



General Assembly

February Session, 2020

**Raised Bill No. 452**

LCO No. 2826



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING REVISIONS TO THE STATE'S HEMP PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-61l of the 2020 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) For the purpose of this section and section 22-61m, as amended by  
5 this act, the following terms have the same meaning as provided in 7  
6 CFR 990.1, as amended from time to time: "Acceptable hemp THC level",  
7 "Agricultural marketing service", "Cannabis", "Conviction", "Corrective  
8 action plan", "Culpable mental state greater than negligence",  
9 "Decarboxylated", "Decarboxylation", "Dry weight basis", "Gas  
10 chromatography", "Geospatial location", "Handle", "High-performance  
11 liquid chromatography", "Information sharing system", "Measurement  
12 of \_\_\_\_\_ uncertainty", "Negligence", "Phytocannabinoid",  
13 "Postdecarboxylation" and "Reverse distributor". Additionally, for the  
14 purpose of such sections:

15 (1) "Cannabidiol" or "CBD" means [the nonpsychotropic compound

16 by the same name] cannabinoid extract and with a [delta-9  
17 tetrahydrocannabinol] THC concentration of not more than 0.3 per cent  
18 on a dry weight basis derived from hemp; [, as defined in the federal  
19 act;]

20 (2) "Certificate of analysis" means a certificate from a laboratory  
21 describing the results of the laboratory's testing of a sample;

22 [(3) "Certified seed" means hemp seed for which a certificate or any  
23 other instrument has been issued by an agency authorized under the  
24 laws of a state, territory or possession of the United States to officially  
25 certify hemp seed and that has standards and procedures approved by  
26 the United States Secretary of Agriculture to assure the genetic purity  
27 and identity of the hemp seed certified;]

28 [(4)] (3) "Commissioner" means the Commissioner of Agriculture, or  
29 the commissioner's designated agent;

30 [(5) "Consumable" means hemp products intended for human  
31 ingestion, inhalation, absorption or other internal consumption, that  
32 contains a THC concentration of not more than 0.3 per cent on a dry  
33 weight basis;]

34 [(6)] (4) "Cultivate" means [planting, growing and harvesting a plant  
35 or] to plant, grow, harvest, handle and store a plant or crop; [for  
36 commercial or research purposes;]

37 [(7)] (5) "Federal act" means the United States Agricultural Marketing  
38 Act of 1946, 7 USC [1621] 1639 et seq., as amended from time to time;

39 [(8)] (6) "Department" means the Department of Agriculture;

40 [(9) "Grower" means a person in the state licensed by the  
41 commissioner to cultivate, grow, harvest, handle, store and market  
42 hemp pursuant to the federal act, the provisions of this section and the  
43 regulations adopted pursuant to this section;]

44 [(10) "Handle" means possessing or storing hemp for any period of

45 time on premises owned, operated or controlled by a person licensed to  
46 cultivate or process hemp, and includes possessing or transporting  
47 hemp;]

48 [(11)] (7) "Hemp" has the same meaning as provided in the federal  
49 act;

50 [(12)] (8) "Hemp products" means [products with a delta-9  
51 tetrahydrocannabinol concentration of not more than 0.3 per cent on a  
52 dry weight basis derived from, or made by, the processing of hemp  
53 plants or hemp plant parts] all manufacturer hemp products and  
54 producer hemp products;

55 [(13)] (9) "Independent testing laboratory" means a facility:

56 (A) For which no person who has any direct or indirect financial or  
57 managerial interest in the laboratory and also has any direct or indirect  
58 interest in a facility that:

59 (i) [Processes, cultivates] Produces, distributes, manufactures or sells  
60 hemp or hemp products, or marijuana in any state or territory of the  
61 United States; or

62 (ii) Cultivates, processes, distributes, dispenses or sells marijuana;  
63 and

64 (B) That is accredited as a laboratory in compliance with section 21a-  
65 408-59 of the regulations of Connecticut state agencies;

66 [(14)] (10) "Laboratory" means a laboratory [located in the state that  
67 is licensed by the Department of Consumer Protection to provide  
68 analysis of controlled substances pursuant to section 21a-246, The  
69 University of Connecticut, the Connecticut Agricultural Experiment  
70 Station, the Department of Public Health, the United States Food and  
71 Drug Administration, the United States Department of Agriculture or a  
72 facility] that meets the [following additional criteria] requirements of 7  
73 CFR 990.3 and that is accredited as a testing laboratory to International  
74 Organization for Standardization (ISO) 17025 by a third-party

75 accrediting body such as the American Association for Laboratory  
76 Accreditation or the Assured Calibration and Laboratory Accreditation  
77 Select Services;

78 [(15)] (11) "Law enforcement agency" means the Connecticut State  
79 Police, the United States Drug Enforcement Administration, the  
80 Department of Agriculture, the Department of Consumer Protection  
81 Drug Control Division or any other federal, state or local law  
82 enforcement agency or drug suppression unit;

83 [(16)] (12) "Licensee" means a person who possesses a license to  
84 [cultivate, process] produce or manufacture hemp or hemp products in  
85 this state;

86 [(17)] (13) "Manufacture" means the conversion of [hemp for the  
87 purpose of creating a consumable] the hemp plant into a by-product by  
88 means of adding heat, solvents or any method of extraction that  
89 modifies the original composition of the plant for the purpose of  
90 creating a manufacturer hemp product for commercial or research  
91 purposes;

92 [(18)] (14) "Manufacturer" means a person in the state licensed by the  
93 Commissioner of Consumer Protection to manufacture, handle, store  
94 and market manufacturer hemp products pursuant to the [federal act,  
95 the] provisions of section 22-61m, as amended by this act, and any  
96 regulation adopted pursuant to section 22-61m, as amended by this act;

97 [(19)] (15) "Marijuana" has the same meaning as provided in section  
98 21a-240, as amended by this act;

99 [(20)] (16) "Market" or "marketing" means promoting, distributing or  
100 selling a hemp product within the state, in another state or outside of  
101 the United States and includes efforts to advertise and gather  
102 information about the needs or preferences of potential consumers or  
103 suppliers;

104 [(21)] (17) "On-site manager" means the individual designated by the

105 [licensee] producer license applicant or producer responsible for on-site  
106 management and operations of a licensed [grower or licensed processor]  
107 producer;

108 [(22)] (18) "Pesticide" has the same meaning as "pesticide chemical" as  
109 provided in section 21a-92;

110 [(23) "Plot"] (19) "Lot" means a contiguous area in a field, greenhouse  
111 or indoor growing structure containing the same variety or strain of  
112 hemp throughout the area;

113 [(24)] (20) "Post-harvest sample" means a representative sample of the  
114 form of hemp taken from the harvested hemp from a particular [plot's]  
115 lot's harvest that is collected in accordance with the procedures  
116 established by the commissioner;

117 [(25)] (21) "Pre-harvest sample" means a composite, representative  
118 portion from plants in a hemp [plot] lot, that is collected in accordance  
119 with the procedures established by the commissioner;

120 [(26) "Process"] (22) "Produce" means [using or converting hemp for  
121 the purpose of creating a form of the commodity, that is not a  
122 consumable, for commercial or research purposes] to cultivate hemp or  
123 create any producer hemp product;

124 [(27) "Processor" means a person in the state licensed by the  
125 commissioner to process, handle, store and market hemp pursuant to  
126 the federal act, the provisions of this section and any regulation adopted  
127 pursuant to this section;]

128 [(28)] (23) "State plan" means a state plan, as described in the federal  
129 act and as authorized pursuant to this section;

130 [(29) "Signing authority" means an officer or agent of the applicant  
131 with written authorization of such applicant to commit the applicant to  
132 a binding agreement;]

133 [(30)] (24) "THC" means delta-9-tetrahydrocannabinol;

134 [(31)] (25) "Homogenize" means to blend hemp into a mixture that  
135 has a uniform quality and content throughout such mixture; [and]

136 [(32) "Business entity" means any corporation, limited liability  
137 company, association or partnership.]

138 (26) "Controlled Substances Act" or "CSA" means the Controlled  
139 Substances Act as codified in 21 USC 801 et seq.;

140 (27) "Criminal history report" means the Federal Bureau of  
141 Investigation's Identity History Summary;

142 (28) "Drug Enforcement Administration" or "DEA" means the United  
143 States Drug Enforcement Administration;

144 (29) "Farm service agency" or "FSA" means an agency of the United  
145 States Department of Agriculture;

146 (30) "Key participant" means a sole proprietor, a partner in  
147 partnership or a person with executive managerial control in an entity,  
148 including persons such as a chief executive officer, chief operating  
149 officer and chief financial officer;

150 (31) "Manufacturer hemp product" means a commodity  
151 manufactured from the hemp plant, for commercial or research  
152 purposes, that is intended for human ingestion, inhalation, absorption  
153 or other internal consumption, that contains a THC concentration of not  
154 more than 0.3 per cent on a dry weight basis or per volume or weight of  
155 such manufactured hemp product;

156 (32) "Producer" means an individual or entity licensed by the  
157 commissioner to produce and market producer hemp products  
158 pursuant to the federal act, the state plan, the provisions of this section  
159 and the regulations adopted pursuant to this section;

160 (33) "Producer hemp product" means any of the following produced  
161 in this state: Raw hemp product, fiber-based hemp product or animal  
162 hemp food product, and each of which contains a THC concentration of

163 not more than 0.3 per cent on a dry weight basis; and

164 (34) "USDA" means the United States Department of Agriculture.

165 (b) The Commissioner of Agriculture shall establish and operate an  
166 agricultural pilot program, as defined in 7 USC 5940, as amended from  
167 time to time, for hemp research to enable the department, and its  
168 licensees, to study methods of [cultivating, processing] producing and  
169 marketing hemp. All [grower and processor] producer licensees  
170 licensed pursuant to this section shall be participants in the state  
171 agricultural pilot program for hemp research. Until such time as said  
172 commissioner adopts regulations, in accordance with the provisions of  
173 chapter 54, the Department of Agriculture shall utilize procedures and  
174 guidance policies that the commissioner deems to be consistent with the  
175 provisions of 7 USC 5940, as amended from time to time, provided such  
176 procedures and guidance policies shall, at a minimum, require: (1) The  
177 commissioner to certify and register any site used to grow hemp, (2) any  
178 person who [grows] produces hemp to produce plants that meet the  
179 definition of hemp and verify such, (3) the maintenance of records by  
180 any person who grows hemp and the availability of inspection of such  
181 records by the commissioner, and (4) verification of compliance with the  
182 definition of hemp by a laboratory, at the expense of any licensee. The  
183 provisions of this section shall take precedence over any such procedure  
184 or guidance policy. Participants in the state agricultural pilot program  
185 for hemp research shall be licensed in accordance with the provisions of  
186 this section. Such pilot program shall operate until the earlier of the date  
187 of a fully approved state plan under the federal act, as described in this  
188 section, or the date of repeal of the federal law permitting the state's  
189 agricultural pilot program for hemp research.

190 (c) (1) The commissioner shall prepare a state plan in accordance with  
191 the federal act and 7 CFR 990.3, for approval by the Governor, [and  
192 Attorney General,] in consultation with the office of the Chief State's  
193 Attorney and the Attorney General. The state plan, once approved by  
194 the Governor and the Attorney General, shall be submitted by the  
195 commissioner to the United States Secretary of Agriculture for his or her

196 approval. The commissioner shall have the authority to amend the state  
197 plan, in consultation with the Governor, [and] the Attorney General [in  
198 consultation with] and the office of the Chief State's Attorney, as  
199 necessary to comply with the federal act.

200 (2) The commissioner shall operate the state plan, which shall  
201 include, at a minimum, the following requirements:

202 (A) The sampling of hemp shall comply, at a minimum, with 7 CFR  
203 990.3(a)(2);

204 (B) The testing of hemp shall comply, at a minimum, with 7 CFR  
205 990.3(a)(3);

206 (C) The control and disposal of noncompliant cannabis plants shall  
207 comply with 7 CFR 990.27;

208 (D) The department shall comply with all recordkeeping and  
209 reporting requirements in the federal act, and 7 CFR 990.1 to 7 CFR  
210 990.71, inclusive;

211 (E) The department shall comply with enforcement procedures in 7  
212 CFR 990.6;

213 (F) The department shall conduct annual inspections of, at a  
214 minimum, a random sample of producers to verify that hemp is not  
215 produced in violation of the federal act, the state plan and the provisions  
216 of this section, and shall enforce any violation as provided for in the  
217 federal act and as defined in 7 CFR 990.6;

218 (G) Producers shall report their required license, lot and hemp crop  
219 acreage information to FSA, in accordance with the requirements in 7  
220 CFR 990.7; and

221 (H) Producers shall report to the commissioner the total acreage of  
222 hemp planted, harvested and, if applicable, disposed of, and such other  
223 information as the commissioner may require.



224       (3) All sampling and testing of hemp shall be done using protocols  
225 that are at least as statistically valid as the USDA's published protocols  
226 for sampling and testing of hemp, which protocols shall be posted on  
227 the department's Internet web site. During a scheduled sample  
228 collection, the producer, or an authorized representative of the  
229 producer, shall be present at the lot. A producer shall not harvest the  
230 cannabis crop prior to the taking of samples. Samples of hemp plant  
231 material from one lot shall not be commingled with hemp plant material  
232 from other lots. Lots tested and not certified by a laboratory at or below  
233 the acceptable hemp THC level shall be handled and disposed of in  
234 accordance with the federal act, the provisions of this section and section  
235 22-61m, as amended by this act, and the state plan, as applicable.

236       (4) The commissioner shall collect, maintain and provide to the  
237 USDA, on a timely basis, contact information for each hemp producer  
238 licensed in the state, including lot legal descriptions and locations, and  
239 any changes to such information. The commissioner shall also report to  
240 the USDA, on a timely basis, all required hemp test results and disposal  
241 information for all nonconforming hemp plants and plant material.  
242 Such information shall not include state and federal fingerprint-based  
243 records pursuant to section 29-17a.

244       (d) The commissioner shall have the authority to enforce the federal  
245 act, as amended from time to time, the state plan, this section and any  
246 regulations adopted in accordance with the federal act and chapter 54  
247 for hemp [cultivation] production in the state. The commissioner shall  
248 have the authority to enforce the applicable [processing standard]  
249 standards for producer hemp products. [that are not consumables.] The  
250 commissioner may consult, collaborate and enter into cooperative  
251 agreements with any federal or state agency, municipality or political  
252 subdivision of the state concerning application of the provisions of the  
253 federal act and the regulations adopted pursuant to the federal act, as  
254 may be necessary to carry out the provisions of this section.

255       (e) Any person who [cultivates or processes] produces hemp shall: (1)  
256 Be licensed by the commissioner; (2) [only acquire certified seeds]

257 comply with the federal act, the state plan, the provisions of this section  
258 and any regulation adopted pursuant to this section; and (3) transport  
259 hemp and hemp samples in a manner and with such documentation as  
260 required by the commissioner.

261 (f) Any person who sells hemp products shall not be required to be  
262 licensed provided such person only engages in: (1) The retail or  
263 wholesale sale of hemp or hemp products in which no further  
264 [processing] producing or manufacturing of the hemp products occurs  
265 and the hemp products are acquired from a person authorized under  
266 the laws of this state or another state, territory or possession of the  
267 United States or another sovereign entity to produce and sell such hemp  
268 products; (2) the acquisition of hemp or hemp products for the sole  
269 purpose of product distribution for resale; or (3) the retail sale of hemp  
270 products that are otherwise authorized under federal or state law.

271 (g) Any applicant for a license pursuant to this section shall meet each  
272 of the following requirements, as applicable:

273 (1) Each applicant shall submit an application for a license that  
274 consists, at a minimum, of the following: (A) The name, telephone  
275 number, electronic mail address and address of the applicant, including  
276 any applicable principal business location and the full name, title and  
277 electronic mail address of each key participant; (B) the name and  
278 address of the [plot] lot for the hemp cultivation or [processing]  
279 producing location; (C) the geospatial location of each lot by means of  
280 global positioning system coordinates and legal description of the [plot]  
281 lot used for the hemp cultivation; (D) the acreage size of the [plot] lot  
282 where the hemp will be cultivated; (E) written consent allowing the  
283 commissioner to conduct both scheduled and random inspections of  
284 and around the premises on which the hemp is to be cultivated,  
285 harvested, stored and [processed] produced; and (F) any other  
286 information as may be required by the commissioner;

287 (2) The applicant [, on-site manager and signing authority] and each  
288 key participant for a [grower] producer license, or renewal thereof, shall

289 submit to state and national fingerprint-based criminal history records  
290 checks conducted in accordance with section 29-17a, at his or her own  
291 expense; [, and provide the results to the commissioner for review;]

292 (3) No person, including any key participant, who has been convicted  
293 of any felony, as prescribed in the federal act, or who has materially  
294 falsified any information in the application, shall be eligible to obtain or  
295 hold a [grower] producer license; and

296 (4) Each applicant who obtains a [grower or processor] producer  
297 license shall pay for all costs of sampling, testing, retesting and  
298 resampling any [hemp] samples at a laboratory for the purpose of  
299 determining the THC concentration level of any cannabis under their  
300 control, or in their possession. Each applicant who obtains a producer  
301 license shall pay for all costs of disposal of all cannabis under their  
302 control, or in their possession, that exceeds the acceptable hemp THC  
303 level.

304 (h) Any [grower or processor] producer license issued by the  
305 commissioner shall expire on the second following December thirty-first  
306 and may be renewed during the preceding month of October. Such  
307 licenses shall not be transferable.

308 (i) The following fees shall apply for each [grower and processor]  
309 producer license and inspection:

310 (1) A nonrefundable license application fee of fifty dollars, provided  
311 any constituent unit of higher education, state agency or department  
312 shall be exempt from such application fee if such [cultivation or  
313 processing] production is for research purposes;

314 (2) A nonrefundable [biennial grower] triennial producer license fee  
315 of four hundred fifty dollars [per acre of planned hemp plantings] for  
316 up to one acre of planned hemp plantings and thirty dollars per each  
317 additional acre of planned hemp plantings rounded to the nearest acre,  
318 the maximum license fee charged shall be three thousand dollars,  
319 provided any constituent unit of higher education, state agency or

320 department shall be exempt from such license fee if such cultivation is  
321 for research purposes; and

322 [(3) A nonrefundable processor licensing fee of two hundred fifty  
323 dollars for a license to process hemp provided any constituent unit of  
324 higher education, state agency or department shall be exempt from such  
325 license fee if such processing is for research purposes; and]

326 [(4)] (3) In the event that resampling by the commissioner is required  
327 due to a test result that shows a violation of any provision of this section  
328 or any regulation adopted pursuant to this section, the licensee shall pay  
329 an inspection fee of fifty dollars. Such fee shall be paid prior to the  
330 inspection and collection of the sample to be used for resampling.

331 (j) After receipt and review of an application for [grower or processor]  
332 producer licensure, the commissioner may grant a [biennial] triennial  
333 license upon a finding that the applicant meets the applicable  
334 requirements. Each producer licensee shall notify the commissioner of  
335 any changes to their application information, not later than fifteen days  
336 after such change. While the pilot program is in effect, the commissioner  
337 may grant a conditional approval of a [grower] producer license,  
338 pending receipt of the criminal history records check required by this  
339 section. The commissioner shall assign each producer with a license or  
340 authorization identifier in a format consistent with 7 CFR 990.3(a)(9).

341 (k) Whenever an inspection or investigation conducted by the  
342 commissioner pursuant to this title reveals any violation of the state  
343 plan, this section or any regulation adopted thereunder, the [grower,  
344 processor,] producer license applicant or respondent, as applicable,  
345 shall be notified, in writing, of such violation and any corrective action  
346 to be taken and the time period within which such corrective action shall  
347 be taken. Any such [grower, processor,] producer license applicant or  
348 respondent may request a hearing, conducted in accordance with  
349 chapter 54, on any such notification. Any notification issued pursuant  
350 to this section shall be made by certified mail, return receipt requested  
351 to the producer license applicant or respondent's last known address,

352 by in-hand service by the commissioner or designated agent of the  
353 commissioner, electronic mail service with the consent of the recipient,  
354 or by service in accordance with chapter 896. The commissioner shall  
355 report all producer violations made with a culpable mental state greater  
356 than negligence to the United States Attorney General and the State's  
357 Attorney for the judicial district in which the producer violation  
358 occurred.

359 (l) Nothing in this section shall be construed to limit the  
360 commissioner's authority to issue a cease and desist order pursuant to  
361 section 22-4d, or an emergency order, in order to respond to a condition  
362 that may present a public health hazard, or issue orders necessary to  
363 effectuate the purposes of this section, including, but not limited to,  
364 orders for the embargo, partial destruction, destruction and release of  
365 hemp or hemp products. Any cease and desist order or an emergency  
366 order shall become effective upon service of such order by the  
367 commissioner. Following service of any such order, subsequent  
368 proceedings shall proceed in accordance with the provisions of section  
369 22-4d and the rules of practice for such agency. Any embargo, partial  
370 destruction, destruction or release order issued pursuant to this section  
371 shall be served by certified mail, return receipt requested to the  
372 respondent's last known address, by in-hand service by the  
373 commissioner or designated agent of the commissioner, or by service in  
374 accordance with chapter 896.

375 (m) Following a hearing conducted in accordance with chapter 54,  
376 the commissioner may impose an administrative civil penalty, not to  
377 exceed two thousand five hundred dollars per violation, and suspend,  
378 revoke or place conditions upon any grower or processor licensee who  
379 violates the provisions of this section or any regulation adopted  
380 pursuant to this section.

381 (n) (1) Any individual who [cultivates or processes] produces hemp  
382 in this state without obtaining a license pursuant to this section, or who  
383 [cultivates or processes] produces hemp in this state after having a  
384 license suspended or revoked may be fined two hundred fifty dollars in

385 accordance with the provisions of section 51-164n.

386 (2) Any business entity that [cultivates or processes] produces hemp  
387 in this state without obtaining a license pursuant to this section, or  
388 [cultivates or processes] produces hemp in this state after having a  
389 license suspended or revoked [shall] may be fined not more than two  
390 thousand five hundred dollars per violation, after a hearing conducted  
391 in accordance with chapter 54.

392 (o) (1) Any negligent violation [ , as described in the federal act,] of  
393 this section or the state plan except failure to obtain a producer license  
394 under this section, shall be subject to enforcement in accordance with  
395 the federal act, and the state plan for negligent violations.

396 (2) For any negligent violation, a producer shall be required to correct  
397 such negligent violation, by means of a corrective action plan approved  
398 by the commissioner. Each corrective action plan shall include, at a  
399 minimum, a reasonable completion deadline for correction of the  
400 negligent violation, periodic reporting to the commissioner and  
401 compliance with the state plan.

402 (3) Any producer that negligently violates the state plan shall not, as  
403 a result of such negligent violation, be referred by the commissioner for  
404 any criminal enforcement action by the federal, state or local  
405 government.

406 (4) Any producer that negligently violates the state plan three times  
407 during any five-year period shall be ineligible to produce hemp for a  
408 period of five years beginning on the date of the third violation.

409 (5) The commissioner shall conduct an inspection to determine if the  
410 corrective action plan for a producer who commits any such negligent  
411 violation was implemented.

412 (p) Any person aggrieved by an order issued pursuant to this section  
413 may appeal to the commissioner in accordance with the provisions of  
414 chapter 54. Such appeal shall be made in writing to the commissioner

415 and received not later than fifteen days after the date of the order. If no  
416 appeal is made pursuant to this subsection the order shall be final.

417 (q) (1) All documents [included in an application for a grower or  
418 processor license] submitted under this section shall be subject to  
419 disclosure in accordance with chapter 14, except: [any document  
420 describing, depicting or otherwise outlining a licensee's security  
421 schematics and the results of any criminal history records check] (A)  
422 Information depicting or describing (i) the test results of any producer,  
423 (ii) the location of any hemp growing, harvesting, processing or storage  
424 location, or (iii) hemp producer location security schematics; and (B) the  
425 results of any criminal history records check.

426 (2) Notwithstanding the provisions of subdivision (1) of this  
427 subsection, all documents and records submitted or maintained  
428 pursuant to this section shall be disclosed to any law enforcement  
429 agency upon request of such law enforcement agency.

430 (r) The commissioner may inspect and shall have access to the  
431 buildings, equipment, supplies, vehicles, records, real property and  
432 other information that the commissioner deems necessary to carry out  
433 the commissioner's duties pursuant to this section from any person  
434 participating in [the planting, cultivating, harvesting, processing,]  
435 producing, handling, storing marketing or researching [of] hemp.

436 [(s) The commissioner shall establish an inspection and testing  
437 program to determine THC levels and ensure compliance with the limits  
438 on THC concentration in all hemp grown in the state by a grower  
439 licensee. The grower shall collect a pre-harvest sample no more than  
440 fifteen days before the intended harvest date, in accordance with the  
441 commissioner's pre-harvest hemp sampling protocol adopted in  
442 accordance with chapter 54 and published on the Internet web site of  
443 the Department of Agriculture. The grower and processor licensees  
444 shall be responsible for all costs of disposal of hemp samples and any  
445 hemp produced by a licensee that violates the provisions of this section  
446 or any regulation adopted pursuant to this section. A hemp sample fails

447 THC testing if the test report indicates that the sample contains an  
448 average THC concentration greater than 0.3 per cent on a dry weight  
449 basis. The commissioner may order and conduct post-harvest sample  
450 THC testing of a plot if the results of an initial THC test on the pre-  
451 harvest sample provided and collected by the licensee indicate a THC  
452 concentration in the pre-harvest sample in excess of such permitted  
453 levels, unless the licensee elects to destroy the crop prior to post-harvest  
454 sample THC testing.]

455       [(t)] (s) Nothing in this section shall be construed to apply to any  
456 licensee of palliative marijuana authorized pursuant to chapter 420f.

457       [(u)] (t) All licensees pursuant to this section shall maintain records  
458 required by the federal act, the state plan, this section and any regulation  
459 adopted pursuant to this section. Each licensee shall make such records  
460 available to the department immediately upon request of the  
461 commissioner and in electronic format, if available.

462       [(v)] (u) The commissioner [shall] may adopt regulations, in  
463 accordance with the provisions of chapter 54, to implement the  
464 provisions of this section including, but not limited to, [establishing  
465 sampling and testing procedures to ensure compliance with the federal  
466 act and to prescribe disposal procedures for plants grown in violation  
467 of the federal act] the labeling of producer hemp products.

468       [(w)] (v) Notwithstanding any provision of the general statutes: (1)  
469 Marijuana does not include hemp or hemp products; (2) THC that does  
470 not exceed 0.3 per cent by dry weight and that is found in hemp shall  
471 not be considered to be THC that constitutes a controlled substance; (3)  
472 hemp-derived cannabidiols, including CBD, shall not constitute  
473 controlled substances or adulterants solely on the basis of containing  
474 CBD; and (4) hemp products that contain one or more hemp-derived  
475 cannabidiols, such as CBD, intended for ingestion shall be considered  
476 foods, not controlled substances or adulterated products solely on the  
477 basis of the containing hemp-derived cannabidiols.

478       [(x)] (w) Whenever the commissioner believes or has reasonable



479 cause to believe that the actions of a licensee or any employee of a  
480 grower or processor licensee [will violate] are in violation of the federal  
481 act, the state plan, or any state law concerning the growing, cultivation,  
482 handling, transporting or possession of marijuana, the commissioner  
483 shall notify the Department of Emergency Services and Public  
484 Protection and the State Police.

485 [(y) The Commissioner of Agriculture may enter an agreement with  
486 any state or federally recognized Indian tribe to assist such tribe in the  
487 development of a pilot program under the federal act or to have  
488 applicants from such tribe participate in the pilot program established  
489 pursuant to subsection (b) of this section.]

490 Sec. 2. Section 22-61m of the 2020 supplement to the general statutes  
491 is repealed and the following is substituted in lieu thereof (*Effective from*  
492 *passage*):

493 (a) No person shall manufacture in the state without a license to  
494 manufacture issued by the Commissioner of Consumer Protection.

495 (b) Each applicant for a manufacturer license shall submit an  
496 application on a form and in a manner prescribed by the Commissioner  
497 of Consumer Protection.

498 (c) The following fees shall apply for a license to manufacture:

499 (1) A nonrefundable license application fee of [fifty] seventy-five  
500 dollars; and

501 (2) A nonrefundable licensing fee of [two hundred fifty] three  
502 hundred seventy-five dollars for a license to manufacture hemp.

503 (d) A license to manufacture [hemp or hemp products] issued by the  
504 Commissioner of Consumer Protection pursuant to this section shall  
505 expire [biennially] triennially on June thirtieth. Such licenses shall not  
506 be transferable.

507 (e) In accordance with a hearing held pursuant to chapter 54, the

508 Commissioner of Consumer Protection may deny, suspend or revoke a  
509 manufacturer license, issue fines of not more than two thousand five  
510 hundred dollars per violation and place conditions upon a  
511 manufacturer licensee who violates the provisions of this section and  
512 any regulation adopted pursuant to this section.

513 (f) (1) Any individual who manufactures in this state without  
514 obtaining a license pursuant to this section or who manufactures in this  
515 state after such entity's license is suspended or revoked shall be fined  
516 two hundred fifty dollars in accordance with the provisions of section  
517 51-164n.

518 (2) Any [business entity] person who manufactures in this state  
519 without obtaining a license pursuant to this section, or who  
520 manufactures in this state after having a license suspended, shall be  
521 fined not more than two thousand five hundred dollars per violation  
522 after a hearing conducted in accordance with the provisions of chapter  
523 54.

524 (g) Nothing in this section shall be construed to apply to any licensee  
525 of palliative marijuana authorized pursuant to chapter 420f.

526 (h) The Commissioner of Consumer Protection may inspect and shall  
527 have access to the buildings, equipment, supplies, vehicles, records, real  
528 property and other information of any manufacturer applicant or  
529 licensee that the commissioner deems necessary to carry out the  
530 commissioner's duties pursuant to this section.

531 (i) (1) Each manufacturer shall follow the protocol in this subsection  
532 for disposing of [hemp or hemp products] cannabis in the event that any  
533 hemp or hemp product is deemed to [contain a] exceed the prescribed  
534 THC concentration, [of more than 0.3 per cent on a dry weight basis,] as  
535 determined by the Commissioner of Consumer Protection, or a  
536 manufacturer licensee in possession of hemp or hemp products who  
537 desires to dispose of obsolete, misbranded, excess or otherwise  
538 undesired product. Each manufacturer licensee shall be responsible for  
539 all costs of disposal of hemp samples and any hemp produced by such

540 licensee that violates the provisions of this section or any regulation  
541 adopted pursuant to this section. Any [hemp or hemp product  
542 containing a] cannabis that exceeds the prescribed THC concentration  
543 [of more than 0.3 per cent on a dry weight basis] allowable in hemp or  
544 hemp products shall be immediately embargoed by such manufacturer  
545 and clearly labeled as adulterated by such licensee and such licensee  
546 shall immediately notify both the Department of Consumer Protection  
547 and the Department of Agriculture, in writing, of such adulterated  
548 product. Such adulterated product shall be destroyed and disposed of  
549 by the following method, as determined by the Commissioner of  
550 Consumer Protection:

551 (A) Surrender, without compensation, of such hemp or hemp product  
552 to the Commissioner of Consumer Protection who shall be responsible  
553 for the destruction and disposal of such adulterated product; or

554 (B) By disposal in [the presence of an authorized representative of] a  
555 manner prescribed by the Commissioner of Consumer Protection. [in  
556 such a manner as to render the hemp or hemp product nonrecoverable.]

557 (2) Notwithstanding the provisions of subdivision (1) of this  
558 subsection, upon written request of a manufacturer, the Commissioner  
559 of Consumer Protection may permit such manufacturer to combine  
560 different batches of raw hemp plant material to achieve a THC  
561 concentration of 0.3 per cent on a dry weight basis, in lieu of embargo  
562 or destruction.

563 (j) The [person] manufacturer or manufacturer's authorized designee  
564 disposing of the hemp or hemp products shall maintain and make  
565 available to the Commissioner of Consumer Protection a record of each  
566 such disposal or destruction of product indicating:

567 (1) The date, time and location of disposal or destruction;

568 (2) The manner of disposal or destruction;

569 (3) The batch or lot information and quantity of hemp or hemp

570 product disposed of or destroyed; and

571 (4) The signatures of the persons disposing of the hemp or hemp  
572 products, the authorized representative of the Commissioner of  
573 Consumer Protection and any other persons present during the  
574 disposal.

575 (k) Any hemp intended to be manufactured [as a consumable] into a  
576 manufacturer hemp product shall be tested by an independent testing  
577 laboratory, [or any other such laboratory that is accredited as a testing  
578 laboratory to International Organization for Standardization (ISO)  
579 17025 by a third-party accrediting body.] A manufacturer licensee shall  
580 make available samples, in an amount and type determined by the  
581 Commissioner of Consumer Protection, of hemp [or hemp product] for  
582 an independent testing laboratory employee to select random samples.  
583 The independent testing laboratory [or other such laboratory] shall test  
584 each sample for microbiological contaminants, mycotoxins, heavy  
585 metals and pesticide chemical residue, and for purposes of conducting  
586 an active ingredient analysis, if applicable, as determined by the  
587 Commissioner of Consumer Protection.

588 (l) Once a batch of hemp, [or hemp product,] intended to be sold as a  
589 [consumable] manufacturer hemp product, has been homogenized for  
590 sample testing and eventual packaging and sale, until the independent  
591 testing laboratory [or other such laboratory] provides the results from  
592 its tests and analysis, the manufacturer licensee shall segregate and  
593 withhold from use the entire batch of hemp that is intended for  
594 [consumable] use as a manufacturer hemp product, except the samples  
595 that have been removed by the independent testing laboratory for  
596 testing. During this period of segregation, the manufacturer licensee  
597 shall maintain the hemp [or hemp product] batch in a secure, cool and  
598 dry location, as prescribed by the Commissioner of Consumer  
599 Protection, so as to prevent the hemp [or hemp product] from becoming  
600 adulterated. Such manufacturer shall not manufacture or sell a  
601 [consumable] manufacturer hemp product prior to the time that the  
602 independent testing laboratory [or other such laboratory] completes

603 testing and analysis and provides such results, in writing, to the  
604 manufacturer licensee who initiated such testing.

605 (m) An independent testing laboratory [or other such laboratory]  
606 shall immediately return or dispose of any hemp [or hemp product]  
607 upon the completion of any testing, use or research. If an independent  
608 testing laboratory [or other such laboratory] disposes of hemp or  
609 manufacturer hemp products, the laboratory shall dispose of such hemp  
610 in the following manner, as determined by the Commissioner of  
611 Consumer Protection:

612 (1) By surrender, without compensation, of such hemp [or hemp  
613 product] to the Commissioner of Consumer Protection who shall be  
614 responsible for the destruction and disposal of such hemp or hemp  
615 product; or

616 (2) By disposal in [the presence of an authorized representative of] a  
617 manner prescribed by the Commissioner of Consumer Protection, [in  
618 such a manner as to render the hemp or hemp product nonrecoverable.]

619 (n) If a sample does not pass the microbiological, mycotoxin, heavy  
620 metal or pesticide chemical residue test, based on the standards  
621 prescribed by the Commissioner of Consumer Protection and published  
622 on the Internet web site of the Department of Consumer Protection, the  
623 manufacturer licensee who sent such batch for testing shall dispose of  
624 the entire batch from which the sample was taken in accordance with  
625 procedures established by the Commissioner of Consumer Protection  
626 pursuant to subdivision (1) of subsection (i) of this section.

627 (o) If a sample passes the microbiological, mycotoxin, heavy metal  
628 and pesticide chemical residue test, the independent testing laboratory  
629 [or other such laboratory] shall release the entire batch for  
630 manufacturing, processing or sale.

631 (p) The independent testing laboratory [or other such laboratory]  
632 shall file with the Department of Consumer Protection an electronic  
633 copy of each laboratory test result for any batch that does not pass the

634 microbiological, mycotoxin, heavy metal or pesticide chemical residue  
635 test, at the same time that it transmits such results to the manufacturer  
636 licensee who requested such testing. Each independent testing  
637 laboratory [or other such laboratory] shall maintain the test results of  
638 each tested batch for a period of three years and shall make such results  
639 available to the Department of Consumer Protection upon request.

640 (q) Manufacturer licensees shall maintain records required by the  
641 federal act, this section and any regulation adopted pursuant to this  
642 section. Each manufacturer licensee shall make such records available  
643 to the Department of Consumer Protection immediately upon request  
644 and in electronic format, if available.

645 (r) The Commissioner of Consumer Protection may adopt  
646 regulations, in accordance with the provisions of chapter 54, to  
647 implement the provisions of this section including, but not limited to,  
648 establishing sampling and testing procedures to ensure compliance  
649 with [the federal act, to prescribe] this section, prescribing storage and  
650 disposal procedures for [plants grown in violation of the federal act]  
651 hemp, marijuana and manufacturer hemp products that fail to pass  
652 Department of Consumer Protection prescribed independent testing  
653 laboratory testing standards and [to establish] establishing advertising  
654 and labeling requirements for [consumables] manufacturer hemp  
655 products.

656 (s) Any claim of health impacts, medical effects or physical or mental  
657 benefits shall be prohibited on any advertising for, labeling of or  
658 marketing of [consumables] manufacturer hemp products. Any  
659 violation of this subsection shall be deemed an unfair or deceptive trade  
660 practice under chapter 735a.

661 (t) Not later than February 1, 2020, the Commissioners of Agriculture  
662 and Consumer Protection shall submit a report, in accordance with  
663 section 11-4a, to the joint standing committee of the general assembly  
664 having cognizance of matters relating to the environment on the status  
665 of the pilot program, the development of the state plan and any

666 regulations for such pilot program or state plan. Additionally such  
667 report shall include any legislative recommendations, including, but not  
668 limited to, any recommendations for requiring the registration of any  
669 [consumable] manufacturer hemp product offered for sale in this state.

670 (u) Any person who sells manufacturer hemp products shall not be  
671 required to be licensed, provided such person only engages in: (1) The  
672 retail or wholesale sale of manufacturer hemp products in which no  
673 further manufacturing of hemp occurs, provided such manufacturer  
674 hemp products are acquired from a person authorized to manufacture  
675 the manufacturer hemp products under the laws of this state or another  
676 state, territory or possession of the United States or another sovereign  
677 entity; (2) the acquisition of manufacturer hemp products for the sole  
678 purpose of product distribution for resale; or (3) the retail sale of  
679 manufacturer hemp products that is otherwise authorized under federal  
680 or state law.

681 (v) Notwithstanding any provision of the general statutes: (1)  
682 Marijuana does not include manufacturer hemp products; (2) CBD that  
683 is found in manufacturer hemp products shall not be considered a  
684 controlled substance, as defined in section 21a-240, as amended by this  
685 act, or legend drug, as defined in 20-571; and (3) cannabinoids derived  
686 from hemp and contained in manufacturer hemp products shall not be  
687 considered controlled substances or adulterants.

688 Sec. 3. Subdivision (7) of section 21a-240 of the 2020 supplement to the  
689 general statutes is repealed and the following is substituted in lieu  
690 thereof (*Effective from passage*):

691 (7) "Cannabis-type substances" include all parts of any plant, or  
692 species of the genus cannabis or any infra specific taxon thereof whether  
693 growing or not; the seeds thereof; the resin extracted from any part of  
694 such a plant; and every compound, manufacture, salt, derivative,  
695 mixture or preparation of such plant, its seeds or resin; but shall not  
696 include the mature stalks of such plant, fiber produced from such stalks,  
697 oil or cake made from the seeds of such plant, any other compound,

698 manufacture, salt, derivative, mixture or preparation of such mature  
699 stalks, except the resin extracted therefrom, fiber, oil or cake, the  
700 sterilized seed of such plant which is incapable of germination, or hemp,  
701 as defined in 7 USC 1639o, as amended from time to time. Included are  
702 cannabimon, cannabimol, cannabidiol and chemical compounds which  
703 are similar to cannabimon, cannabimol or cannabidiol in chemical  
704 structure or which are similar thereto in physiological effect, and which  
705 show a like potential for abuse, which are controlled substances under  
706 this chapter unless [modified] derived from hemp, as defined in section  
707 22-61l, as amended by this act;

708 Sec. 4. Subdivision (29) of section 21a-240 of the 2020 supplement to  
709 the general statutes is repealed and the following is substituted in lieu  
710 thereof (*Effective from passage*):

711 (29) "Marijuana" means all parts of any plant, or species of the genus  
712 cannabis or any infra specific taxon thereof, whether growing or not; the  
713 seeds thereof; the resin extracted from any part of the plant; and every  
714 compound, manufacture, salt, derivative, mixture, or preparation of  
715 such plant, its seeds or resin. Marijuana does not include the mature  
716 stalks of such plant, fiber produced from such stalks, oil or cake made  
717 from the seeds of such plant, any other compound, manufacture, salt,  
718 derivative, mixture or preparation of such mature stalks, except the  
719 resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such  
720 plant which is incapable of germination, or hemp, as defined in 7 USC  
721 1639o, as amended from time to time. Included are cannabimon,  
722 cannabimol or cannabidiol and chemical compounds which are similar  
723 to cannabimon, cannabimol or cannabidiol in chemical structure or which  
724 are similar thereto in physiological effect, and which show a like  
725 potential for abuse, which are controlled substances under this chapter  
726 unless [modified] derived from hemp, as defined in section 22-61l, as  
727 amended by this act;

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	22-61l
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Sec. 2	<i>from passage</i>	22-61m
Sec. 3	<i>from passage</i>	21a-240(7)
Sec. 4	<i>from passage</i>	21a-240(29)

**Statement of Purpose:**

To make the state's hemp program consistent with requirements of federal law.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*