;
- (2) One appointed by the president pro tempore of the Senate, who has a professional background of not less than five years working in the field of either social justice or civil rights;
- (3) One appointed by the majority leader of the House of Representatives, who has a professional background of not less than five years working in the field of economic development to help minority-owned businesses;
- (4) One appointed by the majority leader of the Senate, who has a professional background of not less than five years in providing access to capital to minorities, as defined in section 32-9n;
- (5) One appointed by the minority leader of the House of Representatives, who is from a community that has been disproportionately harmed by cannabis prohibition and enforcement;
- (6) One appointed by the minority leader of the Senate, who has a professional background of not less than five years in providing access to capital to minorities, as defined in section 32-9n;
- (7) One appointed by the chairperson of the Black and Puerto Rican Caucus of the General Assembly;

(8) Four appointed by the Governor, one who is from a community that has been disproportionately harmed by cannabis prohibition and enforcement, one who has a professional background of not less than five years working in the field of economic development and one who is an executive branch official focused on workforce development;

(9) The Commissioner of Consumer Protection, or the commissioner's designee;

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

(11) The State Treasurer, or the State Treasurer's designee; and

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

(c) In making the appointments in subsection (b) of this section, the appointing authority shall use best efforts to make appointments that reflect the racial, gender and geographic diversity of the population of the state. All appointments shall be made not later than thirty days after the effective date of this section and the Governor shall appoint the chairperson of the council from among the members of the council. Members appointed by the Governor shall serve a term of four years from the time of appointment and members appointed by any other appointing authority shall serve a term of three years from the time of appointment. The appointing authority shall fill any vacancy for the unexpired term. The Governor shall appoint an interim executive director to operationalize and support the council until, notwithstanding the provisions of section 4-9a, the council appoints an executive director. Subject to the provisions of chapter 67, and within available appropriations, the council may thereafter appoint an executive director and such other employees as may be necessary for the discharge of the duties of the council.

(d) A majority of the members of the council shall constitute a quorum for the transaction of any business. The members of the council shall serve without compensation, but shall, within available appropriations, be reimbursed for expenses necessarily incurred in the performance of their duties.

(e) The council may (1) request, and shall receive, from any state agency such information and assistance as the council may require; (2) use such funds as may be available from federal, state or other sources and may enter into contracts to carry out the purposes of the council, including, but not limited to, contracts or agreements with Connecticut Innovations, Incorporated, constituent units of the state system of higher education, regional workforce development boards and community development financial institutions; (3) utilize voluntary and uncompensated services of private individuals, state or federal agencies and organizations as may, from time to time, be offered and needed; (4) accept any gift, donation or bequest for the purpose of performing the duties of the council; (5) hold public hearings; (6) establish such standing committees, as necessary, to perform the duties of the council; and (7) adopt

regulations, in accordance with chapter 54, as it may deem necessary to carry out the duties of the council.

(f) The council shall promote and encourage full participation in the cannabis industry by persons from communities that have been disproportionately harmed by cannabis prohibition and enforcement.

(g) Not later than forty-five days after June 22, 2021, or at a later date determined by the council, the council shall establish criteria for proposals to conduct a study under this section and the Secretary of the Office of Policy and Management shall post on the State Contracting Portal a request for proposals to conduct a study, and shall select an independent third party to conduct such study and provide detailed findings of fact regarding the following matters in the state or other matters determined by the council:

- (1) Historical and present-day social, economic and familial consequences of cannabis prohibition, the criminalization and stigmatization of cannabis use and related public policies;
- (2) Historical and present-day structures, patterns, causes and consequences of intentional and unintentional racial discrimination and racial disparities in the development, application and enforcement of cannabis prohibition and related public policies;
- (3) Foreseeable long-term social, economic and familial consequences of unremedied past racial discrimination and disparities arising from past and continued cannabis prohibition, stigmatization and criminalization;
- (4) Existing patterns of racial discrimination and racial disparities in access to entrepreneurship, employment and other economic benefits arising in the lawful palliative use cannabis sector as established pursuant to chapter 420f; and
- (5) Any other matters that the council deems relevant and feasible for study for the purpose of making reasonable and practical recommendations for the establishment of an equitable and lawful adult-use cannabis business sector in this state.

(h) Not later than January 1, 2022, the council shall, taking into account the results of the study conducted in accordance with subsection (g) of this section, make written recommendations, in accordance with the provisions of section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, consumer protection and the judiciary regarding legislation to implement the provisions of this section. The council shall make recommendations regarding:

- (1) Creating programs to ensure that individuals from communities that have been disproportionately harmed by cannabis prohibition and enforcement are provided equal access to licenses for cannabis establishments;
- (2) Specifying additional qualifications for social equity applicants;

- (3) Providing for expedited or priority license processing for each license as a retailer, hybrid retailer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, transporter and delivery service license for social equity applicants;
- (4) Establishing minimum criteria for any cannabis establishment licensed on or after January 1, 2022, that is not owned by a social equity applicant, to comply with an approved workforce development plan to reinvest or provide employment and training opportunities for individuals in disproportionately impacted areas;
- (5) Establishing criteria for a social equity plan for any cannabis establishment licensed on or after January 1, 2022, to further the principles of equity, as defined in section 21a-420;
- (6) Recruiting individuals from communities that have been disproportionately harmed by cannabis prohibition and enforcement to enroll in the workforce training program established pursuant to section 21a-421g;
- (7) Potential uses for revenue generated under RERACA to further equity;
- (8) Encouraging participation of investors, cannabis establishments, and entrepreneurs in the cannabis business accelerator program established pursuant to section 21a-421f;
- (9) Establishing a process to best ensure that social equity applicants have access to the capital and training needed to own and operate a cannabis establishment; and
- (10) Developing a vendor list of women-owned and minority-owned businesses that cannabis establishments may contract with for necessary services, including, but not limited to, office supplies, information technology infrastructure and cleaning services.
  - (i) Not later than August 1, 2021, and annually thereafter, the council shall use the most recent five-year United States Census Bureau American Community Survey estimates or any successor data to determine one or more United States census tracts in the state that are a disproportionately impacted area and shall publish a list of such tracts on the council's Internet web site.
  - (j) After developing criteria for workforce development plans as described in subdivision (4) of subsection (h) of this section, the council shall review and approve or deny in writing any such plan submitted by a producer under section 21a-420l or a hybrid-retailer under section 21a-420u.
  - (k) The council shall develop criteria for evaluating the ownership and control of any joint venture created under section 21a-420m or 21a-420u and shall review and approve or deny in writing such joint venture prior to such joint venture being licensed under section 21a-420m or 21a-420u. After developing criteria for social equity plans as described in subdivision (5) of subsection (h) of this section, the council shall review and approve or deny in writing any such plan submitted by a cannabis establishment as part of its final license application.
  - (l) The Social Equity Council shall, upon receipt of funds from producers in accordance with subdivision (5) of subsection (b) of section 21a-420l, develop a program to assist social equity

applicants to open not more than two micro-cultivator establishment businesses in total. Producers shall provide mentorship to such social equity applicants. The Social Equity Council shall, with the department, determine a system to select social equity applicants to participate in such program without participating in a lottery or request for proposals.

(June Sp. Sess. P.A. 21-1, S. 22.)

History: June Sp. Sess. P.A. 21-1 effective June 22, 2021.

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**Sec. 21a-420e. Timeline for initial applications for licensure. Fees for licenses.** (a) Not later than thirty days after the date that the Social Equity Council identifies the criteria and the necessary supporting documentation for social equity applicants and posts such information on its Internet web site, the department may accept applications for the following cannabis establishment license types: (1) Retailer, (2) hybrid retailer, (3) cultivator, (4) micro-cultivator, (5) product manufacturer, (6) food and beverage manufacturer, (7) product packager, (8) delivery service, and (9) transporter. Each application for licensure shall require the applicant to indicate whether the applicant wants to be considered for treatment as a social equity applicant.

(b) On and after July 1, 2021, the department may accept applications from any dispensary facility to convert its license to a hybrid-retailer license and any producer for expanded authorization to engage in the adult use cannabis market under its license issued pursuant to section 21a-408i.

(c) Except as provided in subsection (e) of this section, the following fees shall be paid by each applicant:

(1) For a retailer license, the fee to enter the lottery shall be five hundred dollars, the fee to receive a provisional license shall be five thousand dollars and the fee to receive a final license or a renewal of a final license shall be twenty-five thousand dollars.

(2) For a hybrid retailer license, the fee to enter the lottery shall be five hundred dollars, the fee to receive a provisional license shall be five thousand dollars and the fee to receive a final license or a renewal of a final license shall be twenty-five thousand dollars.

(3) For a cultivator license, the fee to enter the lottery shall be one thousand dollars, the fee to receive a provisional license shall be twenty-five thousand dollars and the fee to receive a final license or a renewal of a final license shall be seventy-five thousand dollars.

(4) For a micro-cultivator license, the fee to enter the lottery shall be two hundred fifty dollars, the fee to receive a provisional license shall be five hundred dollars and the fee to receive a final license or a renewal of a final license shall be one thousand dollars.



(5) For a product manufacturer license, the fee to enter the lottery shall be seven hundred fifty dollars, the fee to receive a provisional license shall be five thousand dollars and the fee to receive a final license or a renewal of a final license shall be twenty-five thousand dollars.

(6) For a food and beverage manufacturer license, the fee to enter the lottery shall be two hundred fifty dollars, the fee to receive a provisional license shall be one thousand dollars and the fee to receive a final license or a renewal of a final license shall be five thousand dollars.

(7) For a product packager license, the fee to enter the lottery shall be five hundred dollars, the fee to receive a provisional license shall be five thousand dollars and the fee to receive a final license or a renewal of a final license shall be twenty-five thousand dollars.

(8) For a delivery service or transporter license, the fee to enter the lottery shall be two hundred fifty dollars, the fee to receive a provisional license shall be one thousand dollars and the fee to receive a final license or a renewal of a final license shall be five thousand dollars.

(9) For an initial or renewal of a backer license, the fee shall be one hundred dollars.

(10) For an initial or renewal of a key employee license, the fee shall be one hundred dollars.

(11) For an initial or renewal of a registration of an employee who is not a key employee, the fee shall be fifty dollars.

(12) The license conversion fee for a dispensary facility to become a hybrid retailer shall be one million dollars, except as provided in section 21a-420u.

(13) The license conversion fee for a producer to engage in the adult use cannabis market shall be three million dollars, except as provided in section 21a-420l.

(d) For any dispensary facility that has become a hybrid retailer, the renewal fee shall be the same as the fee for a hybrid retailer set forth in subdivision (2) of subsection (c) of this section. For any producer, the renewal fee shall be the same as set forth in section 21a-408i. A social equity applicant shall pay fifty per cent of the amount of any of the fees specified in subsection (c) of this section for the first three renewal cycles of the applicable cannabis establishment license applied for, and the full amount thereafter, provided in the case of the fees set forth in subdivisions (12) and (13) of subsection (c) of this section, a social equity applicant shall pay the full amount of the fee.

(e) For the fiscal year ending June 30, 2023, and thereafter, fees collected by the department under this section shall be paid to the State Treasurer and credited to the General Fund, except that the fees collected under subdivisions (12) and (13) of subsection (c) of this section shall be deposited in the Social Equity and Innovation Fund established under section 21a-420f.

(f) For each license type:

(1) Applicants shall apply on a form and in a manner prescribed by the commissioner, which form shall include a method for the applicant to request consideration as a social equity applicant; and

(2) The department shall post on its Internet web site the application period, which shall specify the first and last date that the department will accept applications for that license type. The first date that the department shall accept applications shall be no sooner than thirty days after the date the Social Equity Council posts the criteria and supporting documentation necessary to qualify for consideration as a social equity applicant as set forth in section 21a-420g. Only complete license applications received by the department during the application period shall be considered.

(June Sp. Sess. P.A. 21-1, S. 34.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420f. Accounts and funds. Deposits. Estimates and adjustments of expenditure requirements.** (a)(1) There is established an account to be known as the “cannabis regulatory and investment account” which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be allocated by the Secretary of the Office of Policy and Management to state agencies for the purpose of paying costs incurred to implement the activities authorized under RERACA, as defined in section 21a-420.

(2) Notwithstanding the provisions of section 21a-420e, for the fiscal year ending June 30, 2022, the following shall be deposited in the cannabis regulatory and investment account: (A) All fees received by the state pursuant to section 21a-421b and subdivisions (1) to (11), inclusive, of subsection (c) of section 21a-420e; (B) the tax received by the state under section 12-330ll; and (C) the tax received by the state under chapter 219 from a cannabis retailer, hybrid retailer or micro-cultivator, as those terms are defined in section 12-330ll.

(b) (1) There is established an account to be known as the “social equity and innovation account” which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be allocated by the Secretary of the Office of Policy and Management to state agencies for the purpose of (A) paying costs incurred by the Social Equity Council, as defined in section 21a-420, and (B) administering programs under RERACA to provide (i) access to capital for businesses, (ii) technical assistance for the start-up and operation of a business, (iii) funding for workforce education, and (iv) funding for community investments.

(2) Notwithstanding the provisions of sections 21a-420e and 21a-420o, for the fiscal year ending June 30, 2022, the following shall be deposited in the social equity and innovation

account: All fees received by the state pursuant to sections 21a-420l, 21a-420o and 21a-420u and subdivisions (12) and (13) of subsection (c) of section 21a-420e.

(c) (1) On and after July 1, 2022, there is established a fund to be known as the “Social Equity and Innovation Fund” which shall be a separate, nonlapsing fund. The fund shall contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. Moneys in the fund shall be appropriated for the purposes of providing the following: Access to capital for businesses; technical assistance for the start-up and operation of a business; funding for workforce education; and funding for community investments. All such appropriations shall be dedicated to expenditures that further the principles of equity, as defined in section 21a-420.

(2) (A) For the purposes of subdivision (1) of this subsection, for the fiscal year ending June 30, 2023, and for each fiscal year thereafter, the Social Equity Council shall transmit, for even-numbered years, estimates of expenditure requirements and for odd-numbered years, recommended adjustments and revisions, if any, of such estimates, to the Secretary of the Office of Policy and Management, in the manner prescribed for a budgeted agency under subsection (a) of section 4-77. The council shall recommend for each fiscal year commencing with the fiscal year ending June 30, 2023, appropriate funding for all credits payable to angel investors that invest in cannabis businesses pursuant to section 12-704d.

(B) The Office of Policy and Management may not make adjustments to any such estimates or adjustments and revisions of such estimates transmitted by the council. Notwithstanding any provision of the general statutes or any special act, the Governor shall not reduce the allotment requisitions or allotments in force pursuant to section 4-85 or make reductions in allotments in order to achieve budget savings in the General Fund, concerning any appropriations made by the General Assembly for the purposes of subdivision (1) of this subsection.

(d) On and after July 1, 2022, there is established a fund to be known as the “Prevention and Recovery Services Fund” which shall be a separate, nonlapsing fund. The fund shall contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. Moneys in the fund shall be appropriated for the purposes of (1) substance abuse prevention, treatment and recovery services, and (2) collection and analysis of data regarding substance use.

(June Sp. Sess. P.A. 21-1, S. 128.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420g. Review of applications by Social Equity Council. Maximum number of applications. Lottery. Rankings to be confidential. Disqualification. Provisional license. Final license.**

(a) The Social Equity Council shall review the ownership information and any other information necessary to confirm that an applicant qualifies as a social equity applicant for all license type applications submitted to the department and designated by the applicant as a social equity applicant. The Social Equity Council shall prescribe the documentation necessary for applicants to submit to establish that the ownership, residency and income requirements for social equity applicants are met. On or before September 1, 2021, the Social Equity Council shall post such necessary documentation requirements on its Internet web site to inform applicants of such requirements prior to the start of the application period.

(b) Except as provided in section 21a-420o, prior to the first date that the department begins accepting applications for a license type, the department shall determine the maximum number of applications that shall be considered for such license type and post such information on its Internet web site. Fifty per cent of the maximum number of applications that shall be considered for each license type (1) shall be selected through a social equity lottery for such license type, and (2) shall be reserved by the department for social equity applicants. If, upon the close of the application period for a license type, the department receives more applications than the maximum number to be considered in total or to be reserved for social equity applicants as set forth in subsection (b) of this section, a third-party lottery operator shall conduct a lottery to identify applications for review by the department and the Social Equity Council.

(c) (1) The third-party lottery operator shall:

(A) Not be provided any application received after the close of the application period;

(B) Give equal weight to every complete application submitted during the application period; and

(C) Conduct multiple, separate geographic lotteries if required by the department.

(2) For purposes of the lottery, the third-party lottery operator shall:

(A) Conduct an independent lottery for each license type and a separate lottery for social equity applicants of each license type that results in each application being randomly ranked starting with one and continuing sequentially; and

(B) Rank all applications in each lottery numerically according to the order in which they were drawn, including those that exceed the number to be considered, and identify for the department all applications to be considered, which shall consist of the applications ranked numerically one to the maximum number set forth in accordance with subsection (b) of this section.

(d) (1) Upon receipt of an application for social equity consideration or, in the case where a social equity lottery is conducted, after such lottery applicants are selected, the department shall provide to the Social Equity Council the documentation received by the department during the application process that is required under subsection (a) of this section. No identifying

information beyond what is necessary to establish social equity status shall be provided to the Social Equity Council. The Social Equity Council shall review the social equity applications to be considered as identified by the third-party lottery operator to determine whether the applicant meets the criteria for a social equity applicant. If the Social Equity Council determines that an applicant does not qualify as a social equity applicant, the application shall not be reviewed further for purposes of receiving a license designated for social equity applicants. The application shall be entered into the other lottery for the license type and may be reviewed further if selected through such lottery, provided the applicant pays the additional amount necessary to pay the full fee for entry into such lottery within five business days of being notified by the Social Equity Council that it does not qualify as a social equity applicant. Not later than thirty days after an applicant is notified of a denial of a license application under this subsection, the applicant may appeal such denial to the Superior Court in accordance with section 4-183.

(2) Upon determination by the Social Equity Council that an application selected through the lottery process does not qualify for consideration as a social equity applicant, the department shall request that the third-party lottery operator identify the next-ranked application in the applicable lottery. This process may continue until the Social Equity Council has identified for further consideration the number of applications set forth on the department's web site pursuant to subsection (b) of this section or the lottery indicates that there are no further applications to be considered.

(3) For each license type, the Social Equity Council shall identify for the department the applications that qualify as social equity applicants and that should be reviewed by the department for purposes of awarding a provisional license.

(4) Any application subject to, but not selected through, the social equity lottery process shall not be reviewed as a social equity application but shall be entered into the lottery for the remaining applications for the license type.

(5) After receiving the list of social equity applications from the Social Equity Council, the department shall notify the third-party lottery operator, which shall then conduct an independent lottery for all remaining applicants for each license type, rank all applications numerically including those that exceed the number to be considered, and identify for the department all applications to be reviewed. The number of applications to be reviewed shall consist of the applications ranked numerically one through the maximum number set forth in accordance with subsection (b) of this section, provided that if fewer social equity applicants are identified pursuant to subdivision (3) of this subsection, the maximum number shall be the number necessary to ensure that fifty per cent of the applications for each license type identified through the lottery process are social equity applicants.

(6) The numerical rankings created by the third-party lottery operator shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(e) The department shall review each application to be considered, as identified by the third-party lottery operator or Social Equity Council, as applicable, to confirm it is complete and to determine whether any application: (1) Includes a backer with a disqualifying conviction; (2) includes a backer that would result in common ownership in violation of the cap set forth in section 21a-420i; or (3) has a backer who individually or in connection with a cannabis business in another state or country has an administrative finding or judicial decision that may substantively compromise the integrity of the cannabis program, as determined by the department, or that precludes its participation in this state's cannabis program.

(f) No additional backers may be added to a cannabis establishment application between the time of lottery entry, or any initial application for a license, and when a final license is awarded to the cannabis establishment, except, if a backer of an applicant or provisional licensee dies, the applicant or provisional licensee may apply to the commissioner to replace the deceased backer, provided if such applicant is a social equity applicant, the Social Equity Council shall review ownership to ensure such replacement would not cause the applicant to no longer qualify as a social equity applicant.

(g) If an applicant or a single backer of an applicant is disqualified on the basis of any of the criteria set forth in subsection (e) of this section, the entire application shall be denied, and such denial shall be a final decision of the department, provided backers of the applicant entity named in the lottery application submission may be removed prior to submission of a final license application unless such removal would result in a social equity applicant no longer qualifying as a social equity applicant. If the applicant removes any backer that would cause the applicant to be denied based on subsection (e) of this section, then the applicant entity shall not be denied due to such backer's prior involvement if such backer is removed within thirty days of notice by the department of the disqualification of a backer. Not later than thirty days after service of notice upon the applicant of a denial, the applicant may appeal such denial to the Superior Court in accordance with section 4-183.

(h) For each application denied pursuant to subsection (e) of this section, the department may, within its discretion, request that the third-party lottery operator identify the next-ranked application in the applicable lottery. If the applicant that was denied was a social equity applicant, the next ranked social equity applicant shall first be reviewed by the Social Equity Council to confirm that the applicant qualifies as a social equity applicant prior to being further reviewed by the department. This process may continue until the department has identified for further consideration the number of applications equivalent to the maximum number set forth on its Internet web site pursuant to subsection (b) of this section. If the number of applications

remaining is less than the maximum number posted on the department's Internet web site, the department shall award fewer licenses. To the extent the denials result in less than fifty per cent of applicants being social equity applicants, the department shall continue to review and issue provisional and final licenses for the remaining applications, but shall reopen the application period only for social equity applicants.

(i) All applicants selected in the lottery and not denied shall be provided a provisional license application, which shall be submitted in a form and manner prescribed by the commissioner. Applicants shall have sixty days from the date they receive their provisional application to complete the application. The right to apply for a provisional license is nontransferable. Upon receiving a provisional application from an applicant, the department shall review the application for completeness and to confirm that all information provided is acceptable and in compliance with this section and any regulations adopted under this section. If a provisional application does not meet the standards set forth in this section, the applicant shall not be provided a provisional license. A provisional license shall expire after fourteen months and shall not be renewed. Upon granting a provisional license, the department shall notify the applicant of the project labor agreement requirements of section 21a-421e. A provisional licensee may apply for a final license of the license type for which the licensee applied during the initial application period. A provisional license shall be nontransferable. If the provisional application does not meet the standards set forth in this section or is not completed within sixty days, the applicant shall not receive a provisional license. The decision of the department not to award a provisional license shall be final and may be appealed in accordance with section 4-183. Nothing in this section shall prevent a provisional applicant from submitting an application for a future lottery.

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

- (1) A contract with an entity providing an approved electronic tracking system as set forth in section 21a-421n;
- (2) A right to occupy the location at which the cannabis establishment operation will be located;
- (3) Any necessary local zoning approval for the cannabis establishment operation;
- (4) A labor peace agreement complying with section 21a-421d has been entered into between the cannabis establishment and a bona fide labor organization, as defined in section 21a-421d;
- (5) A certification by the applicant that a project labor agreement complying with section 21a-421e will be entered into by the cannabis establishment prior to construction of any facility to be used in the operation of a cannabis establishment;
- (6) A social equity plan approved by the Social Equity Council;
- (7) A workforce development plan approved by the Social Equity Council;

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

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

(k) At any point prior to the expiration of the provisional license, the department may award a provisional licensee a final license for the license type for which the licensee applied. Prior to receiving final license approval, a provisional licensee shall not possess, distribute, manufacture, sell or transfer cannabis. The department may conduct site inspections prior to issuing a final license.

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

(June Sp. Sess. P.A. 21-1, S. 35.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420h. Regulations re sale or change in ownership of control of cannabis establishment license awarded to social equity applicant. Policies and procedures.**

**Enforcement.** The Social Equity Council shall adopt regulations, in accordance with the provisions of chapter 54, to prevent the sale or change in ownership or control of a cannabis establishment license awarded to a social equity applicant to someone other than another qualifying social equity applicant during the period of provisional licensure, and for three years following the issuance of a final license, unless the backer of such licensee has died or has a condition, including, but not limited to, a physical illness or loss of skill or deterioration due to the aging process, emotional disorder or mental illness that would interfere with the backer's ability to operate. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate this section, prior to adopting such regulations and not later than October 1, 2021, the council shall issue policies and procedures to implement the provisions of this section that shall have the force and effect of law. The council shall post all policies and procedures on its Internet web site and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. Any such policy or procedure shall no longer be effective upon the earlier of either the adoption of the policy or procedure as a final regulation under section 4-172 or forty-eight months from July 1, 2021, if such regulations have not been submitted to the legislative



regulation review committee for consideration under section 4-170. Any violation of such policies and procedures or any violation of such regulations related to the sale or change in ownership may be referred by the Social Equity Council to the department for administrative enforcement action, which may result in a fine of not more than ten million dollars or action against the establishment's license.

(June Sp. Sess. P.A. 21-1, S. 36.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420i. Restriction on holding, controlling or being a backer of two or more cannabis establishment licenses in the same license type or category.** From July 1, 2021, until June 30, 2025, the department shall not award a cannabis establishment license to any lottery applicant who, at the time the lottery is conducted, has two or more licenses or includes a backer that has managerial control of, or is a backer of, two or more licensees in the same license type or category for which the applicant has entered the lottery, provided an ownership interest in an equity joint venture or a social equity partner in accordance with subsection (c) of section 21a-420l shall not be considered for purposes of such cap. For purposes of this section, dispensary facility, retailer and hybrid retailer licenses shall be considered to be within the same license category and producer, cultivator and micro-cultivator licenses shall be considered to be within the same license category.

(June Sp. Sess. P.A. 21-1, S. 40.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420l. Authorization for expanded activity of producer. Social equity partnership.**

(a) In addition to activity permitted under chapter 420f, a producer may sell, deliver, transfer, transport, manufacture or package cannabis utilizing a transporter or the producer's own employees, to cannabis establishments, upon authorization for such expanded activity in writing by the commissioner, provided a producer may not transport any cannabis to consumers, patients or caregivers directly or through a delivery service.

(b) To obtain approval from the commissioner to engage in expanded activity as described in subsection (a) of this section, a producer shall submit (1) a complete license expansion application on a form prescribed by the commissioner, (2) a medical cannabis preservation plan,

to ensure against supply shortages of medical marijuana products, which shall be approved or denied at the commissioner's discretion, (3) payment of a conversion fee of three million dollars, provided, if the producer participates in at least two approved equity joint ventures as described in section 21a-420m, such fee shall be one million five hundred thousand dollars, (4) a workforce development plan in accordance with requirements developed by the Social Equity Council, that has been reviewed and approved by the Social Equity Council in accordance with section 21a-420d, and (5) (A) a contribution of five hundred thousand dollars to the Social Equity Council for the program established by the council in accordance with subsection (l) of section 21a-420d, or (B) evidence of an agreement with a social equity partner pursuant to subsection (c) of this section.

(c) Any producer seeking to obtain approval under subsection (b) of this section may enter into an agreement with a social equity partner to provide such partner five per cent of the grow space associated with the expanded activity of the producer, to establish a social equity business. The producer shall provide to the social equity partner, for a period of not less than five years, mentorship and all overhead costs that are necessary to ensure success, as determined by the Social Equity Council and codified in an agreement between the social equity partner and producer. The producer shall ensure that the social equity partner complies with the cannabis cultivation, testing, labeling, tracking, reporting and manufacturing provisions of RERACA as they apply to cultivators. The social equity partner shall own, and be entitled to, one hundred per cent of the profits of the social equity business established under this subsection. The Social Equity Council may require evidence of a social equity partnership that includes, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The producer or social equity partner shall submit to the Social Equity Council information including, but not limited to, the organizing documents of the entity that outline the ownership stake of each backer, initial backer investment and payout information to enable the council to determine the terms of ownership. Prior to submitting the agreement to the department, the social equity partner and business agreement shall be approved by the Social Equity Council.

(d) For purposes of this section, "social equity partner" means a person that is at least sixty-five per cent owned and controlled by an individual or individuals, or such applicant is an individual, who:

(1) Had an average household income of less than three hundred per cent of the state median household income over the three tax years immediately preceding such individual's application; and

(2) (A) Was a resident of a disproportionately impacted area for not less than five of the ten years immediately preceding the date of such application; or

(B) Was a resident of a disproportionately impacted area for not less than nine years prior to attaining the age of eighteen.

(June Sp. Sess. P.A. 21-1, S. 26.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021

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**Sec. 21a-420m. Creation of equity joint ventures by producer. Requirements. Fee.** (a) In order to pay a reduced license expansion authorization fee as described in subsection (b) of section 21a-420l, a producer shall commit to create two equity joint ventures to be approved by the Social Equity Council under section 21a-420d and licensed by the department under this section.

(b) The equity joint venture shall be in any cannabis establishment licensed business, other than a cultivator license, provided the social equity applicant shall own at least fifty per cent of such business.

(c) The producer or social equity applicant of an equity joint venture shall submit an application to the Social Equity Council that may include, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The producer or social equity applicant of an equity joint venture shall submit to the Social Equity Council information including, but not limited to, the organizing documents of the entity that outline the ownership stake of each backer, initial backer investment and payout information to enable the council to determine the terms of ownership.

(d) Upon obtaining the written approval of the Social Equity Council for an equity joint venture, the producer or social equity applicant of the equity joint venture shall apply for a license from the department in the same form as required by all other licensees of the same license type, except that such application shall not be subject to the lottery.

(e) A producer, including the backer of such producer, shall not increase its ownership in an equity joint venture in excess of fifty per cent during the seven-year period after a license is issued by the department under this section.

(f) Equity joint ventures that share a common producer or producer backer and that are retailers or hybrid retailers shall not be located within twenty miles of another commonly owned equity joint venture.

(g) If a producer had paid a reduced conversion fee as described in subsection (b) of section 21a-420l, and subsequently did not create two equity joint ventures under this section, the producer shall be liable for the full conversion fee of three million dollars.

(June Sp. Sess. P.A. 21-1, S. 27.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420n. Cultivator license.** (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a cultivator. No person may act as a cultivator or represent that such person is a licensed cultivator unless such person has obtained a license from the department pursuant to this section.

(b) A cultivator is authorized to cultivate, grow and propagate cannabis at an establishment containing not less than fifteen thousand square feet of grow space, provided such cultivator complies with the provisions of any regulations adopted under section 21a-420q concerning grow space. A cultivator establishment shall meet physical security controls and protocols set forth and required by the commissioner.

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

(d) A cultivator may sell, transfer or transport its cannabis to a dispensary facility, hybrid retailer, retailer, food and beverage manufacturer, product manufacturer, research program, laboratory or product packager utilizing its own employees or a transporter. A cultivator shall not sell, transfer or deliver to consumers, qualifying patients or caregivers, directly or through a delivery service.

(June Sp. Sess. P.A. 21-1, S. 48.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420o. Provisional cultivator license for social equity applicants. Final license for facility in disproportionately impacted area.** (a) Thirty days after the Social Equity Council posts the criteria for social equity applicants on its Internet web site, the department shall open up a three-month application period for cultivators during which a social equity applicant may apply to the department for a provisional cultivator license and final license for a cultivation facility located in a disproportionately impacted area without participating in a lottery or request for proposals. Such application for a provisional license shall be granted upon (1) verification

by the Social Equity Council that the applicant meets the criteria for a social equity applicant; (2) the applicant submitting to and passing a criminal background check; and (3) payment of a three-million-dollar fee to be deposited in the Social Equity and Innovation Fund established in section 21a-420f. Upon granting such provisional license, the department shall notify the applicant of the project labor agreement requirements of section 21a-421e.

(b) To obtain a final cultivator license under this section, the social equity applicant shall provide evidence of (1) a contract with an entity providing an approved electronic tracking system as described in section 21a-421n; (2) a right to exclusively occupy a location in a disproportionately impacted area at which the cultivation facility will be located; (3) any necessary local zoning approval and permits for the cultivation facility; (4) a business plan; (5) a social equity plan approved by the Social Equity Council; (6) written policies for preventing diversion and misuse of cannabis and sales of cannabis to underage persons; and (7) blueprints of the facility and all other security requirements of the department.

(June Sp. Sess. P.A. 21-1, S. 149.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420p. Micro-cultivator license.** (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a micro-cultivator. No person may act as a micro-cultivator or represent that such person is a licensed micro-cultivator unless such person has obtained a license from the department pursuant to this section.

(b) A micro-cultivator is authorized to cultivate, grow, propagate, manufacture and package the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner, provided such micro-cultivator complies with the provisions of any regulations adopted under section 21a-420q concerning grow space. A micro-cultivator business shall meet physical security controls set forth and required by the commissioner.

(c) A micro-cultivator may apply for expansion of its grow space, in increments of five thousand square feet, on an annual basis, from the date of initial licensure, if such licensee is not subject to any pending or final administrative actions or judicial findings. If there are any pending or final administrative actions or judicial findings against the licensee, the department shall conduct a suitability review to determine whether such expansion shall be granted, which determination shall be final and appealable only to the Superior Court. The micro-cultivator may apply for an expansion of its business annually upon renewal of its credential until such licensee reaches a maximum of twenty-five thousand square feet of grow space. If a micro-

cultivator desires to expand beyond twenty-five thousand square feet of grow space, the micro-cultivator licensee may apply for a cultivator license one year after its last expansion request. The micro-cultivator licensee shall not be required to apply through the lottery application process to convert its license to a cultivator license. If a micro-cultivator maintains its license and meets all of the application and licensure requirements for a cultivator license, including payment of the cultivator license fee established under section 21a-420e, the micro-cultivator licensee shall be granted a cultivator license.

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

(e) A micro-cultivator may sell, transfer or transport its cannabis to a dispensary facility, hybrid retailer, retailer, delivery service, food and beverage manufacturer, product manufacturer, research program, laboratory or product packager, provided the cannabis is cultivated, grown and propagated at the micro-cultivator's licensed establishment and transported utilizing the micro-cultivator's own employees or a transporter. A micro-cultivator shall not gift or transfer cannabis or cannabis products at no cost to a consumer as part of a commercial transaction.

(f) A micro-cultivator may sell its own cannabis to consumers, excluding qualifying patients and caregivers, either through a delivery service or utilizing its own employees, subject to the requirements of subsection (b) of section 21a-420c. Any micro-cultivator that engages in the delivery of cannabis shall maintain a secure location, in a manner approved by the commissioner, at the micro-cultivator's premises where cannabis that is unable to be delivered may be returned to the micro-cultivator. Such secure cannabis return location shall meet specifications set forth by the commissioner and published on the department's Internet web site or included in regulations adopted by the department. A micro-cultivator shall cease delivery of cannabis to consumers if it converts to being a cultivator.

(June Sp. Sess. P.A. 21-1, S. 49.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420q. Regulations re maximum grow space. Policies and procedures.** The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the maximum grow space permitted by a cultivator and micro-cultivator. In adopting such regulations, the commissioner shall seek to ensure an adequate supply of cannabis for the market. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to

effectuate this section, prior to adopting such regulations, the commissioner shall issue policies and procedures to implement the provisions of this section that shall have the force and effect of law. The commissioner shall post all policies and procedures on the department's Internet web site and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. Any such policy or procedure shall no longer be effective upon the earlier of either the adoption of the policy or procedure as a final regulation under section 4-172 or forty-eight months from July 1, 2021, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170.

(June Sp. Sess. P.A. 21-1, S. 37.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420r. Retailer license.** (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a retailer. No person may act as a retailer or represent that such person is a retailer unless such person has obtained a license from the department pursuant to this section.

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

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

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

(June Sp. Sess. P.A. 21-1, S. 41.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420s. Hybrid retailer license.** (a) On and after July 1, 2021, the department may issue or renew a license for a hybrid retailer. No person may act as a hybrid retailer or represent that such person is a hybrid retailer unless such person has obtained a license from the department pursuant to this section.

(b) A hybrid retailer may obtain cannabis from a cultivator, micro-cultivator, producer, product packager, food and beverage manufacturer, product manufacturer or transporter. In addition to the activities authorized under section 21a-420t, a hybrid retailer may sell, transport or transfer cannabis to a delivery service, laboratory or research program. A hybrid retailer may sell cannabis products to a consumer or research program. A hybrid retailer shall not gift or transfer cannabis at no cost to a consumer, qualifying patient or caregiver as part of a commercial transaction.

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

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

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

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

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



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

(June Sp. Sess. P.A. 21-1, S. 42.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420t. Conversion of dispensary facility license to hybrid retailer license. Real-time uploads to prescription drug monitoring program required. Delivery of cannabis or medical marijuana.**

(a) A dispensary facility may apply to the department, on a form and in a manner prescribed by the commissioner, to convert its license to a hybrid retailer license on or after September 1, 2021, without applying through the lottery application system. The license conversion application shall require a dispensary facility to submit to, and obtain approval from the department for, a detailed medical preservation plan for how it will prioritize sales and access to medical marijuana products for qualifying patients, including, but not limited to, managing customer traffic flow, preventing supply shortages, providing delivery services and ensuring appropriate staffing levels.

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

(c) On and after September 1, 2021, dispensary facilities and hybrid retailers shall be required to perform real-time uploads to the prescription drug monitoring program. Any cannabis or medical marijuana products sold to qualifying patients or caregivers shall be dispensed by a licensed pharmacist and shall be recorded into the prescription drug monitoring program, established pursuant to section 21a-254, in real-time or immediately upon completion of the transaction, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the transaction.

(d) On and after September 1, 2021, a dispensary facility or hybrid retailer may apply to the department, in a form and in a manner prescribed by the commissioner, to provide delivery services through a delivery service or utilizing its own employees, subject to the provisions of

subsection (b) of section 21a-420c, to qualifying patients, caregivers, research program subjects, as defined in section 21a-408, and hospice and other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v that have a protocol for the handling and distribution of cannabis that has been approved by the Department of Consumer Protection. A dispensary facility or hybrid retailer may deliver cannabis or medical marijuana products only from its own inventory to qualifying patients and caregivers. If such application is approved by the commissioner, the dispensary facility or hybrid retailer may commence delivery services on and after January 1, 2022, provided the commissioner may authorize dispensary facilities or hybrid retailers to commence delivery services prior to January 1, 2022, upon forty-five days advance written notice, published on the department's Internet web site.

(e) Hybrid retailers may commence delivery of cannabis directly to consumers as of the date the first adult use cannabis sales are permitted by the commissioner as set forth in subsection (f) of this section, through a delivery service, or utilizing their own employees, subject to the provisions of subsection (b) of section 21a-420c.

(f) Dispensary facilities that have been approved by the department and that have converted to hybrid retailers may open their premises to the general public and commence adult use cannabis sales on and after thirty days after the date that cannabis is available for purchase for purposes of adult use sales from producers or cultivators that have at least two hundred fifty thousand square feet of grow space and space used to manufacture cannabis products in the aggregate, which date shall be published on the department's Internet web site.

(June Sp. Sess. P.A. 21-1, S. 43.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420u. Workforce development plan required for conversion to dispensary facility to hybrid retailer. Equity joint ventures: Application, approval requirements. Fee.** (a) In order for a dispensary facility to convert its license to a hybrid-retailer license, a dispensary facility shall have a workforce development plan that has been approved by the Social Equity Council under section 21a-420d and shall either pay the fee of one million dollars established in section 21a-420e or, if such dispensary facility has committed to create one equity joint venture to be approved by the Social Equity Council for ownership purposes under section 21a-420d and subsequent to obtaining such approval, approved by the department for licensure under this section, pay a reduced fee of five hundred thousand dollars.

(b) Any equity joint venture created under this section shall be created for the development of a cannabis establishment business with a social equity applicant that owns at least fifty per cent of such business and where the dispensary facility owns at most fifty per cent of such business.

(c) An equity joint venture applicant shall submit an application to the Social Equity Council that may include, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The dispensary facility or social equity applicant of an equity joint venture shall submit an application to the Social Equity Council that may include, but need not be limited to, evidence of business formation, ownership allocation, terms of ownership and financing and proof of social equity applicant involvement. The dispensary facility or social equity applicant of an equity joint venture shall submit to the Social Equity Council information including, but not limited to, the organizing documents of the entity that outline the ownership stake of each backer, initial backer investment and payout information to enable the council to determine the terms of ownership.

(d) Upon receipt of written approval of the equity joint venture by the Social Equity Council, the dispensary facility or social equity applicant of the equity joint venture shall apply for a license from the department in the same form as required by all other licensees of the same license type and subject to the same fees as required by all other licensees of the same license type.

(e) A dispensary facility, including the backers of such dispensary facility, shall not increase its ownership in an equity joint venture in excess of fifty per cent during the seven-year period after a license is issued by the department under this section.

(f) Equity joint ventures that are retailers or hybrid retailers that share a common dispensary facility or dispensary facility backer owner shall not be located within twenty miles of another commonly owned equity joint venture.

(g) If a dispensary facility has paid the reduced conversion fee in accordance with subsection (a) of this section, and did not subsequently create one equity joint venture under this section, the dispensary facility shall be liable for the full conversion fee of one million dollars, established under section 21a-420e.

(June Sp. Sess. P.A. 21-1, S. 145.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420v. Denial of change of location application of dispensary facility or hybrid retailer authorized.** (a) Until June 30, 2023, the commissioner may deny a change of location

application from a dispensary facility or hybrid retailer based on the needs of qualifying patients.

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

(June Sp. Sess. P.A. 21-1, S. 50.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420w. Food and beverage manufacturer license.** (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a food and beverage manufacturer. No person may act as a food and beverage manufacturer or represent that such person is a licensed food and beverage manufacturer unless such person has obtained a license from the department pursuant to this section.

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

(c) A food and beverage manufacturer may package or label any food or beverage prepared by the food and beverage manufacturer at the establishment subject to the license.

(d) A food and beverage manufacturer may sell, transfer or transport its own products to a cannabis establishment, laboratory or research program, utilizing its employees or a transporter. A food and beverage manufacturer may not deliver any cannabis, cannabis products or food or beverage incorporating cannabis to a consumer, directly or through a delivery service.

(e) All products created by a food and beverage manufacturer shall be labeled in accordance with the policies and procedures issued by the commissioner to implement, and any regulations adopted pursuant to, RERACA as well as federal Food and Drug Administration and United States Department of Agriculture requirements.

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

(June Sp. Sess. P.A. 21-1, S. 44.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420x. Product manufacturer license.** (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a product manufacturer. No person may act as a product manufacturer or represent that such person is a licensed product manufacturer unless such person has obtained a license from the department pursuant to this section.

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

(c) A product manufacturer may package and label cannabis manufactured at its establishment subject to the license.

(d) A product manufacturer may sell, transfer or transport its own products to a cannabis establishment, laboratory or research program, provided such transportation is performed by utilizing its own employees or a transporter. A product manufacturer may not deliver any cannabis to a consumer directly or through a delivery service.

(e) All products created by a product manufacturer shall be labeled in accordance with the policies and procedures issued by the commissioner to implement, and any regulations adopted pursuant to, RERACA as well as federal Food and Drug Administration requirements.

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

(June Sp. Sess. P.A. 21-1, S. 45.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420y. Product packager license.** (a) On and after July 1, 2021, the department may issue or renew a license for a person to be a product packager. No person may act as a product packager or represent that such person is a product packager unless such person has obtained a license from the department pursuant to this section.

(b) A product packager may obtain cannabis from a producer, cultivator, micro-cultivator, food and beverage manufacturer or a product manufacturer. The product packager may sell, transfer or transport cannabis to any cannabis establishment, laboratory or research program, provided

the product packager only transports cannabis packaged at its licensed establishment and utilizing its own employees or a transporter.

(c) A product packager shall be responsible for ensuring that cannabis products are labeled and packaged in compliance with the provisions of RERACA and the policies and procedures issued by the commissioner to implement, and any regulations adopted pursuant to, RERACA.

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

(June Sp. Sess. P.A. 21-1, S. 46.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-420z. Delivery service and transporter licenses. Regulations and policies and procedures. Registration of delivery service employees.**

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

(b) Upon application for a delivery service or transporter license, the applicant shall indicate whether the applicant is applying to transport cannabis (1) between cannabis establishments, in which case the applicant shall apply for a transporter license, or (2) from certain cannabis establishments to consumers or qualifying patients and caregivers, or a combination thereof, in which case the applicant shall apply for a delivery service license.

(c) A delivery service may (1) deliver cannabis from a micro-cultivator, retailer, or hybrid retailer directly to a consumer, and (2) deliver cannabis and medical marijuana products from a hybrid retailer or dispensary facility directly to a qualifying patient, caregiver, or hospice or other inpatient care facility licensed by the Department of Public Health pursuant to chapter 368v that has protocols for the handling and distribution of cannabis that have been approved by the Department of Consumer Protection. A delivery service may not store or maintain control of cannabis or medical marijuana products for more than twenty-four hours between the point when a consumer, qualifying patient, caregiver or facility places an order, until the time that the cannabis or medical marijuana product is delivered to such consumer, qualifying patient, caregiver or facility.

(d) A transporter may deliver cannabis between cannabis establishments, research programs and laboratories and shall not store or maintain control of cannabis for more than twenty-four hours

from the time the transporter obtains the cannabis from a cannabis establishment, research program or laboratory until the time such cannabis is delivered to the destination.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of RERACA. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of RERACA and protect public health and safety, prior to adopting such regulations the commissioner shall issue policies and procedures to implement the provisions of this section that shall have the force and effect of law. The commissioner shall post all policies and procedures on the department's Internet web site, and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. Any such policy or procedure shall no longer be effective upon the earlier of either adoption of such policy or procedure as a final regulation under section 4-172 or forty-eight months from July 1, 2021, if such final regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170. The commissioner shall issue policies and procedures, and thereafter adopt final regulations, requiring that: (1) The delivery service and transporter meet certain security requirements related to the storage, handling and transport of cannabis, the vehicles employed, the conduct of employees and agents, and the documentation that shall be maintained by the delivery service, transporter and its drivers; (2) a delivery service that delivers cannabis to consumers maintain an online interface that verifies the age of consumers ordering cannabis for delivery and meets certain specifications and data security standards; and (3) a delivery service that delivers cannabis to consumers, qualifying patients or caregivers, and all employees and agents of such licensee, to verify the identity of the qualifying patient, caregiver or consumer and the age of the consumer upon delivery of cannabis to the end consumer, qualifying patient, or caregiver, in a manner acceptable to the commissioner. The individual placing the cannabis order shall be the individual accepting delivery of the cannabis except, in the case of a qualifying patient, the individual accepting the delivery may be the caregiver of such qualifying patient.

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

(g) A delivery service may only use individuals employed on a full-time basis, not less than thirty-five hours a week, to deliver cannabis pursuant to subsection (c) of this section. Any delivery service employees who deliver cannabis shall be registered with the department, and a delivery service shall not employ more than twenty-five such delivery employees at any given time.

(June Sp. Sess. P.A. 21-1, S. 47.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421. Age requirement to hold license or be backer or key employee of cannabis establishment. Registration and licensure requirements.** (a) Any person shall be twenty-one years of age or older to: (1) Hold any cannabis establishment license issued pursuant to RERACA; or (2) be a backer or key employee of a cannabis establishment that is licensed pursuant to RERACA.

(b) Any person shall be eighteen years of age or older to (1) be an employee of a cannabis establishment that is licensed pursuant to RERACA; or (2) be employed by a cannabis establishment or a licensee pursuant to chapter 420f.

(c) All employees of a cannabis establishment shall obtain a registration and all key employees and backers of a cannabis establishment shall obtain a license from the department, on a form and in a manner prescribed by the commissioner, except for (1) delivery service or transporter employees who do not (A) engage in the transport, storage or distribution of, or have access to, cannabis, or (B) engage in security controls or contract management with other cannabis establishments; (2) product packager employees who do not (A) have access to cannabis, or (B) engage in physical packaging, security controls or contract management with other cannabis establishments; and (3) other employee categories, as determined by the commissioner, provided under no circumstances shall a key employee be exempt from the licensure requirements of this section.

(June Sp. Sess. P.A. 21-1, S. 24.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421a. Registration requirement for employees of cannabis establishment, laboratory or research program. Licensure requirement for backers and key employees. Application requirements. Notice requirements. Regulations.**

(a) Each employee of a cannabis establishment, laboratory or research program, other than a key employee, shall annually apply for and obtain a registration, on a form and in a manner prescribed by the commissioner, prior to commencing employment at the cannabis establishment business.

(b) No person shall act as a backer or key employee, or represent that such person is a backer or key employee, unless such person has obtained a license from the department pursuant to this subsection. Such person shall apply for a license on a form and in a manner prescribed by the commissioner. Such form may require the applicant to: (1) Submit to a state and national



criminal history records check conducted in accordance with section 29-17a, which may include a financial history check if requested by the commissioner, to determine the character and fitness of the applicant for the license, (2) provide information sufficient for the department to assess whether the applicant has an ownership interest in any other cannabis establishment, cannabis establishment applicant or cannabis-related business nationally or internationally, (3) provide demographic information, and (4) obtain such other information as the department determines is consistent with the requirements of RERACA or chapter 420f. A backer or key employee shall be denied a license in the event his or her background check reveals a disqualifying conviction.

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

(d) Any person who receives a cannabis establishment license or backer or key employee license shall notify the department, in a manner prescribed by the department, of any arrest or conviction of such person for an offense that would constitute a disqualifying conviction, as defined in section 21a-420, not later than forty-eight hours after such arrest or conviction.

(e) The department may adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this section, or may adopt policies and procedures as set forth in section 21a-421j, prior to adopting such final regulations.

(June Sp. Sess. P.A. 21-1, S. 29.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421b. Criminal history records checks required for licensure. Fees.** (a) On and after July 1, 2021, the commissioner shall require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to submit to fingerprint-based state and national criminal history records checks before such license is issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. Upon renewal, the commissioner may require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to be fingerprinted and submit to a state and national criminal history records check conducted in accordance with section 29-17a before such renewal license is issued.

(b) The department shall charge the applicant a fee equal to the amount charged to the department to conduct a state and national criminal history records check of the applicant.

(June Sp. Sess. P.A. 21-1, S. 30.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421c. Third-party background checks for backer or key employee license applications.** Notwithstanding the provisions of sections 21a-421a and 21a-421b, the commissioner may accept a third-party local and national criminal background check submitted by an applicant for a backer or key employee license or renewal in lieu of a fingerprint-based national criminal history records check. Any such third-party background check shall (1) be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association, and (2) include a multistate and multi-jurisdiction criminal record locator or other similar commercial nation-wide database with validation, and other such background screening as the commissioner may require. The applicant shall request such background check not more than sixty days prior to submission of the application.

(June Sp. Sess. P.A. 21-1, S. 31.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421d. Labor peace agreements with bona fide labor organizations. Arbitration. Civil action. Prohibition against sale, transport or transfer of cannabis while license suspended.** (a) As used in this section:

- (1) “Bona fide labor organization” means a labor union that (A) represents employees in this state with regard to wages, hours and working conditions, (B) whose officers have been elected by a secret ballot or otherwise in a manner consistent with federal law, (C) is free of domination or interference by any employer and has received no improper assistance or support from any employer, and (D) is actively seeking to represent cannabis workers in the state;
- (2) “Labor peace agreement” means an agreement between a cannabis establishment and a bona fide labor organization under this section pursuant to which the owners and management of the cannabis establishment agree not to lock out employees and that prohibits the bona fide labor

organization from engaging in picketing, work stoppages or boycotts against the cannabis establishment;

(3) “Cannabis establishment”, “dispensary facility” and “producer” have the same meanings as provided in section 21a-420; and

(4) “Licensee” means a cannabis establishment licensee, dispensary facility or producer.

(b) Any provisional cannabis establishment licensee, dispensary facility or producer shall, as a condition of its final license approval, license conversion or approval for expanded authorization, respectively, enter into a labor peace agreement with a bona fide labor organization. Any such labor peace agreement shall contain a clause that the parties agree that final and binding arbitration by a neutral arbitrator will be the exclusive remedy for any violation of such agreement.

(c) Notwithstanding the provisions of chapter 54, if an arbitrator finds that a licensee failed to comply with an order issued by the arbitrator to correct a failure to abide by such agreement, upon receipt of a written copy of such finding, the department shall suspend the licensee's license without further administrative proceedings or formal hearing.

(d) A licensee or bona fide labor organization may commence a civil action in the Superior Court in the judicial district where the facility used in the operation of a cannabis establishment is located to enforce the arbitration award or to lift the license suspension. The license shall remain suspended until such time that (1) the arbitrator notifies, or both of the parties to the arbitration notify, the department that the licensee is in compliance with the arbitration award; (2) both of the parties to the arbitration notify the department that they have satisfactorily resolved their dispute; (3) the court, after hearing, lifts the suspension; or (4) the court, after hearing, orders alternative remedies, which may include, but need not be limited to, ordering the department to revoke the license or ordering the appointment of a receiver to properly dispose of any cannabis inventory. Except as provided in subsection (e) of this section, during such time that a license is suspended pursuant to this section, the licensee may engage in conduct necessary to maintain and secure the cannabis inventory, but may not sell, transport or transfer cannabis to another cannabis establishment, consumer or laboratory, unless such sale or transfer is associated with a voluntary surrender of license and a cannabis disposition plan approved by the commissioner.

(e) A producer, cultivator or micro-cultivator may sell, transport or transfer cannabis to a product packager, food or beverage manufacturer, product manufacturer, dispensary facility or hybrid retailer for the sale of products to qualified patients or caregivers, which products shall be labeled “For Medical Use Only”.

(June Sp. Sess. P.A. 21-1, S. 102.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421e. Project labor agreement required. Civil action for enforcement. Penalty.** (a)

As used in this section, “project labor agreement” means an agreement between a subcontractor or contractor and a cannabis establishment that: (1) Binds all contractors and subcontractors on the covered project to the project labor agreement through the inclusion of specifications in all relevant solicitation provisions and contract documents; (2) allows all contractors and subcontractors to compete for contracts and subcontracts on the project without regard to whether they are otherwise parties to collective bargaining agreements; (3) establishes uniform terms and conditions of employment for all construction labor employed on the projects; (4) guarantees against strikes, lockouts and similar job disruptions; (5) sets forth mutually binding procedures for resolving labor disputes arising during the project labor agreement; and (6) includes any other provisions as negotiated by the parties to promote successful delivery of the covered project; and “employee organization” means any lawful association, labor organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment for employees of cannabis establishments.

(b) A project for the construction or renovation of any facility for the operation of a cannabis establishment in an amount of five million dollars or greater shall be the subject of a project labor agreement between the contractors and subcontractors of such project and the cannabis establishment. A contractor, subcontractor or employee organization may enforce the provisions of this section or seek remedies for noncompliance with a project labor agreement entered into under this section by commencing a civil action in the Superior Court in the judicial district where the cannabis establishment project is located. The court, after hearing, may order penalties of not more than ten thousand dollars per day for each violation of the project labor agreement by the cannabis establishment. A failure of a cannabis establishment to comply with the provisions of this section shall not be the basis for any administrative action by the Department of Consumer Protection.

(June Sp. Sess. P.A. 12-1, S. 103.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421f. Cannabis business accelerator program.** (a) The Social Equity Council, in coordination with the Departments of Consumer Protection and Economic and Community Development, shall develop a cannabis business accelerator program to provide technical

assistance to participants by partnering participants with a cannabis establishment. The Social Equity Council may partner with a constituent unit of the state system of higher education in developing the program.

(b) Any individual who would qualify as a social equity applicant may apply to participate in the accelerator program under this section.

(c) On and after October 1, 2021, the Social Equity Council may accept applications from an individual described in subsection (b) of this section for the component of the accelerator program corresponding to each of the following license types: (1) Retailer, (2) cultivator, (3) product manufacturer, (4) food and beverage manufacturer, and (5) product packager.

(d) On and after July 1, 2022, the council may accept applications from (1) retailers, (2) cultivators, (3) product manufacturers, (4) food and beverage manufacturers, (5) product packagers, (6) hybrid-retailers, and (7) micro-cultivators, licensed pursuant to section 21a-420e, to partner with participants in the accelerator program component corresponding to the same license type, provided an accelerator retailer participant may be partnered with either a retailer or hybrid retailer and an accelerator cultivator participant may be partnered with either a cultivator or micro-cultivator.

(e) As part of the cannabis business accelerator program, accelerator participants may be required to participate in training on accounting methods, business services, how to access capital markets and financing opportunities and on regulatory compliance. Social equity applicants who have been awarded either a provisional license or a final license for a cannabis establishment may participate in the training programs made available under this section.

(f) The Social Equity Council shall facilitate opportunities for participants in the cannabis business accelerator program to meet with potential investors.

(g) A participant who has partnered with a cannabis establishment pursuant to subsection (d) of this section shall be allowed to participate in any activity of the cannabis establishment with the same privileges afforded by the cannabis establishment's license to employees of such cannabis establishment.

(h) Each participant shall annually apply for and obtain a registration, on a form and in a manner prescribed by the commissioner, prior to participating in any activity of a cannabis establishment. The Social Equity Council may charge a registration fee to participants.

(i) The Social Equity Council may determine the duration of the program and number of participants under this section.

**(June Sp. Sess. P.A. 21-1, S. 38.)**

**History: June Sp. Sess. P.A. 21-1 effective June 22, 2021.**

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**Sec. 21a-421g. Workforce training program for cannabis industry.** (a) The Social Equity Council, in coordination with the Department of Economic and Community Development and Labor Department, shall develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and support individuals who live in a disproportionately impacted area to find employment in the cannabis industry.

(b) The Social Equity Council, in consultation with the Department of Economic and Community Development and Labor Department, shall:

(1) Consult with cannabis establishments on an ongoing basis to assess the hiring needs of their businesses;

(2) Develop a universal application for prospective enrollees in workforce training programs as part of the workforce training programs developed pursuant to this section;

(3) Partner with the regional workforce development boards and institutions of higher education to develop workforce training programs;

(4) Develop a series of cannabis career pathways so that workers have the ability to vertically advance their careers within the cannabis industry;

(5) Partner with associated training providers to track and report performance outcomes of participants entering a cannabis workforce training program. Performance outcomes shall include, but not be limited to, enrollment, completion and placement of each individual entering into a training program; and

(6) Explore the creation of a series of apprenticeship programs for cannabis workers across the state.

(c) Upon completion of a workforce training program, enrollees may opt to have their information provided to cannabis establishments as prospective employees.

(June Sp. Sess. P.A. 21-1, S. 39.)

History: June Sp. Sess. P.A. 21-1 effective June 22, 2021.

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**Sec. 21a-421h. Bond authorization.** (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate fifty million dollars.

(b) The proceeds of the sale of such bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Economic and Community Development

jointly with the Social Equity Council for the purposes of providing (1) low-interest loans to social equity applicants, municipalities or organizations exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, to facilitate the rehabilitation, renovation or development of unused, underused real property to be used as a cannabis establishment or as part of such establishment; (2) capital to social equity applicants seeking to start or maintain a cannabis establishment; (3) funding to assist in the development or ongoing expenses of the cannabis business accelerator program established under section 21a-421f; and (4) funding to assist in the development or ongoing expenses of workforce training programs developed by the Social Equity Council pursuant to section 21a-421g. As used in this subsection, “Social Equity Council”, “cannabis establishment” and “social equity applicant” have the same meanings as provided in section 21a-420.

(c) All provisions of section 3-20, or the exercise of any right or power granted thereby, that are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section. Temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of such bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization that is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

(June Sp. Sess. P.A. 21-1, S. 134.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421i. Revolving loan program.** (a) As used in this section, “Social Equity Council”, “cannabis establishment” and “social equity applicant” have the same meanings as provided in section 21a-420.

(b) (1) The Department of Economic and Community Development and the Social Equity Council shall jointly develop and establish:

(A) A revolving loan program for the purposes of subdivision (1) of subsection (b) of section 21a-421h, including (i) requirements for loan eligibility under the program, (ii) an application form and the information and documentation required to be submitted with such application, (iii) the terms of the loans to be offered, including the rates of interest to be charged and the length of the loans, (iv) a plan for publicizing and marketing the program, and (v) any other requirements necessary to implement the program; and

(B) Application forms, applicant requirements and any other provisions the department and the council deem necessary for the purposes of subdivisions (2) to (4), inclusive, of subsection (b) of section 21a-421h.

(2) The department and the council shall post on the Internet web sites of the Department of Economic and Community Development and the Department of Consumer Protection information concerning the loan program and other available funding under this section.

(June Sp. Sess. P.A. 21-1, S. 135.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421j. Regulations required to implement RERACA. Policies and procedures.** The commissioner shall adopt regulations in accordance with chapter 54 to implement the provisions of RERACA. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of RERACA and protect public health and safety, prior to adopting such regulations the commissioner shall issue policies and procedures to implement the provisions of RERACA that shall have the force and effect of law. The commissioner shall post all policies and procedures on the department's Internet web site and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. Any such policy or procedure shall no longer be effective upon the earlier of either the adoption of the policy or procedure as a final regulation under section 4-172 or forty-eight months from June 22, 2021, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170. The commissioner shall issue policies and procedures and thereafter final regulations that include, but are not limited to, the following:



- (1) Setting appropriate dosage, potency, concentration and serving size limits and delineation requirements for cannabis, provided a standardized serving of edible cannabis product or beverage, other than a medical marijuana product, shall contain not more than five milligrams of THC;
- (2) Requiring that each single standardized serving of cannabis product in a multiple-serving edible product or beverage is physically demarked in a way that enables a reasonable person to determine how much of the product constitutes a single serving and a maximum amount of THC per multiple-serving edible cannabis product or beverage;
- (3) Requiring that, if it is impracticable to clearly demark every standardized serving of cannabis product or to make each standardized serving easily separable in an edible cannabis product or beverage, the product, other than cannabis concentrate or medical marijuana product, shall contain not more than five milligrams of THC per unit of sale;
- (4) Establishing, in consultation with the Department of Mental Health and Addiction Services, consumer health materials that shall be posted or distributed, as specified by the commissioner, by cannabis establishments to maximize dissemination to cannabis consumers. Consumer health materials may include pamphlets, packaging inserts, signage, online and printed advertisements and advisories and printed health materials;
- (5) Imposing labeling and packaging requirements for cannabis sold by a cannabis establishment that include, but are not limited to, the following:
  - (A) A universal symbol to indicate that cannabis or a cannabis product contains cannabis, and prescribe how such product and product packaging shall utilize and exhibit such symbol;
  - (B) A disclosure concerning the length of time it typically takes for the cannabis to affect an individual, including that certain forms of cannabis take longer to have an effect;
  - (C) A notation of the amount of cannabis the cannabis product is considered the equivalent to;
  - (D) A list of ingredients and all additives for cannabis;
  - (E) Child-resistant packaging including requiring that an edible product be individually wrapped;
  - (F) Product tracking information sufficient to determine where and when the cannabis was grown and manufactured such that a product recall could be effectuated;
  - (G) A net weight statement;
  - (H) A recommended use by or expiration date; and
  - (I) Standard and uniform packaging and labeling, including, but not limited to, requirements (i) regarding branding or logos, (ii) that all packaging be opaque, and (iii) that amounts and concentrations of THC and cannabidiol, per serving and per package, be clearly marked on the packaging or label of any cannabis product sold;
- (6) Establishing laboratory testing standards;

- (7) Restricting forms of cannabis products and cannabis product delivery systems to ensure consumer safety and deter public health concerns;
- (8) Prohibiting certain manufacturing methods, or inclusion of additives to cannabis products, including, but not limited to, (A) added flavoring, terpenes or other additives unless approved by the department, or (B) any form of nicotine or other additive containing nicotine;
- (9) Prohibiting cannabis product types that appeal to children;
- (10) Establishing physical and cyber security requirements related to build out, monitoring and protocols for cannabis establishments as a requirement for licensure;
- (11) Placing temporary limits on the sale of cannabis in the adult-use market, if deemed appropriate and necessary by the commissioner, in response to a shortage of cannabis for qualifying patients;
- (12) Requiring retailers and hybrid retailers to make best efforts to provide access to (A) low-dose THC products, including products that have one milligram and two and a half milligrams of THC per dose, and (B) high-dose CBD products;
- (13) Requiring producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers to register brand names for cannabis, in accordance with the policies and procedures and subject to the fee set forth in, regulations adopted under chapter 420f;
- (14) Prohibiting a cannabis establishment from selling, other than the sale of medical marijuana products between cannabis establishments and the sale of cannabis to qualified patients and caregivers, (A) cannabis flower or other cannabis plant material with a total THC concentration greater than thirty per cent on a dry-weight basis, and (B) any cannabis product other than cannabis flower and cannabis plant material with a total THC concentration greater than sixty per cent on a dry-weight basis, except that the provisions of subparagraph (B) of this subdivision shall not apply to the sale of prefilled cartridges for use in an electronic cannabis delivery system, as defined in section 19a-342a and the department may adjust the percentages set forth in subparagraph (A) or (B) of this subdivision in regulations adopted pursuant to this section for purposes of public health or to address market access or shortage. As used in this subdivision, “total THC” has the same meaning as provided in section 21a-240 and “cannabis plant material” means material from the cannabis plant, as defined in section 21a-279a; and
- (15) Permitting the outdoor cultivation of cannabis.

(June Sp. Sess. P.A. 21-1, S. 32.)

History: June Sp. Sess. P.A. 21-1 effective June 22, 2021.

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**Sec. 21a-421k. Regulations to effectuate purposes of RERACA and protect public health and safety. Policies and procedures.** (a) The commissioner may adopt regulations in accordance with chapter 54, including emergency regulations pursuant to section 4-168, to implement the provisions of RERACA.

(b) Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of RERACA and protect public health and safety, prior to adopting such regulations the commissioner shall implement policies and procedures to implement the provisions of RERACA that shall have the force and effect of law. The commissioner shall post all such policies and procedures on the department's Internet web site and submit such policies and procedures to the Secretary of the State for posting on the eRegulations System, at least fifteen days prior to the effective date of any policy or procedure. Any such policies and procedures shall no longer be effective upon the earlier of either adoption of such policies and procedures as a final regulation under section 4-172 or forty-eight months from June 22, 2021, if such regulations have not been submitted to the legislative regulation review committee for consideration under section 4-170.

(June Sp. Sess. P.A. 21-1, S. 59.)

History: June Sp. Sess. P.A. 21-1 effective June 22, 2021.

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**Sec. 21a-421l. Policies and procedures re cultivation, processing, manufacture, security, storage, inventory and distribution of cannabis required of cannabis establishments.** (a) Each cannabis establishment shall establish, maintain and comply with written policies and procedures for the cultivation, processing, manufacture, security, storage, inventory and distribution of cannabis, as applicable to the specific license type. Such policies and procedures shall include methods for identifying, recording and reporting diversion, theft or loss, and for correcting all errors and inaccuracies in inventories. Cannabis establishments shall include in their written policies and procedures a process for each of the following, if the establishment engages in such activity:

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

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

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

(4) Ensuring the oldest stock of a cannabis is sold, delivered or dispensed first. Such procedure may permit deviation from this requirement, if such deviation is temporary and approved by the commissioner.

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

(June Sp. Sess. P.A. 21-1, S. 54.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421m. (Note: This section is effective July 1, 2022.) Annual report by cannabis establishments re electricity usage.** Each cannabis establishment shall annually report publicly in a manner prescribed by the commissioner: (1) Its annual usage of electricity, and (2) what fraction of its electricity usage is generated from Class I Renewable Portfolio Standards produced in the state per the Regional Greenhouse Gas Initiative agreement. Each cannabis establishment shall purchase electricity generated from Class I Renewable Portfolio Standards produced in the states that are party to the Regional Greenhouse Gas Initiative agreement, to the greatest extent possible.

(June Sp. Sess. P.A. 21-1, S. 62.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-421n. Recordkeeping requirements. Electronic tracking system. Information to be confidential.** (a) Each cannabis establishment, licensed pursuant to chapter 420f or the provisions of RERACA shall maintain a record of all cannabis grown, manufactured, wasted and distributed between cannabis establishments and to consumers, qualifying patients and

caregivers in a form and manner prescribed by the commissioner. The commissioner shall require each cannabis establishment to use an electronic tracking system to monitor the production, harvesting, storage, manufacturing, packaging and labeling, processing, transport, transfer and sale of cannabis from the point of cannabis cultivation inception through the point when the final product is sold to a consumer, qualifying patient, caregiver, research program or otherwise disposed of in accordance with chapter 420f or the provisions of RERACA, and the policies and procedures or regulations issued pursuant to RERACA. Cannabis establishments shall be required to utilize such electronic tracking system and enter the data points required by the commissioner to ensure cannabis is safe, secure and properly labeled for consumer or qualifying patient use. The commissioner may contract with one or more vendors for the purpose of electronically collecting such cannabis information.

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

(c) The electronic tracking system shall (1) track each cannabis seed, clone, seedling or other commencement of the growth of a cannabis plant or introduction of any cannabinoid intended for use by a cannabis establishment, and (2) collect the unit price and amount sold for each retail sale of cannabis.

(d) Information within the electronic tracking system shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that (1) the commissioner may provide reasonable access to cannabis tracking data obtained under this section to: (A) State agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (B) public or private entities for research or educational purposes, provided no individually identifiable information may be disclosed; (C) as part of disciplinary action taken by the department, to another state agency or local law enforcement; (D) the office of the Attorney General for any review or investigation; and (E) in the aggregate, the Department of Public Health and Department of Mental Health and Addiction Services for epidemiological surveillance, research and analysis in conjunction with the Department of Consumer Protection; and (2) the commissioner shall provide access to the electronic tracking system to (A) the Department of Revenue Services for the purposes of enforcement of any tax-related investigations and audits, and (B) the Connecticut Agricultural Experiment Station for the purpose of laboratory testing and surveillance.

(June Sp. Sess. P.A. 21-1, S. 56.)

History: June Sp. Sess. P.A. 21-1 effective January 1, 2022.

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**Sec. 21a-421o. Record retention requirements for cannabis establishments. Audits and inspections. Confidentiality of information.**

(a) Each cannabis establishment shall maintain all records necessary to fully demonstrate business transactions related to cannabis for a period covering the current taxable year and the three immediately preceding taxable years, all of which shall be made available to the department pursuant to subsection (c) of this section.

(b) The commissioner may require any licensee to furnish such information as the commissioner considers necessary for the proper administration of RERACA, and may require an audit of any cannabis establishment, the expense thereof to be paid by such cannabis establishment.

(c) Each cannabis establishment, and each person in charge, or having custody, of such documents, shall maintain such documents in an auditable format for the current taxable year and the three preceding taxable years. Upon request, such person shall make such documents immediately available for inspection and copying by the commissioner or any other enforcement agency or others authorized by RERACA, and shall produce copies of such documents to the commissioner or commissioner's authorized representative within two business days. Such documents shall be provided to the commissioner in electronic format, unless not commercially practical. In complying with the provisions of this subsection, no person shall use a foreign language, codes or symbols to designate cannabis or cannabis product types or persons in the keeping of any required document.

(d) For purposes of the supervision and enforcement of the provisions of RERACA, the commissioner may:

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

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

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

(e) Except as otherwise provided in RERACA, all records maintained or kept on file related to RERACA by the department or the Social Equity Council shall be public records for purposes of the Freedom of Information Act, as defined in section 1-200. In addition to the nondisclosure provisions contained in sections 1-210, 21a-408d, 21a-408l, 21a-408v, 21a-420g, 21a-421n, 21a-421p and 21a-422k, any information related to (1) the physical security plans of a cannabis establishment or the criminal background of individual applicants that is obtained by the department through the licensing process, (2) the supply and distribution of cannabis by cannabis establishments, and (3) qualified patient and caregiver information, shall be

confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(June Sp. Sess. P.A. 21-1, S. 57.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421p. Suspension or revocation of, refusal to grant or placement of conditions on, license or registration. Imposition of fines. Certain information exempt from disclosure. Notice and hearing. Restrictions on timing of reapplication for license or registration.** (a)

For sufficient cause found pursuant to subsection (b) of this section, the commissioner may suspend or revoke a license or registration, issue fines of not more than twenty-five thousand dollars per violation, accept an offer in compromise or refuse to grant or renew a license or registration issued pursuant to RERACA, or place such licensee or registrant on probation, place conditions on such licensee or registrant or take other actions permitted by law. Information from inspections and investigations conducted by the department related to administrative complaints or cases shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except after the department has entered into a settlement agreement, or concluded its investigation or inspection as evidenced by case closure, provided that nothing in this section shall prevent the department from sharing information with other state and federal agencies and law enforcement as it relates to investigating violations of law.

(b) Any of the following shall constitute sufficient cause for such action by the commissioner, including, but not limited to:

- (1) Furnishing of false or fraudulent information in any application or failure to comply with representations made in any application, including, but not limited to, medical preservation plans and security requirements;
- (2) A civil judgment against or disqualifying conviction of a cannabis establishment licensee, backer, key employee or license applicant;
- (3) Failure to maintain effective controls against diversion, theft or loss of cannabis, cannabis products or other controlled substances;
- (4) Discipline by, or a pending disciplinary action or an unresolved complaint against a cannabis establishment licensee, registrant or applicant regarding any professional license or registration of any federal, state or local government;
- (5) Failure to keep accurate records and to account for the cultivation, manufacture, packaging or sale of cannabis;

- (6) Denial, suspension or revocation of a license or registration, or the denial of a renewal of a license or registration, by any federal, state or local government or a foreign jurisdiction;
  - (7) False, misleading or deceptive representations to the public or the department;
  - (8) Return to regular stock of any cannabis where:
    - (A) The package or container containing the cannabis has been opened, breached, tampered with or otherwise adulterated; or
    - (B) The cannabis has been previously sold to an end user or research program subject;
  - (9) Involvement in a fraudulent or deceitful practice or transaction;
  - (10) Performance of incompetent or negligent work;
  - (11) Failure to maintain the entire cannabis establishment premises or laboratory and contents in a secure, clean, orderly and sanitary condition;
  - (12) Permitting another person to use the licensee's license;
  - (13) Failure to properly register employees or license key employees, or failure to notify the department of a change in key employees or backers;
  - (14) An adverse administrative decision or delinquency assessment against the cannabis establishment from the Department of Revenue Services;
  - (15) Failure to cooperate or give information to the department, local law enforcement authorities or any other enforcement agency upon any matter arising out of conduct at the premises of a cannabis establishment or laboratory or in connection with a research program;
  - (16) Advertising in a manner prohibited by section 21a-421bb; or
  - (17) Failure to comply with any provision of RERACA, or any policies and procedures issued by the commissioner to implement, or regulations adopted pursuant to, RERACA.
- (c) Upon refusal to issue or renew a license or registration, the commissioner shall notify the applicant of the denial and of the applicant's right to request a hearing within ten days from the date of receipt of the notice of denial. If the applicant requests a hearing within such ten-day period, the commissioner shall give notice of the grounds for the commissioner's refusal and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 concerning contested cases. If the commissioner's denial of a license or registration is sustained after such hearing, an applicant may not apply for a new cannabis establishment, backer or key employee license or employee registration for a period of one year after the date on which such denial was sustained.
- (d) No person whose license or registration has been revoked may apply for a cannabis establishment, backer or key employee license or an employee registration for a period of one year after the date of such revocation.
- (e) The voluntary surrender or failure to renew a license or registration shall not prevent the commissioner from suspending or revoking such license or registration or imposing other penalties permitted by RERACA.



(June Sp. Sess. P.A. 21-1, S. 58.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421q. Purchase of cannabis by qualifying patients and caregivers.** (a) Qualifying patients and caregivers registered pursuant to chapter 420f shall be permitted to purchase cannabis of higher potency, varied dosage form, and in a larger per transaction or per day amount than are generally available for retail purchase, as determined by the commissioner. Such determination, if any, shall be published on the Department of Consumer Protection's Internet web site or included in regulations adopted by the department.

(b) Notwithstanding any provision of the general statutes, the sale or delivery of drug paraphernalia to a qualifying patient or caregiver or person licensed pursuant to the provisions of RERACA or chapter 420f, shall not be considered a violation of the provisions of RERACA.

(June Sp. Sess. P.A. 21-1, S. 55.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421r. Transmittal of dispensing information re cannabis sold to qualifying patient or caregiver.** A licensed pharmacist working as an employee at a dispensary facility or hybrid retailer shall transmit dispensing information, in a manner prescribed by the commissioner, on any cannabis sold to a qualifying patient or caregiver in real-time or immediately upon completion of the transaction, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the transaction.

(June Sp. Sess. P.A. 21-1, S. 82.)

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## PART II PROHIBITIONS

**Sec. 21a-421aa. Prohibitions on retailers and hybrid retailers. Prohibition re cannabis for animal use or consumption. Per-transaction limits. Prohibitions re cannabis plants, assignment or transfer of license or registration without approval and re transfers to or from outside the state.** (a) No cannabis retailer or hybrid retailer shall accept payment or other

form of compensation directly or indirectly from a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer or product packager to carry a cannabis product or for placement or promotion of such product in a retailer or hybrid retailer's establishment or through other promotional initiatives. No retailer or hybrid retailer shall enter into a contract with a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer or product packager that requires or permits preferential treatment, exclusivity or near exclusivity or limits a retailer or hybrid retailer from purchasing from other cultivators, micro-cultivators, producers, food and beverage manufacturers or product manufacturers in any way.

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

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

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

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

(June Sp. Sess. P.A. 21-1, S. 28.)

History: June Sp.Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421bb. Prohibitions re advertisement of cannabis and cannabis products. Registration of cannabis brand names.** (a) Cannabis establishments and any person advertising any cannabis or services related to cannabis shall not:

- (1) Advertise cannabis, cannabis paraphernalia or goods or services related to cannabis in ways that target or are designed to appeal to individuals under twenty-one years of age, including, but not limited to, spokespersons or celebrities who appeal to individuals under the legal age to purchase cannabis or cannabis products, depictions of a person under twenty-five years of age consuming cannabis, or, the inclusion of objects, such as toys, characters or cartoon characters suggesting the presence of a person under twenty-one years of age, or any other depiction designed in any manner to be appealing to a person under twenty-one years of age;
- (2) Engage in advertising by means of television, radio, Internet, mobile applications, social media, or other electronic communication, billboard or other outdoor signage, or print publication unless the advertiser has reliable evidence that at least ninety per cent of the audience for the advertisement is reasonably expected to be twenty-one years of age or older;
- (3) Engage in advertising or marketing directed toward location-based devices, including, but not limited to, cellular phones, unless the marketing is a mobile device application installed on the device by the owner of the device who is twenty-one years of age or older and includes a permanent and easy opt-out feature and warnings that the use of cannabis is restricted to persons twenty-one years of age or older;
- (4) Advertise cannabis or cannabis products in a manner claiming or implying, or permit any employee of the cannabis establishment to claim or imply, that such products have curative or therapeutic effects, or that any other medical claim is true, or allow any employee to promote cannabis for a wellness purpose unless such claims are substantiated as set forth in regulations adopted under chapter 420f or verbally conveyed by a licensed pharmacist or other licensed medical practitioner in the course of business in, or while representing, a hybrid retail or dispensary facility;
- (5) Sponsor charitable, sports, musical, artistic, cultural, social or other similar events or advertising at, or in connection with, such an event unless the sponsor or advertiser has reliable evidence that (A) not more than ten per cent of the in-person audience at the event is reasonably expected to be under the legal age to purchase cannabis or cannabis products, and (B) not more than ten per cent of the audience that will watch, listen or participate in the event is expected to be under the legal age to purchase cannabis products;
- (6) Advertise cannabis, cannabis products or cannabis paraphernalia in any physical form visible to the public within five hundred feet of an elementary or secondary school ground, recreation center or facility, child care center, playground, public park or library;
- (7) Cultivate cannabis or manufacture cannabis products for distribution outside of this state in violation of federal law, advertise in any way that encourages the transportation of cannabis across state lines or otherwise encourages illegal activity;
- (8) Except for dispensary facilities and hybrid retailers, exhibit within or upon the outside of the facility used in the operation of a cannabis establishment, or include in any advertisement, the

word “dispensary” or any variation of such term or any other words, displays or symbols indicating that such store, shop or place of business is a dispensary;

(9) Exhibit within or upon the outside of the premises subject to the cannabis establishment license, or include in any advertisement the words “drug store”, “pharmacy”, “apothecary”, “drug”, “drugs” or “medicine shop” or any combination of such terms or any other words, displays or symbols indicating that such store, shop or place of business is a pharmacy;

(10) Advertise on or in public or private vehicles or at bus stops, taxi stands, transportation waiting areas, train stations, airports or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles not owned by a cannabis establishment;

(11) Display cannabis or cannabis products so as to be clearly visible to a person from the exterior of the facility used in the operation of a cannabis establishment, or display signs or other printed material advertising any brand or any kind of cannabis or cannabis product on the exterior of any facility used in the operation of a cannabis establishment;

(12) Utilize radio or loudspeaker, in a vehicle or in or outside of a facility used in the operation of a cannabis establishment, for the purposes of advertising the sale of cannabis or cannabis products; or

(13) Operate any web site advertising or depicting cannabis, cannabis products or cannabis paraphernalia unless such web site verifies that the entrants or users are twenty-one years of age or older.

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

(c) The department shall not register, and may require revision of, any submitted or registered cannabis brand name that:

(1) Is identical to, or confusingly similar to, the name of an existing non-cannabis product;

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

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

(4) Is obscene or indecent; and

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

(d) A violation of the provisions of subsection (a) or (b) of this section shall be deemed to be an unfair or deceptive trade practice under subsection (a) of section 42-110b.

*(June Sp. Sess. P.A. 21-1, S. 33.)*

*History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.*

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**Sec. 21a-421cc. Prohibition re display of cannabis, cannabis products and drug paraphernalia by cannabis establishment.** No cannabis establishment shall display cannabis, cannabis products or drug paraphernalia in a manner that is visible to the general public from a public right-of-way not on state lands or waters managed by the Department of Energy and Environmental Protection.

(June Sp. Sess. P.A. 21-1, S. 53.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421dd. Restrictions on activities of certain state employees or members involved in the regulation of cannabis. Restrictions on former state employees, members or legislators obtaining a cannabis establishment license.** (a) No member of the Social Equity Council and no employee of the Social Equity Council or department who carries out the licensing, inspection, investigation, enforcement or policy decisions authorized by RERACA, and any regulations enacted pursuant thereto, may, directly or indirectly, have any management or financial interest in the cultivation, manufacture, sale, transportation, delivery or testing of cannabis in this state, nor receive any commission or profit from nor have any interest in purchases or sales made by persons authorized to make such purchases or sales pursuant to RERACA. No provision of this section shall prevent any such member or employee from purchasing and keeping in his or her possession, for his or her personal use or the use of such member's or employee's family or guests, any cannabis which may be purchased or kept by any person by virtue of RERACA.

(b) No former member of the Social Equity Council and no former employee of the Social Equity Council or department described in subsection (a) of this section shall, within two years of leaving state service, be eligible to apply either individually or with a group of individuals for a cannabis establishment license.

(c) No member of the General Assembly or state-wide elected public official shall, within two years of leaving state service, be eligible to apply either individually or with a group of individuals for a cannabis establishment license.

(June Sp. Sess. P.A. 21-1, S. 51.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421ee. Denial of professional licenses due to employment or affiliation with a cannabis establishment or legal possession, use or certain convictions for possession of cannabis restricted.** Except when required by federal law, an agreement between the federal government and the state, or because of a substantial risk to public health or safety, no state entity shall deny a professional license because of an individual's: (1) Employment or affiliation with a cannabis establishment; (2) possession or use of cannabis that is legal under section 21a-279a, or chapter 420f; or (3) cannabis use or possession conviction for an amount less than four ounces.

(June Sp. Sess. P.A. 21-1, S. 12.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421ff. Cannabis establishments, backers and employees not subject to arrest or certain other penalties. Exception.** Notwithstanding any provision of the general statutes, no cannabis establishment, employee, or backer of a cannabis establishment may be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the acquisition, distribution, possession, use or transportation of cannabis or paraphernalia related to cannabis in his or her capacity as a cannabis establishment, cannabis employee, or backer so long as such person's activity is in accordance with the laws and regulations for such person's license or registration type set forth in RERACA.

(June Sp. Sess. P.A. 21-1, S. 11.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421aaa. Sale or delivery of cannabis or cannabis paraphernalia to person under twenty-one.** Any cannabis establishment licensee or any servant or agent of a licensee who sells or delivers cannabis or cannabis paraphernalia to any person under twenty-one years of age

shall be guilty of a class A misdemeanor. For purposes of this section, “paraphernalia” has the same meaning as provided in section 21a-420.

(June Sp. Sess. P.A. 21-1, S. 105.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421bbb. Inducement of person under twenty-one to procure cannabis.** Any person who induces any person under twenty-one years of age to procure cannabis from any person licensed to sell such cannabis shall be guilty of a class A misdemeanor. The provisions of this section shall not apply to (1) the procurement of cannabis by a person over eighteen years of age who is an employee registered pursuant to the provisions of section 21a-421a where such procurement is made in the course of such person's employment or business, or (2) any such inducement in furtherance of an official investigation or enforcement activity conducted by a law enforcement agency. Nothing in this section shall be construed to prevent any action from being taken against any person permitted to sell cannabis who has sold cannabis to a person under twenty-one years of age who is participating in an official investigation or enforcement activity conducted by a law enforcement agency.

(June Sp. Sess. P.A. 21-1, S. 107.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421ccc. Possession of cannabis in dwelling unit or private property by person under twenty-one.** (a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall: (1) Knowingly or recklessly permit any person under twenty-one years of age to possess cannabis in violation of section 21-279a, in such dwelling unit or on such private property, or (2) knowing that any person under twenty-one years of age possesses cannabis in violation of section 21-279a, in such dwelling unit or on such private property, fail to make reasonable efforts to halt such possession.

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

(June Sp. Sess. P.A. 21-1, S. 109.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421ddd. Sale, delivery, or giving of cannabis to person under twenty-one by person aged twenty-three or older.** Any person twenty-three years of age or older who sells, delivers or gives cannabis, as defined in section 21a-420, to any person under twenty-one years of age, and who knew or should have known that such person was under twenty-one years of age, shall be guilty of a class A misdemeanor.

(June Sp. Sess. P.A. 21-1, S. 163.)

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**Sec. 21a-421eee. Loitering on cannabis retailer or hybrid retailer premises.** (a) No retailer or hybrid retailer or employee or agent of a retailer or hybrid retailer shall permit any person under twenty-one years of age to loiter on his or her premises where cannabis is kept for sale or be in any room on such premises where cannabis is consumed, unless such person is (1) an employee of the retailer or hybrid retailer, (2) in the case of hybrid retailer or employee or agent of a hybrid retailer, permitted under chapter 420f to possess or consume cannabis, or (3) accompanied by his or her parent or guardian.

(b) Any retailer or hybrid retailer or employee or agent of a retailer or hybrid retailer who violates the provisions of subsection (a) of this section shall be (1) fined not more than one thousand dollars for a first offense, and (2) guilty of a class B misdemeanor for any subsequent offense.

(June Sp. Sess. P.A. 21-1, S. 110.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421fff. Use of motor vehicle operator's license or identity card as proof of age. Misrepresentation of age to procure cannabis.** (a) Each person who attains the age of twenty-one years and has a motor vehicle operator's license or identity card issued in accordance with the provisions of section 1-1h, containing a full-face photograph of such person, may use, and each licensee may accept, such license as legal proof of the age of the person for the purposes of RERACA.



(b) Any person who, for the purpose of procuring cannabis, misrepresents his or her age or uses or exhibits an operator's license belonging to any other person shall for (1) a first offense, be fined not more than two hundred fifty dollars, and (2) any subsequent offense, be guilty of a class D misdemeanor.

(c) The provisions of this section shall not apply to any person employed by, or who has contracted directly or indirectly with, a state agency for the purposes of testing the age verification and product controls of cannabis retailers while performing such testing duties.

(June Sp. Sess. P.A. 21-1, S. 108.)

History: June Sp.Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-421ggg. Photographing person whose age is in question and photocopying such person's driver's license or identity card. Use of photograph or photography. Affirmative defense. Use of online age verification system.**

(a) A cannabis establishment issued a license pursuant to RERACA or an agent or employee of such licensee may require any person whose age is in question to have such person's photograph be taken by, and a photocopy of such person's driver's license or identity card issued in accordance with the provisions of section 1-1h be made by, such licensee, agent or employee as a condition of selling or delivering cannabis or cannabis products to such person.

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

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

(d) In any prosecution of a licensee or an agent or employee of a licensee for selling or delivering cannabis to a person under twenty-one years of age in violation of section 21a-421aaa, or for providing cannabis to a person under twenty-one years of age in violation of section 21a-421ddd, it shall be an affirmative defense that such licensee, agent or employee sold or delivered cannabis to such person in good faith and in reasonable reliance upon the identification presented by such person and, pursuant to subsection (a) of this section, photographed the person and made a photocopy of such identification. In support of such

defense, such licensee, agent or employee may introduce evidence of such photograph and photocopy.

(e) The Commissioner of Consumer Protection may require a cannabis establishment to use an online age verification system.

(June Sp. Sess. P.A. 21-1, S. 106.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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### PART III MISCELLANEOUS PROVISIONS

**Sec. 21a-422. (Note: This section is effective July 1, 2022.) Construction of positive drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol.** A drug test of an individual that yields a positive result solely for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol shall not be construed, without other evidence, as proof that such individual is under the influence of or impaired by cannabis.

(June Sp. Sess. P.A. 21-1, S. 93.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-422a. Cannabinoid metabolites in bodily fluids: Denial of medical care; actions or proceedings by the Department of Children and Families.** The presence of cannabinoid metabolites in the bodily fluids of a person:

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

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

(June Sp. Sess. P.A. 21-1, S. 94.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422b. Positive drug test of student and enrollment in educational institution.** A drug test of a student that yields a positive result solely for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol shall not form the sole basis for an educational institution to refuse to enroll or to continue to enroll, or otherwise penalize such student, unless failing to do so would put the educational institution in violation of a federal contract or cause it to lose federal funding, or such student is being drug tested as required by the National Collegiate Athletic Association and any such action is taken as required by the policies of the National Collegiate Athletic Association.

(June Sp. Sess. P.A. 21-1, S. 95.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422c. Use or possession of cannabis plant material, cannabis or cannabis product at institution of higher education. Prohibitions re actions against student. Exception.** No institution of higher education, as defined in section 10a-55, shall revoke any financial aid, student loans, or expel a student, solely for use or possession of less than (1) four ounces of cannabis plant material, (2) an equivalent amount of cannabis product, as provided in subsection (i) of section 21a-279a, or (3) an equivalent amount of a combination of cannabis and cannabis product, as provided in subsection (i) of section 21a-279a, unless complying with the provisions of this section would violate federal law or a federal contract, or failing to take the actions prohibited under this section would jeopardize an institution of higher education's federal funding.

(June Sp. Sess. P.A. 21-1, S. 96.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422e. Program re collection of public health information on cannabis. Report.** (a) There is established, within the Department of Public Health, a program to collect and abstract timely public health information on cannabis associated illness and adverse events, nonfatal and

fatal injuries and cannabis use poisoning data, from state and national data sources. Such program shall include, but need not be limited to, the following: (1) Serving as a data coordinator, analysis and reporting source of cannabis data and statistics that include, but are not limited to, illness, adverse events, injury, pregnancy outcomes, childhood poisoning, adult and youth use, cannabis-related emergency room visits and urgent care episodic mental health visits; (2) performing epidemiologic analysis on demographic, health and mortality data to identify risk factors and changes in trends; (3) working with the Departments of Consumer Protection and Mental Health and Addiction Services and any other entity that the Commissioner of Public Health deems necessary to disseminate public health alerts; and (4) sharing state-wide data to inform policy makers and citizens on the impact of cannabis legalization by posting public health prevention information and cannabis use associated morbidity and mortality statistics to the Department of Public Health's Internet web site.

(b) The Department of Public Health shall, not later than April 1, 2023, and annually thereafter, report in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly with cognizance relating to public health, human services, and appropriations and the budgets of state agencies about the public health information on cannabis collected by the department under subsection (a) of this section.

(June Sp. Sess. P.A. 21-1, S. 146.)

History: June Sp. Sess. P.A. 21-1 effective January 1, 2022.

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**Sec. 21a-422f. Municipal authority re establishing cannabis establishments. Restrictions.**

**Zoning. Special permits.** (a) As used in this section, “municipality” means any town, city or borough, consolidated town and city or consolidated town and borough, and a district establishing a zoning commission under section 7-326.

(b) Any municipality may, by amendment to such municipality's zoning regulations or by local ordinance, (1) prohibit the establishment of a cannabis establishment, (2) establish reasonable restrictions regarding the hours and signage within the limits of such municipality, or (3) establish restrictions on the proximity of cannabis establishments to any of the establishments listed in subdivision (1) of subsection (a) of section 30-46. The chief zoning official of a municipality shall report, in writing, any zoning changes adopted by the municipality regarding cannabis establishments pursuant to this subsection to the Secretary of the Office of Policy and Management and to the department not later than fourteen days after the adoption of such changes.

(c) Unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment shall be zoned as if for any other similar use, other than a cannabis establishment, would be zoned.

(d) Any restriction regarding hours, zoning and signage of a cannabis establishment adopted by a municipality shall not apply to an existing cannabis establishment located in such municipality if such cannabis establishment does not convert to a different license type, for a period of five years after the adoption of such prohibition or restriction.

(e) Until June 30, 2024, no municipality shall grant zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every twenty-five thousand residents of such municipality, as determined by the most recent decennial census.

(f) On and after July 1, 2024, the Commissioner of Consumer Protection may, in the discretion of the commissioner, post on the Department of Consumer Protection's Internet web site a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one retailer and one micro-cultivator for every such specific number of residents, as determined by the commissioner. Any such determination shall be made to ensure reasonable access to cannabis by consumers.

(g) For purposes of ensuring compliance with this section, a special permit or other affirmative approval shall be required for any retailer or micro-cultivator seeking to be located within a municipality. A municipality shall not grant such special permit or approval for any retailer or micro-cultivator applying for such special permit or approval if that would result in an amount that (1) until June 30, 2024, exceeds the density cap of one retailer and one micro-cultivator for every twenty-five thousand residents, and (2) on and after July 1, 2024, exceeds any density cap determined by the commissioner under subsection (f) of this section. When awarding final licenses for a retailer or micro-cultivator, the Department of Consumer Protection may assume that, if an applicant for such final license has obtained zoning approval, the approval of a final license for such applicant shall not result in a violation of this section or any other municipal restrictions on the number or density of cannabis establishments.

(June Sp. Sess. P.A. 21-1, S. 148.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021 (Revisor's note: In Subsec. (b) “subsection (a) of subdivision (1)” was changed to “subdivision (1) of subsection (a)” for accuracy).

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**Sec. 21a-422g. Vote re recreational sale of marijuana in a municipality. Prohibition on restricting delivery or transport of cannabis. Donations from cannabis establishments prohibited. Municipal costs re opening.**

(a) Upon the petition of not less than ten per cent of the electors of any municipality, lodged with the town clerk at least sixty days before the date of any regular election, as defined in section 9-1, the selectmen of the municipality shall warn the electors of such municipality that, at such regular election, a vote shall be taken to determine: (1) Whether or not the recreational sale of marijuana shall be permitted in such municipality, or (2) whether the sale of marijuana shall be permitted in such municipality in one or more of the classes of license of cannabis establishments. The ballot label designations in a vote upon the question of cannabis establishment license shall be “Shall the sale of recreational marijuana be allowed in .... (Name of municipality)?” or “Shall the sale of cannabis under (Specified license or Licenses) be allowed in .... (Name of municipality)?” or “Shall the sale of recreational marijuana be prohibited (No Licenses) in .... (Name of municipality)?” and shall be provided in accordance with the provisions of section 9-250. No elector shall vote for more than one designation. Such vote shall be taken in the manner prescribed in section 9-369 and shall become effective on the first Monday of the month next succeeding such election and shall remain in force until a new vote is taken; provided such vote may be taken at a special election called for the purpose in conformity with the provisions of section 9-164 and provided at least one year shall have elapsed since the previous vote was taken. The provisions of chapter 145 concerning absentee voting at referenda shall apply to all votes taken upon the question of cannabis establishment license. Any class of cannabis establishments already allowed in a municipality shall not be affected by any vote.

(b) No municipality shall prohibit delivery of cannabis to a consumer, qualifying patient or caregiver when the delivery is made by a retailer, hybrid retailer, dispensary facility, delivery service, micro-cultivator or other person authorized to make such delivery pursuant to RERACA. No municipality shall prohibit the transport of cannabis to, from or through such municipality by any person licensed or registered pursuant to RERACA to transport cannabis.

(c) No municipality or local official shall condition any official action, or accept any donation in moneys or in kind, from any cannabis establishment or from an individual or corporation that has applied for a license to open or operate a cannabis establishment in such municipality. No municipality shall negotiate or enter into a local host agreement with a cannabis establishment or a person that has applied for a license to open or operate a cannabis establishment in such municipality.

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

(June Sp. Sess. P.A. 21-1, S. 83.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422j. Compacts, memoranda of understanding or agreements with Mashantucket Pequot Tribe or Mohegan Tribe of Indians of Connecticut re RERACA and possession, delivery, production, processing or use of cannabis.**

(a) The Governor may enter into one or more compacts, amendments to existing compacts, memoranda of understanding or agreements with the Mashantucket Pequot Tribe or with the Mohegan Tribe of Indians of Connecticut, or both, to coordinate the administration and execution of laws and regulations of this state, as set forth in RERACA, and of laws and regulations of said tribes relating to the possession, delivery, production, processing or use of cannabis. Any such compact, amendment to existing compact, memorandum of understanding or agreement may contain provisions including, but not limited to, those relating to:

- (1) Criminal and civil law enforcement;
- (2) Laws and regulations relating to the possession, delivery, production, processing or use of cannabis; and
- (3) Laws and regulations relating to taxation.

(b) Any compact, amendment to existing compact, memorandum of understanding or agreement entered into pursuant to subsection (a) of this section shall:

- (1) Provide for the preservation of public health and safety;
- (2) Ensure the security of any cannabis production, processing, testing or retail facilities on tribal land; and
- (3) Regulate any business involving cannabis that passes between the reservation of the tribal nation that is a party to such compact, amendment to existing compact, memorandum of understanding or agreement, and other areas in the state.

(c) Notwithstanding the provisions of section 3-6c, any compact, amendment to existing compact, memorandum of understanding or agreement, or renewal thereof, entered into by the Governor with the Mashantucket Pequot Tribe or with the Mohegan Tribe of Indians of Connecticut pursuant to subsection (a) of this section, shall be considered approved by the General Assembly under section 3-6c upon the Governor entering into such compact, amendment to existing compact, memorandum of understanding or agreement, or renewal thereof, without any further action required by the General Assembly.

(June Sp. Sess. P.A. 21-1, S. 150.)

History: June Sp.Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422k. Notification to Attorney General of material change to cannabis establishment required. Waiting period. Request for additional information, confidentiality of information or documentary material. Civil penalty.** (a) For purposes of this section:

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

(2) “Cannabis establishment” has the same meaning as provided in section 21a-420;

(3) “Person” has the same meaning as provided in section 21a-420; and

(4) “Transfer” means to sell, transfer, lease, exchange, option, convey, give or otherwise dispose of or transfer control over, including, but not limited to, transfer by way of merger or joint venture not in the ordinary course of business.

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

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

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

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

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



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

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

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

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

(A) May order compliance;

(B) Shall extend the waiting period specified in subsection (d) of this section and as may have been extended under subsection (f) of this section until there has been substantial compliance, except that, in the case of a tender offer, the court may not extend such waiting period on the basis of a failure, by the person whose stock is sought to be acquired, to comply substantially with such notification requirement or any such request; and

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

(June Sp. Sess. P.A. 21-1, S. 61.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422l. (Note: This section is effective July 1, 2022.) Possession and consumption of cannabis in hotels, motels or similar lodging. Smoking of cannabis and usage of electronic cannabis delivery system or vapor product.** (a) As used in this section, “cannabis” has the same meaning as provided in section 21a-420 and “electronic cannabis delivery system” and

“vapor product” have the same meanings as provided in section 19a-342a. No hotel, motel or similar lodging shall prohibit the legal possession or consumption of cannabis in any nonpublic area of such hotel, motel or similar lodging.

(b) Notwithstanding the provisions of subsection (a) of this section, a hotel, motel or similar lodging shall prohibit the smoking of cannabis and the use of an electronic cannabis delivery system or a vapor product containing cannabis in any location of such hotel, motel or similar lodging.

(June Sp. Sess. P.A. 21-1, S. 89.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-422m. Use of cannabis in hospitals.** As used in this section, “hospital” has the same meaning as provided in section 19a-490 and “cannabis” has the same meaning as provided in section 21a-420. No hospital shall be required to allow a patient to use cannabis while at such hospital. A hospital may have a policy that sets forth restrictions patients shall follow regarding cannabis use.

(June Sp. Sess. P.A. 21-1, S. 104.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422n. Possession of cannabis in Department of Correction facilities or halfway houses.** The Commissioner of Correction may prohibit the possession of cannabis in any Department of Correction facility or halfway house.

(June Sp. Sess. P.A. 21-1, S. 92.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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**Sec. 21a-422o. (Note: This section is effective July 1, 2022.) Regulation of cannabis in the workplace. Definitions.** As used in this section and sections 21a-422p to 21a-422s, inclusive:

(1) “Employee” means any individual employed or permitted to work by an employer, or an independent contractor;

(2) “Employer” has the same meaning as provided in section 31-58;

(3) “Exempted employer” means an employer whose primary activity is (A) mining, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 21, (B) utilities, including, but not limited to, any employer with a two-digit North American Industry Classification System code of 22, (C) construction, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 23, (D) manufacturing, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 31, 32 or 33, (E) transportation or delivery, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 48 or 49, (F) educational services, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 61, (G) health care or social services, including, but not limited to, an employer with a two-digit North American Industry Classification System code of 62, (H) justice, public order, and safety activities, including, but not limited to, an employer with a four-digit North American Industry Classification System code of 9221, or (I) national security and international affairs, including, but not limited to, those with a three-digit North American Industry Classification System code of 928. As used in this subdivision, “Employer” includes any subdivision of a business entity that is a standalone business unit, including, but not limited to, having its own executive leadership, having some or significant autonomy and having its own financial statements and results;

(4) “Exempted position” means a position:

(A) As a firefighter;

(B) As an emergency medical technician;

(C) As a police officer or peace officer, in a position with a law enforcement or investigative function at a state or local agency or in a position with the Department of Correction involving direct contact with inmates;

(D) Requiring operation of a motor vehicle, for which federal or state law requires any employee such position to submit to screening tests, including, but not limited to, any position requiring a commercial driver's license or any position subject to 49 CFR 40, 14 CFR 120 or 49 CFR 16;

(E) Requiring certification of completion of a course in construction safety and health approved by the federal Occupational Safety and Health Administration;

(F) Requiring a federal Department of Defense or Department of Energy national security clearance;

(G) For which the provisions of sections 21a-422p to 21a-422s, inclusive, are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement;

- (H) For which the provisions of sections 21a-422p to 21a-422s, inclusive, would be inconsistent or otherwise in conflict with any provision of federal law;
- (I) Funded in whole or in part by a federal grant;
- (J) Requiring certification of completion of a course in construction safety and health approved by the federal Occupational Safety and Health Administration;
- (K) Requiring the supervision or care of children, medical patients or vulnerable persons;
- (L) With the potential to adversely impact the health or safety of employees or members of the public, in the determination of the employer;
- (M) At a nonprofit organization or corporation, the primary purpose of which is to discourage use of cannabis products or any other drug by the general public; or
- (N) At an exempt employer;
- (5) “Exempted employee” means an employee holding an exempted position or working for an exempted employer;
- (6) “On call” means a period of time for which an employee (A) is scheduled with at least twenty-four hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment, either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task, and (B) is being compensated for such scheduled time;
- (7) “Work hours” means any period of time for which such employee is compensated by an employer and is performing job duties or is reasonably expected to be performing job duties; and
- (8) “Workplace” means the employer's premises, including any building, real property, and parking area under the control of the employer, and area used by an employee while in the performance of the employee's job duties, and the employer's vehicles, whether leased, rented, or owned.

(June Sp. Sess. P.A. 21-1, S. 97.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-422p. (Note: This section is effective July 1, 2022.) Policies re employee possession, use or consumption of cannabis.** (a) No employer shall be required to make accommodations for an employee or be required to allow an employee to: (1) Perform his or her duties while under the influence of cannabis, or (2) possess, use or otherwise consume cannabis while performing such duties or on the premises of the employer, except possession of palliative cannabis by a qualifying patient under chapter 420f.

(b) (1) An employer may implement a policy prohibiting the possession, use or other consumption of cannabis by an employee, except (A) as provided in section 21a-408p, and (B) for possession of palliative cannabis by a qualifying patient under chapter 420f, provided such policy is: (i) In writing in either physical or electronic form, and (ii) made available to each employee prior to the enactment of such policy. The employer shall make any such policy available to each prospective employee at the time the employer makes an offer or conditional offer of employment to the prospective employee.

(2) (A) No employer shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions or other privileges of employment because such employee does or does not smoke, vape, aerosolize or otherwise use cannabis products outside of the workplace, unless such employment action is made pursuant to a policy established under subdivision (1) of this subsection.

(B) No employer shall discharge from employment or take any adverse action against any employee or prospective employee with respect to compensation, terms, conditions, refusal to hire or other privileges of employment because such employee or prospective employee had or had not smoked, vaped, aerosolized or otherwise used cannabis products outside of the workplace before such employee or prospective employee was employed by such employer, unless failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding.

(c) Nothing in sections 21a-422o to 21a-422s, inclusive: (1) Requires an employer to amend or repeal, or affect, restrict or preempt the rights and obligations of employers to maintain a drug and alcohol-free workplace, or (2) shall limit an employer from taking appropriate adverse or other employment action upon (A) reasonable suspicion of an employee's usage of cannabis while engaged in the performance of the employee's work responsibilities at the workplace or on call, or (B) determining that an employee manifests specific, articulable symptoms of drug impairment while working at the workplace or on call that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to, (i) symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment of machinery, (ii) disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property, (iii) disruption of a production or manufacturing process, or (iv) carelessness that results in any injury to the employee or others.

(d) (1) The provisions of subsection (b) of this section shall not apply to an exempted employer, an exempted employee or to any employee who holds or is applying for an exempted position.

(2) Nothing in sections 21a-422o to 21a-422s, inclusive, shall limit or prevent an employer from subjecting an employee or applicant to drug testing or a fitness for duty evaluation, or from

taking adverse action, including, but not limited to, disciplining an employee, terminating the employment of an employee or rescinding a conditional job offer to a prospective employee pursuant to a policy established under subdivision (1) of subsection (b) of this section.

(June Sp. Sess. P.A. 21-1, S. 98.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-422q. (Note: This section is effective July 1, 2022.) Drug test of prospective and existing employees resulting in positive result for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol.** A drug test of a prospective or existing employee, other than a prospective or existing exempted employee, that yields a positive result solely for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol, shall not form the sole basis for refusal to employ or to continue to employ or otherwise penalize such prospective or existing employee, unless (1) failing to do so would put the employer in violation of a federal contract or cause it to lose federal funding, (2) the employer reasonably suspects an employee's usage of cannabis while engaged in the performance of the employee's work responsibilities, (3) the employee manifests specific, articulable symptoms of drug impairment while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to, (A) symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior or negligence or carelessness in operating equipment of machinery, (B) disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property, (C) disruption of a production or manufacturing process, or (D) carelessness that results in any injury to the employee or others, or (4) except as provided in section 21a-408p, such drug test was pursuant to a random drug testing policy pursuant to subdivision (1) of subsection (b) of section 21a-422p or was of a prospective employee with a conditional job offer, and such employer has established in such policy that a positive drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol may result in an adverse employment action.

(June Sp. Sess. P.A. 21-1, S. 99.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-422r. (Note: This section is effective July 1, 2022.) Employer violations. Civil action. Remedies. Exemptions. Labor Department not to enforce.**

(a) Except as provided in subsection (b) of this section, if an employer has violated any provision of section 21a-422p or 21a-422q, an individual aggrieved by such violation may bring a civil action for judicial enforcement of such provision in the superior court for the judicial district where the violation is alleged to have occurred, or where the employer has its principal office, within ninety days of such alleged violation, except any action involving a state agency may be brought in the superior court for the judicial district of Hartford. Any individual who prevails in such civil action may be awarded reinstatement of the individual's previous employment or job offer, back wages and reasonable attorney's fees and costs, to be taxed by the court.

(b) Nothing in this section shall be construed to create or imply a cause of action for any person against an employer: (1) For actions taken based on the employer's good faith belief that an employee used or possessed cannabis, except possession of palliative cannabis by a qualifying patient under chapter 420f, in the employer's workplace, while performing the employee's job duties, during work hours, or while on call in violation of the employer's employment policies; (2) for actions taken, including discipline or termination of employment, based on the employer's good faith belief that an employee was unfit for duty or impaired as a result of the use of cannabis, or under the influence of cannabis, while at the employer's workplace, while performing the employee's job duties, during work hours or while on call in violation of the employer's workplace drug policy; (3) for injury, loss or liability to a third party if the employer neither knew nor had reason to know that the employee was impaired by cannabis; (4) for subjecting an employee to drug testing or a fitness for duty evaluation, pursuant to a policy established under subdivision (1) of subsection (b) of section 21a-422p; (5) for subjecting a prospective employee to drug testing or taking adverse action against a prospective employee, including, but not limited to, rescission of a conditional job offer, based on the results of a drug test, so long as no employer takes adverse action against a prospective employee in regard to a drug test that is solely positive for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol unless such employer is an exempted employer, such prospective employee is applying for an exempted position, or the employer has established in an employment policy pursuant to subdivision (1) of subsection (b) of section 21a-422p that a positive drug test for 11-nor-9-carboxy-delta-9-tetrahydrocannabinol may result in adverse employment action; or (6) if such employer is an exempted employer or the claims are regarding an exempted position.

(c) Notwithstanding the provisions of chapter 557, no employer, officer, agent or other person who violates any provision of sections 21a-422p to 21a-422s, inclusive, shall be liable to the Labor Department for a civil penalty, nor shall the Labor Department undertake an investigation of an employer, officer, agent or other person based solely on an allegation that such employer, officer, agent or other person violated the provisions of this section.

(June Sp. Sess. P.A. 21-1, S. 100.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

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**Sec. 21a-422s. RERACA not applicable to drug testing or conditions of continued employment or for hiring employees in certain cases.** (a) Notwithstanding the provisions of sections 21a-422p to 21a-422r, inclusive, nothing in RERACA shall be construed to apply to drug testing, conditions of continued employment or conditions for hiring employees required pursuant to:

- (1) Any regulation of the federal Department of Transportation, if such regulation requires testing of a prospective employee in accordance with 49 CFR 40 or any regulations of state agencies that adopt a federal regulation for purposes of enforcing the requirements of such regulation with respect to intrastate commerce;
  - (2) Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;
  - (3) Any federal law or state statute, regulation or order that requires drug testing of prospective employees for safety or security purposes; or
  - (4) Any applicant whose prospective employer is a party to a valid collective bargaining agreement that specifically addresses drug testing, conditions of hiring, or conditions of continued employment of such applicant.
- (b) Nothing in sections 21a-422p to 21a-422r, inclusive, shall apply to the privileges, qualifications, credentialing, review or discipline of nonemployee, licensed healthcare professionals on the medical staff of a hospital or other medical organization.

(June Sp. Sess. P.A. 21-1, S. 101.)

History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

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