

**STATE OF CONNECTICUT**  
**Regulation of**  
**Department of Consumer Protection**  
**Concerning**  
**Regulation of Adult Use Cannabis**

**Section 1.** The Regulations of Connecticut State Agencies are amended by adding Sections 21a-421j-1 to 21a-421j-39, inclusive, as follows:

**(NEW) Section 21a-421j-1. Definitions.** As used in sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Active ingredient” means any substance that is intended to provide pharmacological activity or other direct effect on the structure or any function of the human body, including those substances that may undergo chemical change during the manufacturing process and be present in a modified form intended to furnish the specified activity or effect;
- (2) “Additive” means a substance that is directly or indirectly added to cannabis, including any substance that is not intentionally added but may be present in trace amounts;
- (3) “Adulterated” has the same meaning prescribed in section 21a-105 of the Connecticut General Statutes;
- (4) “Advanced practice registered nurse” or “APRN” has the same meaning prescribed in section 20-87a of the Connecticut General Statutes;
- (5) “Advertisement” means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce the purchase or use of cannabis or cannabis-related services;
- (6) “Approved secure location” means a secure location, including but not limited to safes and vaults, which complies with the requirements prescribed in section 21a-262-4 of the regulations of Connecticut state agencies for controlled substances listed in schedules III, IV and V of the Connecticut controlled substance scheduling regulations adopted pursuant to section 21a-243;
- (7) “Backer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (8) “Batch” means (1) a specifically identified quantity of cannabis trim and cannabis flower, uniform in character and quality, from the same seed stock or cuttings taken from cannabis plants of the same genotype and phenotype, that has undergone the same propagation and cultivation processes, and harvested within a seventy-two hour period, in the same environment, and cured under the same conditions, or (2) a distinct group of cannabis product, uniform in character and quality, that has been produced in the same environment, under the same conditions, and from the same processes, equipment, and ingredients during the same cycle;

- (9) “Cannabis” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (10) “Cannabis-related services” means professional services available to individuals and related to the purchase, sale or use of cannabis;
- (11) “Cannabis Analytic Tracking System” means the State of Connecticut’s electronic seed-to-sale tracking system that captures and maintains records of cannabis and licensee activity pursuant to section 21a-421j-5 of the Regulations of Connecticut State Agencies;
- (12) “Cannabis concentrate” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (13) “Cannabis establishment” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (14) “Cannabis flower” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (15) “Cannabis product” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (16) “Cannabis trim” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (17) “Cannabis testing laboratory” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (18) “Cannabis testing laboratory employee” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (19) “Caregiver” has the same meaning prescribed in section 21a-408 of the Connecticut General Statutes for “primary caregiver”;
- (20) “Commissioner” means the Commissioner of Consumer Protection or the commissioner’s designee;
- (21) “Compounding” has the same meaning prescribed in section 21a-408-1 of the Regulations of Connecticut State Agencies;
- (22) “Consumer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (23) “Controlled substance” has the same meaning prescribed in section 21a-240 of the Connecticut General Statutes;
- (24) “Cultivate” or “Cultivation” has the same meaning prescribed in section 21a-408 of the Connecticut General Statutes;
- (25) “Cultivator” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (26) “Delivery device” means any hardware, apparatus or system designed or intended as a method of administering cannabis;
- (27) “Delivery service” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;

- (28) “Department” means the Department of Consumer Protection;
- (29) “Dispensary facility” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (30) “Dispensary technician” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (31) “Dispense” or “dispensing” has the same meaning prescribed in section 21a-408-1 of the Regulations of Connecticut State Agencies;
- (32) “Dispensing error” has the same meaning prescribed in section 21a-408-1 of the Regulations of Connecticut State Agencies;
- (33) “Drug” has the same meaning as provided in section 20-571 of Connecticut General Statutes;
- (34) “Drug control division” means the department’s drug control division;
- (35) “Edible cannabis product” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (36) "Electronic data intermediary" means an entity that provides the infrastructure that connects the computer systems or other electronic devices utilized by a licensed pharmacist or research program, with those used by prescribers or the department in order to facilitate the secure transmission of qualifying patient or caregiver information;
- (37) “Employee” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (38) “Establishment” means the physical establishment owned or operated by a licensee, as approved by the department;
- (39) “Food and beverage manufacturer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (40) “Grow space” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (41) “Homogenous” or “Homogenized” means uniform in cannabinoid and terpenoid concentration;
- (42) “Ingredient” means an active ingredient or an inactive ingredient;
- (43) “Inactive ingredient” means any component other than an active ingredient;
- (44) “Key employee” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (45) “Label” means a display of written or graphic matter printed directly on or affixed to the packaging of any product containing cannabis or delivery device;
- (46) “Logo” means a symbol or design: (A) adopted by a cannabis establishment, for purposes of identification; (B) is present across the marketing media of the cannabis establishment, including on the website of the cannabis establishment listed on a cannabis label, and (C) that complies with the restrictions set forth in subsections (b) and (e)(1)-(5) of section 21a-421bb(b) of the Connecticut General Statutes;

- (47) “Licensee” means a cannabis establishment, cannabis testing laboratory, or research program;
- (48) “Manufacture” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (49) “Medical marijuana product” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (50) “Micro-cultivator” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (51) “Mother plant” means a cannabis plant used to generate clones, and not to produce cannabis material for sale into the Connecticut cannabis market.
- (52) “Originating establishment” means the licensee that possesses the cannabis to be transported immediately prior to transport;
- (53) “Outdoor grow” means the portion of a premises operated by a producer, cultivator or micro-cultivator that utilizes direct sunlight for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in any stage of growth, measured utilizing clearly identifiable boundaries. “Outdoor grow” includes, but is not limited to, greenhouses, hoop houses and other similar structures;
- (54) “Paraphernalia” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (55) “Person” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (56) “Premises” means the tract of land on which the establishment is located, as described on the land records;
- (57) “Produce” or “production” means the manufacture, planting, preparation, cultivation, growing, harvesting, propagation, compounding, conversion or processing of cannabis, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging, repackaging, labeling and relabeling, except that this term does not include the preparation or compounding of cannabis by a licensed pharmacist, qualifying patient, or caregiver for the qualifying patient’s use;
- (58) “Producer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (59) “Product manufacturer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (60) “Product packager” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (61) “Qualifying patient” has the same meaning prescribed in section 21a-408 of the Connecticut General Statutes;

- (62) “Raw cannabis” means cannabis flower and cannabis trim, including abnormal and immature flowers and parts, prior to any processing whereby the plant material is transformed into a cannabis product;
- (63) “Receiving establishment” means the licensee, hospice or other inpatient care facility that will receive the cannabis being transported from the originating establishment;
- (64) “Research program” has the same meaning prescribed in section 21a-408 of the Connecticut General Statutes;
- (65) “Research program employee” has the same meaning prescribed in section 21a-408 of the Connecticut General Statutes;
- (66) “Retailer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (67) “Sale” or “sell” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (68) “Sample” means a portion or part of a batch, the characteristics of which represent, as accurately as possible, the entire batch, allowing for the cannabis testing laboratory testing results of the sample to be generally applied to the entire batch;
- (69) “Seedling” means a non-flowering cannabis plant not taller than eight inches and not wider than eight inches.
- (70) “System vendor” means the person providing the Cannabis Analytic Tracking System, or a similar tracking system interoperable therewith;
- (71) “THC” has the same meaning prescribed in section 21a-240 of the Connecticut General Statutes;
- (72) “Total THC” has the same meaning prescribed in section 21a-240 of the Connecticut General Statutes;
- (73) “Transfer” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (74) “Transport” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (75) “Transport vehicle” means a vehicle transporting cannabis, infused beverages, or manufacturer hemp products, as defined in section 22-61l of the Connecticut General Statutes on behalf of a cannabis establishment permitted to deliver or transport cannabis, infused beverages, or manufacturer hemp products, as defined in section 22-61l of the Connecticut General Statutes;
- (76) “Transporter” has the same meaning prescribed in section 21a-420 of the Connecticut General Statutes;
- (77) “Transporting agent” means the licensed or registered employee of a licensee authorized to operate a transport vehicle;
- (78) “Transporting establishment” means (1) an originating establishment utilizing its own employees to transport cannabis, or (2) a delivery service or transporter that an originating establishment utilizes to transport cannabis;

- (79) “Unique identifier” means a barcode or radio frequency identification device and an alphanumeric code generated by the Cannabis Analytic Tracking System that is assigned and unique to each cannabis batch, and from which the complete history of the cannabis can be determined in the Cannabis Analytic Tracking System;
- (80) “User” means an employee of the licensee that is authorized to access the Cannabis Analytic Tracking System and has been assigned user credentials; and
- (81) “User credentials” means the unique set of credentials, including a username and password, assigned to a user to access the Cannabis Analytic Tracking System.

### **Section 21a-421j-2. Reportable Events.**

- (a) A licensee, and any employee, including a cannabis testing laboratory employee and research program employee, shall immediately notify the department in writing upon becoming aware of any suspected:
  - (1) Diversion, theft, loss, adulteration, or unauthorized destruction of any cannabis;
  - (2) Loss or unauthorized alteration of records related to cannabis, qualifying patients, caregivers, or research program subjects, or any other records required pursuant to chapter 420h of the Connecticut General Statutes or sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies; or
  - (3) Damage or other event outside the ordinary course of business that impacts any room in the cannabis establishment containing cannabis; or
  - (4) Action taken to remove cannabis from the market, including but not limited to product recall.

Upon such notification, the department may require the licensee to notify law enforcement of the event.
- (b) Within twenty-four hours of a licensee providing the notice required by subsection (a) of this section, the licensee shall provide to the department a signed statement that details the circumstances of the event, including, as applicable, an accurate inventory of the quantity and type of any cannabis diverted, stolen, lost, destroyed or damaged, a description of any records lost or altered, whether any internal or third-party investigation is ongoing, and confirmation that the appropriate law enforcement authorities were notified.
- (c) A licensee shall notify the department no later than the next business day after any of the following:
  - (1) An alarm activation or other event that requires response by public safety personnel;
  - (2) A breach of security, including but not limited to a physical or cyber incident where a person may have gained or attempted to gain access to information or systems of the cannabis establishment, or where any security system, equipment or procedures of the cannabis establishment may have been compromised or impacted; and
  - (3) The failure of a security alarm system due to a loss of electrical support or mechanical malfunction that lasts, or is expected to last, longer than eight hours.

- (d) Within ten days after an event specified in subsection (c) of this section, a licensee shall provide a written report to the department detailing any corrective measures taken in response to such event.
- (e) A licensee shall maintain and produce in accordance with section 21a-421j-6 of the Regulations of Connecticut State Agencies all documentation related to an occurrence that is reportable pursuant to subsections (a) through (c), inclusive, of this section.

### **Section 21a-421j-3. Disposal of Cannabis.**

- (a) A licensee shall dispose of undesired, excess, unauthorized, obsolete, adulterated, or deteriorated cannabis, in a form and manner prescribed by the commissioner, which may include, but is not limited to, a surrender without compensation of such cannabis to the commissioner, disposal in the presence of an authorized representative of the commissioner, or other disposal method approved by the department that renders the cannabis non-recoverable. Notwithstanding the foregoing, fan leaves, stalks, stems, and root balls from routine pruning may be disposed of, without further action by the Department, if rendered unusable. In order to comply with this subsection, the resulting mixture shall not be easily separated or sorted.
- (b) The person disposing of the cannabis shall maintain and produce in accordance with section 21a-421j-6 of the Regulations of Connecticut State Agencies a separate record of each such disposal indicating:
  - (1) The date and time of disposal;
  - (2) The reason for and manner of disposal;
  - (3) The type and quantity of cannabis disposed of; and
  - (4) The name and signature, which signature may be electronic, of the person disposing of the cannabis, the authorized representative of the commissioner and any other persons present during the disposal, as applicable.

### **Section 21a-421j-4. Inventory.**

- (a) Each cannabis establishment, prior to commencing adult-use cannabis operations, shall:
  - (1) Conduct an initial comprehensive inventory of all cannabis at the establishment. If a cannabis establishment commences business with no cannabis on hand, the cannabis establishment shall record this as the initial inventory; and
  - (2) Establish ongoing inventory controls and procedures for conducting inventory reviews and comprehensive inventories of cannabis, which shall enable the establishment to detect any diversion, theft or loss in a timely manner.
- (b) All cannabis shall be maintained at the establishment, except when in the process of transport.

### **Section 21a-421j-5. Seed-to-Sale Traceability System.**



- (a) The Cannabis Analytic Tracking System shall be used by all licensees and authorized employees, to identify, monitor, and track cannabis through a unique identifier from the point cannabis is propagated from seed or cutting, through and including the point cannabis is acquired by an end-user or otherwise disposed of in accordance with section 21a-420 of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies. No licensee shall take physical possession of cannabis until a corresponding and accurate record has been established in the Cannabis Analytic Tracking System. A licensee shall enter the information required pursuant to subsection (d) of this section into the Cannabis Analytic Tracking System using the same vendor system as utilized by the State, or an interoperable system, through an application programming interface or otherwise, for purposes of information entry. Information entered into the Cannabis Analytic Tracking System shall be maintained and produced by the licensee entering such information in accordance with section 21a-421j-6 of the Regulations of Connecticut State Agencies.
- (b) Timeline and Process.
- (1) Prior to commencing sale or public operations in the adult use market a licensee shall:
    - (A) Enter into a written contract to establish, and maintain an active account with a system vendor, the cost of which and any associated vendor fees shall be borne by the licensee;
    - (B) Establish and assign user credentials for each employee that is authorized to access the Cannabis Analytic Tracking System, provided that authorized employees shall be limited to the minimum number of employees necessary for efficient operation;
    - (C) Designate at least one user as the account administrator to manage the licensee's account. The account administrator of a cannabis establishment shall be a key employee; and
    - (D) Require all users to complete a minimum of two hours of system training provided by the applicable system vendor prior to accessing the Cannabis Analytic Tracking System, unless such training is waived by the department for good cause.
- (c) Cannabis Analytic Tracking System Users and Use.
- (1) No person other than an authorized employee of a licensee shall be assigned user credentials or permitted to access the Cannabis Analytic Tracking System by a licensee.
  - (2) Each new employee authorized to access the Cannabis Analytic Tracking System shall be assigned new user credentials by the licensee and complete system training prior to initial access.
  - (3) A licensee shall deactivate user credentials as soon as practicable, but in no case longer than twenty-four hours after the assigned user ceases to be an employee of the licensee, is suspended, or ceases to have authorization to access the Cannabis Analytic Tracking System on behalf of the licensee. Upon notification that an employee is no longer affiliated with a licensee, is suspended, or ceases to have authorization to access the Cannabis Analytic Tracking System on behalf of the licensee, the Department may, at its election, deactivate such user's credential. In no event shall user credentials be reinstated, reassigned, or reused for any purpose once deactivated, unless an employee is reauthorized by the cannabis establishment that deactivated such employee's user credentials.



- (4) A licensee shall maintain a complete and current list of all users, including the individual's full name and username and shall denote which user is an account administrator.
  - (5) User credentials shall only be used to access the Cannabis Analytic Tracking System by the assigned user, and an employee shall not share, transfer, or allow any person other than the assigned user to use such credentials.
  - (6) A user shall only access the Cannabis Analytic Tracking System using its assigned credentials and for the purpose of complying with the cannabis tracking requirements set forth under section 21a-420 of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies.
  - (7) All information entered into the Cannabis Analytic Tracking System by a user shall be complete and accurate. A licensee shall immediately correct any known errors upon discovery, and notify the department as soon as practicable, but in no case longer than twenty-four hours after discovery. A licensee shall maintain a log of each correction and notification.
  - (8) Each user shall be responsible for the conduct associated with the individual's assigned user credentials, and any misuse of the Cannabis Analytic Tracking System by a user, as identified by user credentials.
  - (9) Each user shall complete all subsequent system training deemed necessary by an applicable system vendor and maintain a log of such training.
  - (10) A licensee shall be responsible for (A) the conduct of its users while accessing the Cannabis Analytic Tracking System, (B) ensuring that its users only access the Cannabis Analytic Tracking System for the purpose of complying with the cannabis tracking requirements set forth under section 21a-420 of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, (C) the accuracy of all information entered into the Cannabis Analytic Tracking System by its users, including information obtained from interoperable systems employed by the licensee, agents of the licensee, and persons the licensee contracts with for information required to be entered pursuant to this section, and (D) ensuring that all of its users complete all required system training.
- (d) System Data Points and Information Entry.
- (1) A licensee shall issue a unique identifier generated by the Cannabis Analytic Tracking System to each batch of cannabis that it produces, manufactures, or otherwise changes the nature of in such a manner as to render the information from an existing unique identifier inaccurate or incomplete.
  - (2) Using the unique identifier, a licensee shall enter each instance of the following activities into the Cannabis Analytic Tracking System for all cannabis in its possession, in real-time or immediately upon completion of an activity, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the activity:
    - (A) Issuance of a unique identifier;
    - (B) Cultivation, harvesting, processing or manufacturing;
    - (C) Cannabis testing laboratory testing and results;

- (D) Packaging;
- (E) Labeling;
- (F) Sale or transfer;
- (G) Transportation;
- (H) Receipt;
- (I) Return;
- (J) Recall;
- (K) Spoilage or adulteration;
- (L) Destruction or disposal; and
- (M) Any other instance prescribed by the commissioner.

(3) For each activity entry, an employee of the licensee that participates in the activity shall enter into the Cannabis Analytic Tracking System the following corresponding information:

- (A) The unique identifier of the cannabis involved;
- (B) Product, product name, or type of cannabis involved, as applicable;
- (C) The amount of cannabis by weight in metric or imperial units, as applicable;
- (D) The nature of the activity and any required details;
- (E) Date and time of the activity;
- (F) Name and license number of the licensees involved;
- (G) The address where the activity took place; and (H) Such other information as may be prescribed by the commissioner.

(e) System Outages.

- (1) If a licensee experiences a system outage or is otherwise unable to access the Cannabis Analytic Tracking System for any reason, the licensee shall:
  - (A) Keep and maintain a detailed record, electronically if possible, in a manner that provides safeguards against erasures and unauthorized changes in data, of all cannabis activity conducted during the outage period that would otherwise be entered into the Cannabis Analytic Tracking System; and
  - (B) Immediately contact and alert the applicable system vendor to the outage.
- (2) A licensee shall maintain a record of all system outages, including the time and date that access was lost and restored.
- (3) If a licensee experiences a system outage for more than one hour during normal business hours, the licensee shall notify the department in writing of the system outage, as soon as practicable but no later than the end of that business operations day, and maintain a log of all such communications.

- (4) Within twenty-four hours after a licensee's access to the Cannabis Analytic Tracking System is restored, the licensee shall complete a manual entry into the Cannabis Analytic Tracking System of all required information that took place during the outage period. If a licensee can demonstrate that twenty-four hours is not reasonably sufficient to complete the manual entry, the commissioner may extend the deadline upon written request from the licensee, provided such request is received by the department within the initial twenty-four hour period.
- (f) Reconciliations.
- (1) Point of Sale Reconciliation. A licensee shall reconcile its records within the Cannabis Analytic Tracking System with the records of its point-of-sale software at the close of each day it conducts business. If reconciliation reveals a discrepancy, the licensee shall determine the cause of the discrepancy and take corrective action. The licensee shall immediately notify the department in writing if the licensee is unable to determine the cause of the discrepancy within three days, or if the discrepancy is due to theft or diversion. Upon such notification, the department may require the licensee to report the event to law enforcement. The licensee shall notify the department once such discrepancy is resolved, within twenty-four hours of resolution, and shall provide any additional information requested by the department related to such discrepancy and resolution.
- (2) Inventory Reconciliation. A licensee shall reconcile its records in the Cannabis Analytic Tracking System with its physical inventory at least once every seven calendar days. If reconciliation reveals a discrepancy, the licensee shall conduct an audit to determine the cause of the discrepancy and take corrective action. The licensee shall immediately notify the department in writing if the licensee is unable to determine the cause of the discrepancy within three days, or if the audit identifies a discrepancy between the Cannabis Analytic Tracking System records and the physical inventory that is (A) due to theft or diversion, or (B) greater in value than one per cent of the licensee's average monthly sales. For purposes of this section, average monthly sales shall be calculated using all sales from the prior six months, or all months during which the licensee has operated if less than six months. Upon such notification, the department may require the establishment to report the event to law enforcement. The licensee shall notify the department once such discrepancy is resolved, within twenty-four hours of resolution, and shall provide any additional information requested by the department related to such discrepancy and resolution.
- (3) A licensee shall document all reconciliations and department notifications pursuant to this subsection. Discrepancies may be investigated by the department, individually and in the aggregate. A licensee shall use reasonable efforts to prevent the recurrence of discrepancies.
- (g) The cannabis analytic tracking system shall not collect information about any individual consumer, qualifying patient or caregiver purchasing cannabis, except as may be necessary for identity verification related to cannabis deliveries, but under no circumstances shall such information be stored, sold or used for any other purpose.

#### **Section 21a-421j-6. Licensee Records; Furnishing Information; Audits.**

- (a) A licensee shall maintain a complete set of all records necessary to evidence all business transactions related to: cannabis; the establishment; and business operations of the licensee. Such records shall be maintained by the licensee for a period of the current tax year and the three immediately preceding tax years, which records shall be maintained and produced in accordance with subsection (b) of this section.
- (b) Every person required by chapter 420h or sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, to prepare, obtain or keep records, logs, reports or other documents, and every person in charge, or having custody, of such documents, shall maintain such documents in an auditable format for the current tax year and the three immediately preceding years. Upon request, such person shall make such documents immediately available for inspection and copying by the commissioner and shall produce copies of such documents to the commissioner within three days. Such documents shall be provided to the commissioner in electronic format, unless not commercially practical. In complying with this section, no person shall use a foreign language, codes or symbols in the keeping of any required document.
- (c) The commissioner may require any person licensed or registered pursuant to section 21a-420 of the Connecticut General Statutes to furnish such information as the commissioner considers necessary for the proper administration of chapter 420h of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, and may require an audit of any cannabis establishment and the expense thereof shall be paid by such cannabis establishment.
- (d) The commissioner may:
  - (1) Enter, at reasonable times, any place, including a vehicle, in which cannabis is held, dispensed, sold, produced, manufactured, delivered, transported, or otherwise disposed of, and the licensee and the key employee designated in accordance with 21a-421j-12 shall be responsible for ensuring access;
  - (2) Inspect such place and all pertinent equipment, finished and unfinished material, containers and labeling, and all things in such place, including, but not limited to, records, files, financial data, sales data, shipping data, pricing data, employee data, research, papers, processes, controls, and establishments. Such inspection may include, but not be limited to, onsite audits or inspections by the Connecticut Agricultural Experimental Station; and
  - (3) Inventory any stock of cannabis and obtain samples of any cannabis, labels, containers for cannabis, delivery devices, paraphernalia, and finished or unfinished material.

**Section 21a-421j-7. Cannabis Establishment Minimum Security Systems and Equipment Requirements.**

- (a) All cannabis establishments that handle or store cannabis on premises shall have a security system to prevent and detect diversion, theft and loss of cannabis utilizing commercial grade equipment, which shall, at a minimum, include:
  - (1) A perimeter alarm;
  - (2) A motion detector, or multiple motion detectors, as necessary to adequately detect any unauthorized presence in the establishment;

- (3) Video surveillance cameras recording at all times and in all areas that may contain cannabis and at all points of entry and exit, which shall be appropriate for the normal lighting conditions of the area under surveillance, including night vision in an absence of lighting. The cannabis establishment shall direct cameras at all approved secure locations, dispensing and sale areas, and any other area where there is cannabis. At entry and exit points, the cannabis establishment shall angle cameras so as to allow for the capture of clear and certain identification of any person entering or exiting the establishment and areas where cannabis is stored. Additional video surveillance requirements include:
- (A) Video surveillance recordings shall be made available for immediate viewing at the direction of the department and shall be retained for at least thirty days. If a cannabis establishment is notified or otherwise aware of a pending criminal, civil or administrative investigation or legal proceeding for which a recording may contain relevant information, the cannabis establishment shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the cannabis establishment that it is not necessary to retain the recording; and
  - (B) All video surveillance recording shall (1) be able to immediately produce a clear, color, video and still image, live or recorded, in high definition, with the accurate date and timestamp, embedded on all recordings in such a way as to not materially obscure the picture, and (2) allow for the exportation of still images in an industry standard image format, which may include .png, .jpg, .bmp, and .gif, or other form acceptable to the department. Exported video shall have the ability to be saved in an industry standard file format that can be played on a standard computer operating system, and archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. A cannabis establishment shall erase all recordings prior to disposal or sale of the establishment except for any recording retained in accordance with subsection (a)(3)(A) of this section.
- (4) An audible security alarm system that can generate a signal by the manual activation of a device intended to signal a life threatening or emergency situation requiring a law enforcement response;
  - (5) A silent alarm that can generate a signal by the manual activation of a device;
  - (6) An automatic dialer, which for purposes of this subdivision means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message to, or alerting a monitoring call center which then contacts, when activated, over a telephone line, radio or other communication system, a local law enforcement, public safety or emergency services agency requesting dispatch;
  - (7) A failure notification system that provides an audible, text or visual notification of any failure in the security system. The failure notification system shall provide an alert to the cannabis establishment, and at least one key employee thereof, within five minutes of the failure, either by telephone, email, or text message;
  - (8) The ability to remain operational during a power outage; and

- (9) A back-up alarm system that shall detect unauthorized entry during times when no employees are present at the establishment, which shall be provided by a company supplying commercial grade equipment, other than the company supplying the primary security system.
- (b) In addition to the security and equipment requirements set forth in subsection (a) of this section, producers, cultivators and micro-cultivators that maintain an outdoor grow, which may be noncontiguous provided each unique area comprising the total outdoor grow is delineated by an identifiable boundary, shall maintain additional security and operational requirements for such operations to ensure access is limited to authorized persons. Such additional requirements shall include:
- (1) A fence surrounding the perimeter of the outdoor operation that is not less than twelve feet in height, constructed of nine gauge or lower metal chain link, or similarly secure material approved by the department, and screened in a way to fully obscure the view from outside of the fenced area;
  - (2) All points of ingress and egress shall (A) be illuminated by at least a twenty-foot radius of lighting, which shall be continuously lit or activated by motion sensor, (B) have video surveillance that captures at least a twenty-foot radius from the point of ingress or egress, and (C) be secured by commercial-grade locks; and
  - (3) All lighting shall be shielded and downward casting to limit outward light-emittance.
- (c) A cannabis establishment shall keep all security equipment in good-working order and test such equipment every six months. A cannabis establishment shall maintain a log of all equipment testing, including the tests performed with each result, the person or persons who performed the tests, and the dates thereof.
- (d) A cannabis establishment shall maintain all security system equipment and recordings in a secure location so as to prevent theft, loss, destruction and alteration, and limit access to persons that are essential to surveillance operations, law enforcement agencies, security system service employees, the department and others approved by the commissioner. A cannabis establishment shall maintain a current list of authorized employees and service personnel that have access to the surveillance room. A cannabis establishment shall keep all on-site surveillance rooms locked and shall not use such rooms for any other function.
- (e) A dispensary, hybrid retailer, and retailer shall ensure that any public entry point into the establishment is secure, which doorway shall remain closed unless actively being used for an individual to gain access. Entrants shall be required to check-in with an authorized employee of the cannabis establishment for the purpose of age confirmation prior to gaining entry into the area of the dispensary, hybrid retailer, and retailer where cannabis is sold. A separate room for the purpose of consumer age verification is not required to meet minimum security requirements.
- (f) The department may waive, in writing, a specific security requirement set forth in this section or Section 21a-421j-8 of the Regulations of Connecticut State Agencies, if a cannabis establishment submits a request for exception, in writing, which request: (1) proposes other safeguards determined by the department to be an adequate substitute by ensuring equal or greater protection of public health and safety; and (2) shall be approved or denied in the



department's discretion based on the potential for product diversion, theft, criminal activity, or an adverse impact on safety.

- (g) The department may require additional safeguards and security measures for the purpose of protecting public health and safety, including, but not limited to, a supervised watchperson service or a man-trap, if a cannabis establishment presents special security issues, such as an inventory of cannabis that exceeds the amount permitted under subsection (a)(1) of section 21a-421j-8 of the Regulations of Connecticut State Agencies, exposed handling of cannabis or unusual vulnerability to diversion, theft or loss, or reasonable suspicion of criminal activity on or around the establishment or premises.

### **Section 21a-421j-8. Cannabis Establishment Minimum Security Procedures.**

(a) A cannabis establishment shall:

- (1) Not produce, manufacture or maintain cannabis in excess of the quantity required for normal, efficient operation;
- (2) Store all cannabis in an approved secure location, and in such a manner as to prevent diversion, theft, loss, adulteration or access by unauthorized persons, provided that a hybrid retailer, retailer or dispensary facility may store a reasonable daily amount of cannabis in a securely locked cabinet or drawer during hours of operation;
- (3) Securely lock any cannabis undergoing a production or manufacturing process that cannot be completed before the end of a business day, inside an area that affords adequate security, provided that if a delivery service or transporter is unable to deliver cannabis, the delivery service or transporter shall return the cannabis in accordance with section 21a-421j-36(j) of the Regulations of Connecticut State Agencies;
- (4) Maintain all cannabis in a secure area or location within the establishment accessible only to specifically authorized employees, which shall include only the minimum number of employees essential for efficient operation;
- (5) Keep all approved secure locations, cabinets and drawers, or any other approved equipment or areas used for the production, cultivation, harvesting, processing, manufacturing or storage of cannabis, securely locked or protected from entry, except for the actual time required to remove or replace cannabis;
- (6) Keep all locks and security equipment in good working order;
- (7) Provide keys, including electronic keys and key cards, or assign unique security measures, such as combination numbers, passwords or electronic or biometric security systems only to specifically authorized employees as necessary for normal, efficient operation, and maintain a log of all such keys and security measures, the parameters and the employee assigned to each, as well as access records thereof;
- (8) Collect keys from and deactivate unique security measures assigned to an employee at the time such employee ceases to be an employee of the licensee, is suspended, or ceases to have authorization to possess such keys or unique security measures;
- (9) Not allow keys, or other security measures to be accessible to persons other than the specifically authorized employee to which they are assigned;



- (10) Post a sign at all points of access to any area containing cannabis, including a room with an approved secure location, which sign shall be a minimum of twelve inches in height and twelve inches in width which shall state: “Do Not Enter – Access Limited to Authorized Employees Only” in lettering no smaller than one inch in height; and
- (11) If a retailer, hybrid retailer, dispensary facility, or micro-cultivator, maintain a secure cannabis return location for undeliverable cannabis that (A) is accessible from the exterior of the establishment in a manner that secures the cannabis inside of the establishment in a locked container located in a restricted area once deposited, (B) is accessible for the deposit of undeliverable cannabis at all times, (C) is only accessible from the interior of the establishment by key employees, and (D) safeguards its contents and the quality thereof.
- (b) A producer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer and packager shall maintain a log of each instance of an employee accessing a restricted area in which unpackaged cannabis is stored.
- (c) A cannabis establishment shall keep its establishment securely locked and protected from entry by unauthorized persons at all times, and maintain all phases of cannabis production in a manner not visible from the exterior of the cannabis establishment without the use of optical aids, such as binoculars and aerial vehicles.
- (d) Any cannabis stored not in compliance with section 21a-420 of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, or at a location other than the establishment for which the license was issued, shall be subject to embargo or seizure by the department in accordance with section 21a-96 of the Connecticut General Statutes.
- (e) Except as provided in section 21a-421j-9 of the Regulations of Connecticut State Agencies, no person shall be allowed access to any restricted area within an establishment containing cannabis, other than authorized representatives of the department, the Connecticut Agricultural Experiment Station, and law enforcement during the course of performing governmental duties, and cannabis testing laboratory employees and employees of the establishment whose responsibilities necessitate access to the area containing cannabis, and then for only as long as necessary to perform the such duties and responsibilities.

#### **Section 21a-421j-9. Cannabis Establishment Visitors.**

- (a) No person other than an authorized employee, and the individuals authorized by the provisions of section 21a-421j-8(e) of the Regulations of Connecticut State Agencies, shall be allowed inside of a cannabis establishment, other than (1) public areas of a hybrid retailer or retailer, (2) qualifying patients and caregivers in unrestricted areas of a dispensary facility, and (3) visitors pursuant to subsection (b) of this section, provided that nothing herein shall prohibit a mother, father or legal guardian from bringing into the workplace their child under twelve months of age. For purposes hereof, a landlord of a cannabis establishment that is not also an employee thereof shall only be permitted to enter restricted areas of such cannabis establishment in accordance with this section, and such restriction shall be reflected in the lease, rental agreement, or other contract between the landlord and the cannabis establishment.

- (b) Unless otherwise prohibited by the commissioner as provided in subsection (d) of this section, a cannabis establishment may allow visitors to enter restricted areas of their establishment in accordance with the following procedures:
  - (1) All visitors shall be listed on a visitor log, including the name and company affiliation of all proposed visitors, as well as the date, time, and purpose of the visit, which log shall be submitted to the department at least twenty-four hours in advance of any visit;
  - (2) All visitors shall obtain and carry a visitor identification badge from the cannabis establishment prior to or at the time of entering;
  - (3) All visitors shall be escorted and monitored by an employee; and
  - (4) All visitors shall visibly display the visitor identification badge and return it to an authorized employee upon exiting the premises.
- (c) If an emergency requires the presence of a visitor and makes it impractical for the cannabis establishment to include such visitor on a proposed visitor log at least twenty-four hours in advance, the cannabis establishment shall provide written notice to the commissioner as soon as practicable, but no later than twelve hours after the onset of the emergency. Such notice shall include the name and company affiliation of the visitor, as well as the date, time, and purpose of the visit. Visitors in an emergency shall remain escorted and monitored by an employee at all times, and a log of such visit shall be maintained in accordance with subsection (b) of this section.
- (d) The commissioner may, for the purposes of protecting public health and safety, prohibit a proposed visitor from entering restricted areas of a cannabis establishment.

**Section 21a-421j-10. Responsibilities of Key Employees.** Key employees shall be responsible for ensuring that:

- (a) All employees are registered and properly trained;
- (b) All record-retention requirements are met;
- (c) All requirements for the physical security of cannabis and the establishment are met;
- (d) If a key employee of a dispensary facility, hybrid retailer, or retailer, the following items are conspicuously posted in the establishment in a location and manner so they are clearly and readily identifiable to qualifying patients, caregivers and consumers:
  - (1) Cannabis establishment license;
  - (2) The name of all licensed pharmacists, if applicable; and
  - (3) The price of all cannabis offered by the cannabis establishment as identified by their registered product name pursuant to section 21a-421j-30 of the Regulations of Connecticut State Agencies; and
- (e) If a key employee of a dispensary facility or hybrid retailer, the cannabis establishment has appropriate United States Pharmacopeia or comparable pharmaceutical reference materials for the purposes of dispensing, compounding, titrating, diluting, and other purposes as needed, to ensure that cannabis can be properly dispensed; and

- (f) Any other filings or notifications required to be made on behalf of the cannabis establishment as set forth in sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, are completed.

### **Section 21a-421j-11. Employee Training.**

- (a) When an employee, cannabis testing laboratory employee, or research program employee registers with the department, prior to commencing work, the cannabis establishment, cannabis testing laboratory, or research program that employs such individual shall provide employee training, including, but not limited to:
  - (1) The proper use of the Cannabis Analytic Tracking System and of security measures and controls that have been adopted for the prevention of diversion, theft, loss and adulteration of cannabis;
  - (2) Procedures and instructions for responding to an emergency;
  - (3) On-the-job and other related education, commensurate with the tasks expected to be performed, including but not limited to the training required by section 21a-421j-5 of the Regulations of Connecticut State Agencies;
  - (4) If a dispensary facility or hybrid retailer employee with access to patient records, professional conduct, ethics, and state and federal laws regarding patient confidentiality; and
  - (5) If a dispensary technician: developments in the medical use of marijuana.
- (b) A cannabis establishment shall ensure continued competency of employees through continuing supplemental in-service training, and shall maintain a written log documenting the initial and continuing training of employees, which shall contain (A) the names and signatures of the trainee and training supervisor, (B) the dates of the training, and (C) a general description of the topics covered.
- (c) Prior to commencing work at a cannabis establishment, an incoming key employee shall review and sign all employee training records as confirmation of understanding the contents. Prior to commencing work, an incoming licensed pharmacist shall review and sign all dispensary technician training records as confirmation of understanding the contents.

### **Section 21a-421j-12. Employee Requirements; Notification of Changes by Licensees, Backers, Key Employees and Employees.**

- (a) An employee, cannabis testing laboratory employee, and a research program employee shall be at least eighteen years of age and registered with the department as an employee before commencing work for a licensee. A key employee shall be at least twenty-one years of age and licensed with the department as a key employee before commencing work for a cannabis establishment.
- (b) Every backer, key employee and employee of a licensee shall notify the department, in a form and manner prescribed by the commissioner, of any change in name, contact information, place of employment, and any other information that is supplied on an application for licensure or registration pursuant to the Act, or required by the Act or sections 21a-421j-1 to 21a-421j-39,

inclusive, of the Regulations of Connecticut State Agencies, not more than five days after the change becomes effective.

- (c) Unless otherwise provided in section 21a-420 of the Connecticut General Statutes or sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, one key employee shall be designated by the cannabis establishment, and such designated key employee shall provide any notification or information, in a form and manner prescribed by the commissioner, that is required from a cannabis establishment pursuant to section 21a-420 of the Connecticut General Statutes or sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies. A cannabis establishment shall provide the department with the name and contact information of such designated key employee within twenty-four hours of such designation, and any change thereto.
- (d) Prior to any individual obtaining a credential affiliated with a licensee, including any change associated with employment or ownership, the licensee shall notify the department of such change, in a form and manner prescribed by the commissioner, and such person shall comply with the licensing and registration requirements set forth in section 21a-420 of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies. No person shall commence such affiliation until approved in writing by the commissioner, if approval is required.
- (e) In the event that a key employee is no longer able or willing to continue carrying out key employee duties, the designated key employee shall immediately notify the department that the departing key employee has ceased carrying out such duties and provide the name, address and license number of the person who assumes such duties. Such person shall serve as an acting key employee until such time as the commissioner approves a replacement key employee. Not more than fifteen days after the departing key employee has ceased carrying out duties, the cannabis establishment shall submit to the department a key employee application for the replacement key employee, in a form and manner prescribed by the commissioner, if such role is not assumed by an existing key employee of the cannabis establishment.
- (f) A licensee shall notify the department and update all licensing information provided to the department, in a manner prescribed to the department, no later than five business days after the date of a change in employee status or affiliation with the licensee, and a cannabis establishment shall notify the department no later than five business days after the date that a cannabis establishment backer ceases to be affiliated with the cannabis establishment. Upon notification that a backer or employee is no longer affiliated with a licensee, the department may, at its election, deactivate such individual's license or registration.
- (g) Prior to any change in the ownership of a cannabis establishment becoming effective, the cannabis establishment shall notify the department of such change, in a form and manner prescribed by the commissioner.
- (h) Prior to changing a cannabis establishment's name, location, engaging in additional authorized activities not previously inspected and approved by the Department, or making any modification, expansion, reduction or other physical, non-cosmetic alteration of a cannabis establishment, the cannabis establishment shall submit to the department an application for such change, in a form and manner prescribed by the commissioner. No cannabis establishment shall make such change until approved in writing by the commissioner, and such change may

be subject to inspection by the department to confirm compliance with the approved application.

- (i) A dispensary facility or hybrid retailer applying to change its location shall include in its application a plan to communicate such proposed location change to all qualifying patients and caregivers who have purchased from such establishment within ninety days prior to the date of written notice, which shall include but not be limited to the following: thirty-days written notice to the qualifying patient and caregiver's address, either physical mailing or electronic, on file with the cannabis establishment, a conspicuous posting on the cannabis establishment's Internet web site(s), an audio notification on the cannabis establishment's telephone line(s), and a sign not less than twelve inches in height and twelve inches in width, with lettering not smaller than one inch in height, at all points of public access to the cannabis establishment, as well as at the service counter where cannabis is sold, alerting patients to such proposed change.
- (j) A cannabis establishment shall notify the department if the cannabis establishment will be permanently closing or does not intend to renew its license, as soon as practicable after such decision has been made and not less than thirty days prior to the effective date of such change. Such notification shall be accompanied by a written plan of disposition for all cannabis located at the establishment.

### **Section 21a-421j-13. Marketing; Advertising.**

- (a) A cannabis establishment shall ensure signage complies with state and local ordinances and requirements.
- (b) (1) A cannabis establishment, backer, employee, or authorized representative thereof shall not collaborate, directly or indirectly, in any advertising that has the purpose or effect of steering or influencing a qualifying patient or caregiver choice regarding the selection of a physician, physician assistant, APRN, or pharmacist.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection, a cannabis establishment, physician, physician assistant, APRN or pharmacist may make advertisements of another party available to qualifying patients or caregivers, provided advertisements for all persons in the same category are made available in a nondiscriminatory manner.
- (c) An advertisement for cannabis shall not contain, and a cannabis establishment shall not collaborate, directly or indirectly, in any advertising that contains:
  - (1) Any statement that is false, misleading, deceptive, or that creates such an impression, directly, by omission, or through ambiguity, or is otherwise in violation of the Connecticut Unfair Trade Practices Act, Chapter 735a of the Connecticut General Statutes. For purposes of this subdivision, false or misleading information in any part of the advertisement shall not be negated or ameliorated by the inclusion of a true statement in another part of the advertisement;
  - (2) Any statement that falsely disparages a competitor's product or business;
  - (3) Any statement, design, representation, picture or illustration that (A) is obscene or indecent, (B) relates to the safety, efficacy, curative or therapeutic effects of cannabis, unless supported by substantial evidence or substantial clinical data, or (C) portrays anyone under the age of twenty-one, anyone reasonably expected to be under the age of twenty-

one, objects suggestive of the presence of anyone under the age of twenty-one, or the use of a figure, symbol or language that is customarily associated with anyone under the age of twenty-one;

- (4) Any statement that indicates or implies that the product or entity in the advertisement has been approved or endorsed by the commissioner, department, the state of Connecticut, the federal government, or any person or entity associated with the state of Connecticut or the federal government; or
  - (5) If an advertisement for a medical marijuana product, any statement, design, picture, illustration or other representation that encourages or represents the use of the medical marijuana product for a purpose other than a debilitating medical condition.
- (d) All advertisements for cannabis that make a statement relating to use and effect shall present a true statement of such information. Advertisements broadcast through media shall include such information in audio and visually, wherever possible. For purposes of this subsection, an advertisement does not satisfy the “true statement” requirement if it fails to present a fair balance of available information relating to use and effect, taking into account such factors as format, layout, design, and other techniques to achieve emphasis, or if it:
- (1) Contains a representation or suggestion that a cannabis strain, brand or product is better, more effective, useful in a broader range of conditions or qualifying patients or safer than other drugs or treatments including other cannabis strains, brands or products, unless such a claim has been demonstrated by substantial evidence or substantial clinical experience;
  - (2) Contains favorable information or opinion about cannabis that was previously regarded as scientifically accurate, but has since been contradicted by credible sources;
  - (3) Uses a quote or paraphrase out of context, or without citing conflicting information from the same source, to convey a false or misleading idea;
  - (4) Uses a study on subjects that do not have a debilitating medical condition, as defined in section 21a-408 of the Connecticut General Statutes, without disclosing that the subject did not have a debilitating medical condition;
  - (5) Uses data that was derived from cannabis, or a dosage form or amount that is different from the cannabis being advertised, or data from a dosage or form of cannabis that is not legal in the state of Connecticut;
  - (6) Uses a study that is misleading or inadequate in design, scope or conduct, to support favorable information or conclusions; and
  - (7) Fails to provide information in a cohesive manner such that certain information appears attenuated from the subject of the advertisement, including but not limited to side effects and contraindications separately, either by space or context, or is otherwise presented in a confusing, distorted or deceptive way.
- (e) No advertisement may be disseminated if the submitter of the advertisement has received information that the use of the cannabis at issue may cause fatalities or serious damage; and
  - (f) A cannabis establishment shall maintain a log of all advertisements with which it has collaborated, directly or indirectly, which log shall include a copy of the advertisement, as well as the medium, location, and date range of dissemination.
  - (g) A licensee shall provide the department access to view all social media platforms utilized by the licensee, and all advertising content disseminated on such platforms.



(h) The commissioner may:

- (1) Require a specific disclosure be made in the advertisement in a clear and conspicuous manner if the commissioner determines that the advertisement would be false or misleading without such disclosure; or
- (2) Require specific changes to a licensee's advertisement that are, in the commissioner's discretion necessary to protect the public health, safety, and welfare.

**Section 21a-421j-14. Operation of Dispensary Facilities, Hybrid Retailers and Retailers.**

- (a) No person may operate a dispensary facility, hybrid retailer or retailer without a corresponding license issued by the department, or be a backer or employee thereof without a corresponding license or registration, as applicable. Any person licensed or registered pursuant to section 21a-420 of the Connecticut General Statutes shall display such credentials to any authorized department representative or law enforcement official upon request at any time such person is in possession of, or has access to, cannabis.
- (b) No person at a dispensary facility, hybrid retailer or retailer shall provide cannabis samples or engage in cannabis processing or manufacturing, or cannabis compounding, except that a licensed pharmacist at a dispensary facility or hybrid retailer may dilute cannabis for a qualifying patient or caregiver using a USP grade substance with no active ingredient for the purposes of dose titration, tapering, for the addition of a flavoring agent, as defined in section 20-617a of the Connecticut General Statutes, or to create a maintenance dose that is not available at the time of purchase. When diluting cannabis for a qualifying patient or caregiver, the licensed pharmacist shall use the entire contents of the cannabis being purchased and label the newly diluted product with the appropriate strength. Dispensary facilities and hybrid retailers shall maintain a record of the cannabis dilution, including the unique identifier of the cannabis, and expiration for both the cannabis and the inactive ingredient(s) used for dilution.
- (c) Dispensary facilities, hybrid retailers and retailers shall sell cannabis only in the original child-resistant, tamper-evident, and light-resistant containers or packaging as delivered to the establishment, and no cannabis shall be removed from, or handled outside of, its original packaging inside the establishment, except that:
  - (1) A key employee or a licensed pharmacist at a dispensary facility, hybrid retailer or retailer may remove cannabis from its original packaging and handle such unpackaged cannabis for purposes of display only, provided the opened display cannabis is:
    - (A) Immediately transferred into a display container, which container shall be maintained within a locked and secure display case unless an authorized employee removes the display container from the display case for purposes of displaying the cannabis to a specific consumer, after each individual instance the authorized employee shall immediately return the display container to the display case;
    - (B) Maintained in a display container that prevents:
      - (i) Diversion, loss, adulteration, or unauthorized use of any cannabis; and
      - (ii) A consumer from touching or tasting the display cannabis;
    - (C) Provided a unique identifier in the Cannabis Analytic Tracking System;



- (D) Returned, in the display container, to a secure location when the establishment is closed, for the duration of the display period, in accordance with section 21a-421j-16 of the Regulations of Connecticut State Agencies;
  - (E) Not more than one pound of raw cannabis or cannabis product equivalent, in the aggregate, within the establishment, at any time;
  - (F) From original packaging on which a sticker, conspicuously placed and not easily removed, denotes the cannabis as “FOR DISPLAY ONLY;”
  - (G) Representative of the cannabis for which it is on display;
  - (H) Not displayed past the expiration date provided for on the product label;
  - (I) Not sold to a qualifying patient, caregiver or consumer; and
  - (J) Disposed of in accordance with section 21a-421j-3 of the Regulations of Connecticut State Agencies; and
- (2) A licensed pharmacist at a dispensary facility or hybrid retailer:
- (A) That dilutes cannabis for a qualifying patient or caregiver pursuant to subsection (b) of this section may place any such diluted product in new packaging so long as such packaging is child-resistant, tamper-evident, and light-resistant in accordance with section 21a-421j-31 of the Regulations of Connecticut State Agencies; or
  - (B) May remove the cannabis from its original packaging and place the cannabis in a non-child-resistant, secure, and light-resistant container upon a written request from the qualifying patient or caregiver, provided all original labeling is maintained with the product.
- (d) Only a licensed pharmacist may dispense cannabis to qualifying patients and caregivers.
- (e) Dispensary facilities, hybrid retailers and retailers shall not leave any point of access to cannabis in the establishment unattended during operation, and shall not permit any person behind the service counter or in other areas where cannabis is stored unless such person (1) is licensed or registered with the department pursuant to section 21a-420 of the Connecticut General Statutes and has responsibilities that necessitate access, and then only under the supervision of a key employee and for only as long as necessary to perform such responsibilities, or (2) is an authorized representative of the department, the Connecticut Agricultural Experimental Station, or law enforcement, during the course of performing their governmental duties.
- (f) All dispensary facility, hybrid retailer and retailer employees shall, at all times while at the establishment, have their current license or registration, as applicable, available for inspection by the department or upon request by a consumer.
- (g) While inside the establishment, all dispensary facility, hybrid retailer and retailer employees shall wear name tags or similar forms of identification that clearly identify them to the public, including their licensed or registered position at the establishment.
- (h) Dispensary facilities, hybrid retailers and retailers shall (1) conspicuously post their hours of operation (A) at all entrances to the establishment in block letters at least one-half inch in height, and (B) on any Internet web site for the cannabis establishment, and (2) make available

publicly and conspicuously at the establishment and on any Internet web site of the cannabis establishment, the price of all cannabis offered to prospective qualifying patients, caregivers, and consumers.

- (i) Dispensary facilities, hybrid retailers and retailers shall employ best efforts to provide access to low-dose THC products and high-dose CBD products, taking into account economic demands and availability.
- (j) Dispensary facilities, hybrid retailers and retailers shall provide information to qualifying patients, caregivers, and consumers regarding the possession and use of cannabis, both at the establishment through prominent visual display, and on any Internet web site of the cannabis establishment. Each dispensary facility, hybrid retailer and retailer shall submit all informational material to the department for approval prior to being publicly displayed or provided to qualifying patients, caregivers, and consumers. Such informational material shall include information related to:
  - (1) Limitations on the right to possess and use cannabis pursuant to section 21a-420 of the Connecticut General Statutes, chapter 420f of the Connecticut General Statutes, and sections 21a-408-1 to 21a-408-72, inclusive, of the Regulations of Connecticut State Agencies and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies;
  - (2) Safe techniques for proper use of cannabis and paraphernalia;
  - (3) Forms of consumption or inhalation by which one can use cannabis;
  - (4) Signs and symptoms of substance abuse;
  - (5) Opportunities to participate in substance abuse programs; and
  - (6) Other consumer health materials deemed necessary by the commissioner to protect public health and safety.
- (k) Dispensary facilities, hybrid retailers and retailers shall establish, maintain, and comply with a written alcohol-free, drug-free and smoke-free workplace policy, as well as written policies and procedures for the manufacture, security, storage, inventory, and distribution of cannabis, as applicable. The policies and procedures shall be submitted to the department prior to final license issuance and on an annual basis in conjunction with license renewal. In the event the department identifies a deficiency in such policies and procedures, in contravention of law, the commissioner may provide written notice to such licensee describing the deficiency and requiring changes to their policies and procedures that are necessary to protect public health, safety and welfare, which changes shall be made within thirty days from written notification thereof, or such alternative period specified by the commissioner. All written policies and procedures shall be available to the department upon request. Such written policies and procedures shall include (1) methods for identifying, recording, and reporting diversion, theft or loss, and for correcting all inventory errors and inaccuracies, and (2) processes for the following:
  - (1) Handling mandatory and voluntary recalls of cannabis. Such process shall be adequate to deal with recalls due to any action initiated at the request of the commissioner and any voluntary action by a 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;

- (2) Preparing for, protecting against, and handling any crisis that affects the security or operation of an establishment in the event of strike, fire, flood, or other natural disaster, or other situations of local, state, or national emergency;
  - (3) Ensuring that any outdated, damaged, deteriorated, or adulterated cannabis is segregated from all other cannabis and disposed of in accordance with section 21a-421j-3 of the Regulations of Connecticut State Agencies. This procedure shall provide for written documentation of the cannabis disposition and disposal; and
  - (4) Ensuring the oldest stock of cannabis is distributed first. A written policy or procedure may permit deviation from this requirement, if such deviation is temporary and appropriate.
- (l) All cannabis deliveries shall be received at the establishment under the direct supervision of a key employee, who shall be present to accept the delivery. Upon delivery, a key employee shall confirm the accuracy of the manifest accompanying the delivery, document any discrepancies, and immediately place the delivered cannabis in an approved secure location.
  - (m) A retailer or hybrid retailer license shall permit such licensee to operate out of a single establishment location, except that a cannabis establishment changing its location may store cannabis at both the former and new location for a period of time approved by the department as necessary for transition, but in no event shall the cannabis establishment sell to consumers, qualifying patients or caregivers simultaneously at more than one location. Prior to operating an additional establishment at a different location, a licensee shall obtain a separate license in accordance with section 21a-420 of the Connecticut General Statutes.
  - (n) Dispensary facilities, hybrid retailers, and retailers shall post a notice no smaller than eight and one half by eleven inches in black typeface, in no less than thirty-point font, on a white background, and conspicuously visible to consumers at the point of sale that states the following:  

“ATTENTION:

Cannabis is an agricultural crop susceptible to yeast, mold, and other pathogens. Some species of mold may be hazardous to the health of humans, particularly those with pre-existing respiratory conditions and the immunocompromised. Cannabis sold at licensed establishments:

    - (1) Has been tested for yeast, mold, and other pathogens;
    - (2) Has met or exceeded safety standards set by the state; and
    - (3) May have undergone decontamination and/or remediation processes to improve product quality or meet testing standards, which processes for cannabis have not been thoroughly studied for potential health impacts.”
  - (o) A dispensary facility, hybrid retailer, and retailer shall maintain its establishment in clean and orderly condition, with adequate lighting, ventilation, temperature, and sanitation to maintain the integrity and prevent degradation of the cannabis and cannabis products within the establishment.

#### **Section 21a-421j-15. Dispensary Facility, Hybrid Retailer and Retailer Prohibitions.**

- (a) No dispensary facility or hybrid retailer shall be open or in operation unless a key employee is present and supervising activity within the establishment. No sales may be transacted at a dispensary facility or hybrid retailer unless a licensed pharmacist is present and supervising dispensing activities within the establishment. At all other times, the establishment shall be closed in accordance with section 21a-421j-16 of the Regulations of Connecticut State Agencies.
- (b) No dispensary facility or hybrid retailer shall be open for qualifying patients and caregivers to purchase cannabis less than thirty-five hours per week, nor operate without appropriate United States Pharmacopeia or comparable pharmaceutical reference materials for the purposes of dispensing, compounding, titrating, diluting, and other purposes as needed, to ensure that cannabis can be properly dispensed.
- (c) No person associated with a dispensary facility or hybrid retailer shall enter into any agreement with a certifying physician, APRN or health care facility concerning the provision of services or equipment that may adversely affect any person's freedom to choose the cannabis establishment at which a qualifying patient or caregiver will purchase cannabis, except that such prohibition shall not apply to an approved research program.
- (d) No person, other than a licensed pharmacist or key employee under the conditions set forth in section 21a-421j-14(c) of the Regulations of Connecticut State Agencies, shall open or break the seal placed on packaged cannabis while inside the establishment.
- (e) No retailer shall be open or in operation, and no person shall be in a retailer establishment, unless a key employee is present and supervising activity within the establishment. At all other times, the establishment shall be closed and properly secured, in accordance with section 21a-421j-16 of the Regulations of Connecticut State Agencies.
- (f) No cannabis shall be applied, ingested, or consumed inside a dispensary facility, hybrid retailer or retailer establishment.
- (g) No food or beverages shall be consumed by qualifying patients, caregivers, or consumers at a dispensary facility, hybrid retailer or retailer establishment, except that a dispensary facility or hybrid retailer may provide complimentary non-alcoholic, non-cannabis food and beverages to qualifying patients and caregivers attending a pre-scheduled education, counseling, or therapy program, for qualifying patients and caregivers, at the dispensary facility or hybrid retailer.
- (h) A dispensary facility hybrid retailer or retailer shall only sell, offer, give, dispense, compound, transfer, or transport, as applicable:
  - (1) Cannabis and cannabis products,
  - (2) Paraphernalia;
  - (3) Manufacturer hemp products;
  - (4) Merchandise that is not cannabis, raw hemp, or infused beverages, provided such merchandise is not:
    - (A) A food or beverage, other than water;
    - (B) A product containing nicotine;
    - (C) A lottery or keno product;

- (D) A weapon;
  - (E) A live product or species; or
  - (F) Directly or indirectly targeting or designed to appeal to individuals under twenty-one years of age, including, but not limited to, toys, apparel, or merchandise containing cartoons, mascots, or any other image or design that may appeal to minors.
- (5) In addition to the restrictions set forth in subsection (4) of this section, if such merchandise is branded by or an advertisement for a cannabis establishment, it shall not:
- (A) Use any image or other visual representation of the cannabis plant, in whole or in part;
  - (B) Display the use of cannabis, or encourage or represent cannabis as an intoxicant; or
  - (C) Claim or imply any curative or therapeutic effects, or that any other medical claim is true, or promote cannabis for a wellness purpose, unless such claims are substantiated as set forth in regulations adopted under chapter 420f of the Connecticut General Statutes.
- (i) A hybrid retailer shall not offer a sale or discount for a specific type or product of cannabis if the sale or discount terms, of equal or greater value, are not offered to qualifying patients and caretakers.

**Section 21a-421j-16. Dispensary Facility, Hybrid Retailer and Retailer Closures.**

- (a) During times that a dispensary facility, hybrid retailer or retailer is closed:
- (1) The establishment shall be securely locked and equipped with a security system, in accordance with sections 21a-421j-7 and 21a-421j-8 of the Regulations of Connecticut State Agencies. Such security system shall be activated and shall be able to immediately detect entrance into the establishment during all times of closure. Upon detecting an unauthorized entrant, the system shall be capable of immediately notifying a security company or law enforcement, as well as the designated key employee pursuant to section 21a-421j-12 of the Regulations of Connecticut State Agencies. Keys and access codes to the security system shall be controlled in such a manner so as to prevent access to the establishment by any person other than authorized employees. Only a key employee shall have the authority to deactivate the security system; and
  - (2) Cannabis shall be stored in an approved secure location within the establishment and cannabis shall not be sold when the establishment is closed.
- (b) A dispensary facility or hybrid retailer that closes during its normal hours of operation shall implement procedures to notify qualifying patients and caregivers of when the establishment will resume normal hours of operation. Such procedures may include, but are not limited to, telephone system messages and conspicuously posted signs. If a dispensary facility or hybrid retailer establishment is, or will be, closed during its normal hours of operation for longer than three days, the dispensary facility hybrid retailer shall immediately notify the department.
- (c) A dispensary facility or hybrid retailer that closes for a period of fourteen days or longer shall, if requested and consented to in writing by a qualifying patient or caregiver, make such qualifying patient's complete dispensing record immediately available to a hybrid retailer or dispensary facility specified by such qualifying patient or caregiver.

**Section 21a-421j-17. Confidentiality of Information.**

- (a) Except as provided otherwise in this section, dispensary facilities, hybrid retailers, research programs, employees thereof, and any other person associated with a dispensary facility, hybrid retailer, or research program shall not disclose individually identifying patient or research program subject information received or records kept pursuant to sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies, except that such person shall disclose patient, research program subject, or dispensing information to:
- (1) The department or state agencies and local law enforcement agencies for purposes of investigating and enforcing section 21a-420 of the Connecticut General Statutes or sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies;
  - (2) Authorized physicians, physician assistant, APRNs, pharmacists, dispensary facilities or other hybrid retailers for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the qualifying patient;
  - (3) A qualifying patient, but only with respect to information related to such qualifying patient, or a research program subject, but only with respect to information related to such research program subject;
  - (4) A caregiver, but only with respect to information concerning the qualifying patient of such caregiver;
  - (5) Another hybrid retailer or dispensary facility, if requested and consented to in writing by a qualifying patient or caregiver, but only with respect to information related to such qualifying patient, or the qualifying patient of such caregiver, as applicable;
  - (6) Third party payors who pay claims for services provided at the dispensary facility, hybrid retailer, or research program, and rendered to a qualifying patient or research program subject or who have a formal agreement or contract to audit any records or information in connection with such claims, in either case only with respect to such claims;
  - (7) Any person, the state or federal government, or any agency thereof pursuant to an order of a court of competent jurisdiction or pursuant to a search warrant; and
  - (8) Any person upon the written consent of the qualifying patient and only with respect to information related to such patient. Such written consent shall clearly identify the specific person and purpose for which consent is being granted, but in no event shall such information be disclosed to an electronic data intermediary, except as provided in subsection (d) of this section.
- (b) If a dispensary facility, hybrid retailer, or research program uses an electronic system for the storage and retrieval of patient or research program subject information or related records, the licensee shall (A) maintain a cybersecurity program designed to protect the confidentiality and integrity of the electronic system, (B) establish, implement and maintain reasonable administrative, technical and physical data security practices to protect the confidentiality and integrity of the electronic system, and (C) use an electronic system that:
- (1) Encrypts data to safeguard the confidentiality and integrity of the information contained therein;



- (2) Complies with all state and federal laws regarding patient confidentiality;
  - (3) Limits the type of information and access to such information to the minimum necessary including disposing of such information once it is no longer operationally necessary;
  - (4) Is capable of providing safeguards against erasures and unauthorized changes in data after the information has been entered or verified by the licensee; and
  - (5) Is capable of being reconstructed in the event of a computer malfunction or data destruction.
- (c) Electronic equipment utilized by (1) a dispensary facility or hybrid retailer, shall only collect patient-specific data for the purpose of providing patient care, drug therapy management and monitoring controlled substances, and (2) a research program, shall only collect research program subject data for purposes directly related to the research program, as approved by the commissioner in accordance with chapter 420f of the Connecticut General Statutes.
- (d) Any electronic data intermediary engaged by a dispensary facility, hybrid retailer, or research program, shall not retain data involving qualifying patients, caregivers, research program subjects or other data from such licensee or an authorized representative of such licensee , and any agreements entered into between such licensee and a third party shall include these privacy provisions. Notwithstanding the foregoing, data necessary for purpose of identity verification may be retained by an electronic data intermediary only for such purposes, provided that such data shall under no circumstance be sold, resold, or reused in any manner.
- (e) If a cannabis establishment maintains an Internet web site for the purchase of cannabis, such cannabis establishment shall collect only the information necessary to complete the transaction, and such information shall be used only for the purpose of completing the transaction. Additionally, the cannabis establishment shall take reasonable steps to ensure that confidential information security measures are implemented, which, at a minimum, shall include:
- (1) Establishing, implementing and maintaining reasonable administrative, technical and physical data security practices to protect the confidentiality, integrity and accessibility of confidential information and to ensure secure and timely disposal of such information once there is no longer a business need for such information;
  - (2) Creating a data minimization plan to ensure that only data required to verify identity and authenticate financial information is collected. Such plan shall also set forth the cannabis establishment's policy for data destruction after the applicable record retention expiration date;
  - (3) Establishing and publishing privacy protection policies on the Internet web site that shall include, but not be limited to: safeguarding confidential information, computer files and documents containing confidential information from misuse by third parties; and destroying, erasing or making unreadable such confidential information, computer files and documents prior to disposal; and
  - (4) Requiring that all third parties contracted by the cannabis establishment in connection with maintaining the Internet web site adhere to the same data privacy policies and security measures established by the cannabis establishment.



- (f) For the purposes of this section, confidential information includes, but is not limited to, personal identifiable information, financial information, and all other information required by law to be kept confidential.

#### **Section 21a-421j-18. Rights and Responsibilities of Licensed Pharmacists.**

- (a) A licensed pharmacist, in good faith and in accordance with a certification and any accompanying instructions, may dispense cannabis to any qualifying patient or caregiver, provided the dispensed amount shall not exceed permissible limits set forth under section 21a-420 of the Connecticut General Statutes.
- (b) A licensed pharmacist shall register with the department to access the electronic prescription drug monitoring program, established pursuant to section 21a-254 of the Connecticut General Statutes.
- (c) A licensed pharmacist shall review a qualifying patient's controlled substance history report within the electronic prescription drug monitoring program before dispensing any cannabis to the qualifying patient or the qualifying patient's caregiver.
- (d) A licensed pharmacist shall exercise professional judgment to determine whether to dispense cannabis to a qualifying patient or caregiver if the licensed pharmacist suspects that dispensing cannabis to the qualifying patient or caregiver may have negative health or safety consequences for the qualifying patient or the public.
- (e) A licensed pharmacist shall require evidence of qualifying patient registration together with valid photographic identification issued to a qualifying patient or caregiver, prior to dispensing cannabis to such qualifying patient or caregiver.
- (f) If requested by a qualifying patient, a licensed pharmacist shall document such qualifying patient's self-assessment of the effects of cannabis in treating the qualifying patient's debilitating medical condition or the symptoms thereof. A dispensary facility and hybrid retailer shall maintain such documentation electronically for at least three years following the date of the qualifying patient's last visit.
- (g) A licensed pharmacist shall be available for an in-person private consultation at the request of a qualifying patient or caregiver.

#### **Section 21a-421j-19. Rights And Responsibilities of Dispensary Technicians.**

- (a) No person shall act as a dispensary technician without being registered with the department. Only a person who has held an active pharmacy technician registration in Connecticut within the five years prior to application for a dispensary technician registration, who is eighteen years of age or older, and is currently in good standing, or was in good standing at the time his or her registration lapsed, may receive a dispensary technician registration. Notwithstanding the foregoing, a person may renew or reinstate a dispensary technician registration if such person has held an active pharmacy technician registration or dispensary technician registration in Connecticut within the five years prior to the registration and is currently in good standing, or was in good standing at the time his or her registration lapsed.
- (b) Dispensary technicians. Ratio. Supervision and Responsibility.

- (1) The ratio of dispensary technicians to licensed pharmacists on duty at a dispensary facility and a hybrid retailer shall not exceed three dispensary technicians to one licensed pharmacist.
  - (2) A licensed pharmacist whose license is under suspension or revocation shall not act as a licensed pharmacist or dispensary technician.
  - (3) The licensed pharmacist providing direct supervision of dispensary technicians shall be responsible for such dispensary technicians' actions. The department may take disciplinary action against a licensed pharmacist in connection with any violations relating to the dispensing of cannabis that result from the actions of a dispensary technician, or the use of dispensary technicians in the performance of tasks in a manner not in conformance with chapters 420f and 420h of the Connecticut General Statutes, and the regulations promulgated thereunder, and sections 21a-421j-1 to 21a-421j-39, inclusive of the Regulations of Connecticut State Agencies. As used in this subsection, "direct supervision" means a supervising licensed pharmacist who (A) is physically present in the area or location where the dispensary technician is performing routine cannabis dispensing functions; and (B) conducts in-process and final checks on the dispensary technician's performance.
- (c) Dispensary technicians shall not engage in any of the activity set forth below:
- (1) Consult with a qualifying patient or caregiver regarding cannabis or other drugs, either before or after cannabis has been dispensed, or regarding any medical information contained in a patient medication record;
  - (2) Consult with the physician, physician assistant or APRN, or the authorized representative thereof, who certified the qualifying patient, regarding a patient or any medical information pertaining to the patient's cannabis or any other drug the patient may be taking;
  - (3) Interpret a qualifying patient's clinical data or provide medical advice;
  - (4) Perform any professional consultation with physicians, physician assistants, APRNs, nurses or other health care professionals or their authorized representatives; or
  - (5) Determine whether a different brand or formulation of cannabis should be substituted for the cannabis or formulation recommended by the physician, physician assistant, or APRN, or requested by the qualifying patient or caregiver.
- (d) Notwithstanding subsection (c) of this section, a dispensary technician may communicate with a physician, physician assistant, or APRN, who certified a qualifying patient, or such physician's, physician assistant's, or APRN's authorized representative, to obtain a clarification on such qualifying patient's written certification or instructions provided the supervising licensed pharmacist is aware that such clarification is being requested.

#### **Section 21a-421j-20. Dispensing Errors.**

- (a) Dispensary facilities, hybrid retailers, licensed pharmacists and dispensary technicians shall abide by all applicable requirements of this section. Each dispensary facility and hybrid retailer shall designate one licensed pharmacist responsible for compliance with the provisions of this section on behalf of such cannabis establishment.

- (b) Dispensary facilities and hybrid retailers shall display a sign about the reporting of dispensing errors in a conspicuous location visible to qualifying patients and caregivers. The sign shall measure a minimum of eight inches in height and ten inches in width and the lettering shall be in a size and style that allows such sign to be read without difficulty by qualifying patients and caregivers. The sign shall bear the following statement: “If you have a concern that an error may have occurred in the dispensing of your cannabis, you may contact the Department of Consumer Protection, Drug Control Division, by emailing DCP.RxError@ct.gov or calling (860) 713-6065.” The department may update the email address or phone number to be displayed by providing ten days’ notice to the cannabis establishment, after which time the cannabis establishment shall display the new number and email address.
- (c) Dispensary facilities and hybrid retailers shall include the following printed statement on the receipt or otherwise accompanying the qualifying patient’s dispensed cannabis, with lettering in a size and style that allows such statement to be read without difficulty by qualifying patients and caregivers: “If you have a concern that an error may have occurred in the dispensing of your cannabis, you may contact the Department of Consumer Protection, Drug Control Division, by emailing DCP.RxError@ct.gov or calling (860) 713-6065.” The department may update the email address or phone number to be displayed by providing ten days’ notice to the cannabis establishment, after which time the cannabis establishment shall display the new number and email not later than two business days from the date the dispensing error is discovered.
- (d) The pharmacist designated pursuant to subsection (a) of this section shall create a record of every quality assurance review. This record shall minimally contain the following information:
  - (1) The date or dates of the quality assurance review and the name and title of the person or persons performing the review;
  - (2) The pertinent data and other information relating to the dispensing error reviewed;
  - (3) Documentation of contact with the qualifying patient, or caregiver where applicable, and the physician, physician assistant or APRN who certified the patient as required by the quality assurance program;
  - (4) The findings and determinations generated by the quality assurance review; and
  - (5) Recommended changes to policy, procedure, systems, or processes, if any.
- (e) Dispensary facilities and hybrid retailers shall maintain a copy of the quality assurance program, and records of all reported dispensing errors and quality assurance reviews, in accordance with section 21a-421j-6 of the Regulations of Connecticut State Agencies.

**Section 21a-421j-21. Dispensary facility and hybrid retailer reporting into the prescription monitoring program.**

- (a) A dispensary facility and a hybrid retailer shall record in the electronic prescription drug monitoring program, established pursuant to section 21a-254 of the Connecticut General Statutes, all of the information required by subsection (b) of this section, in real-time or immediately upon completion of a transaction to a qualifying patient or caregiver, unless not reasonably feasible for a specific transaction, but in no case longer than one hour after completion of the transaction. If cannabis is to be delivered to a qualifying patient or caregiver,

such information shall be recorded into the electronic prescription drug monitoring program prior to leaving the originating establishment. In the event such a delivery is unsuccessful, the information entry shall be removed from the electronic prescription drug monitoring program within one hour of the cannabis being returned to the originating establishment.

(b) Required information shall include, but not be limited to:

- (1) Drug Enforcement Administration Pharmacy number, which shall be provided by the department;
- (2) Birth date;
- (3) Date order filled, which shall be the date cannabis is dispensed;
- (4) Order number, which shall be the serial number assigned to the cannabis dispensed to a patient;
- (5) New-refill code;
- (6) Quantity;
- (7) Days' supply;
- (8) National Drug Code number, which shall be provided by the department;
- (9) Drug Enforcement Administration Prescriber identification number;
- (10) Date order written, which shall be the date the written certification was issued;
- (11) Number of refills authorized;
- (12) Order origin code, which shall be provided by the department;
- (13) Patient last name;
- (14) Patient first name;
- (15) Patient street address;
- (16) State;
- (17) Payment code for either cash or third-party provider; and
- (18) Registered product name of the cannabis.

**Section 21a-421j-22. Medical Supply Shortages.** If the commissioner determines that a cannabis supply or variety shortage exists, or may occur absent intervening action, the commissioner may, in the commissioner's discretion, temporarily set lower transaction limits, classify certain products as medical marijuana products, or take other measures to ensure an adequate supply and variety of cannabis and medical marijuana products to ensure uninterrupted availability for qualifying patients, based on historical purchase patterns. Such transaction limits or other measures shall be posted on the department's Internet web site and become effective five days thereafter, or sooner, as determined by the commissioner.

**Section 21a-421j-23. Operation of a producer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, delivery service, and transporter.**

- (a) A producer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, delivery service, and transporter shall:
  - (1) Produce, manufacture, package, handle, and store cannabis, as applicable, and only at its establishment or inside of its registered transport vehicles as permitted by the Regulations of Connecticut State Agencies, and only for use inside the state of Connecticut;
  - (2) Sell, deliver, transport or distribute cannabis only from its establishment, provided the following exemptions apply:
    - (A) A micro-cultivator may sell directly to consumers only by means of delivery;
    - (B) A delivery service may deliver cannabis, infused beverages, and manufacturer hemp products, as defined in section 22-611 of the Connecticut General Statutes, to qualifying patients, caregivers, and consumers utilizing a transport vehicle from micro-cultivators, retailers, hybrid retailers, and dispensary facilities; and
    - (C) A transporter may transport cannabis, infused beverages, and manufacturer hemp products, as defined in section 22-611 of the Connecticut General Statutes directly from one cannabis establishment to another cannabis establishment.
  - (3) Not refuse to deal with any cannabis establishment on the same terms and conditions that it deals with any other cannabis establishment; and
  - (4) Neither directly nor indirectly discriminate in price between different cannabis establishments that are purchasing a comparable service, or grade, strain, brand, type or quality of cannabis, taking into account differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such cannabis is sold or delivered to such cannabis establishments.
- (b) A producer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, delivery service, or transporter license shall permit such licensee to operate out of a single establishment location, except that a cannabis establishment changing its location may store cannabis at both the former and new location for a period of time approved by the department as necessary for transition, but in no event shall the cannabis establishment sell to consumers, qualifying patients or caregivers simultaneously at more than one location. Prior to operating an additional establishment at a different location, a licensee shall obtain a corresponding license in accordance with section 21a-420 of the Connecticut General Statutes. Notwithstanding the foregoing, a delivery service or transporter may maintain multiple parking locations for transport vehicles, provided that no cannabis is stored at such locations unattended, after the establishment's hours of operations, or for a period longer than twenty-four hours.
- (c) A cultivator establishment shall contain not less than fifteen thousand square feet and not more than two hundred fifty thousand square feet of grow space and outdoor grow, in the aggregate. A micro-cultivator establishment shall contain not less than two thousand square feet and not more than ten thousand square feet of grow space and outdoor grow, in the aggregate, prior to any expansion authorized by the commissioner.

**Section 21a-421j-24. Minimum requirements for the storage and handling of cannabis by a producer, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, delivery service, and transporter.**

- (a) A producer, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, delivery service, and transporter shall:
  - (1) Maintain all production, manufacturing, handling and storage areas with adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions for cannabis that meet the standards set forth under 21 CFR Part 211 Subpart C except as otherwise expressly permitted by the commissioner, and except that outdoor grow handling and storage areas need only meet the requirements of the Regulations of Connecticut State Agencies;
  - (2) Separate for storage, away from saleable cannabis, cannabis that is outdated, damaged, deteriorated, or adulterated, or for which the containers or packaging have been opened or breached, until such cannabis is disposed of in accordance with section 21a-421j-3 of the Regulations of Connecticut State Agencies;
  - (3) Maintain its establishment in a clean and orderly condition;
  - (4) Maintain its establishment free from infestation by insects, rodents, birds, or vermin of any kind; and
  - (5) If a delivery service or transporter, not store cannabis in its establishment or any transport vehicle unattended, after the establishment's hours of operations, or for a period longer than twenty-four hours.
- (b) All packaging shall be conducted indoors, protected from air, water, and extreme temperatures.
- (c) Any area within an establishment where cannabis will be manufactured into an edible or beverage form shall comply with the Connecticut Food, Drug and Cosmetic Act, sections 21a-91 to 21a-120, inclusive, and sections 21a-151 to 21a-159, inclusive, of the Connecticut General Statutes, regarding bakeries and food manufacturing establishments.
- (d) A producer, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, delivery service, and transporter shall:
  - (1) compartmentalize areas of its establishment based on access to cannabis, post a sign not less than twelve inches in height and not less than twelve inches in width at all points of access to areas containing cannabis stating "Do Not Enter – Access Limited to Authorized Employees Only" in lettering no smaller than one inch in height, and restrict employee access accordingly; and
  - (2) establish, maintain and comply with written policies and procedures regarding best practices for the secure and proper production, manufacturing, handling, and storage of cannabis, including, but not limited to, policies and procedures for:
    - (A) Separating areas that provide access to cannabis from areas without any cannabis access, and restricting access to areas containing cannabis to only those employees who are licensed or registered with the department and specifically authorized to access cannabis at the establishment;



- (B) Providing different color identification badges, including name and position, for employees that are licensed or registered with the department and specifically authorized to access cannabis, so as to ensure only such employees are able to access cannabis within the establishment;
  - (C) Requiring pocketless clothing for all employees working in an area containing unpackaged cannabis; and
  - (D) Documenting the chain of custody of all cannabis, in compliance with 21 CFR Part 211 Subpart J, which documentation shall include, but not be limited to, the name of each employee that conducts an activity required to be recorded.
- (e) A producer, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, delivery service, and transporter shall establish, maintain, and comply with a written alcohol-free, drug-free and smoke-free workplace policy, as well as written policies and procedures for the manufacture, security, storage, inventory, and distribution of cannabis, as applicable. The policies and procedures shall be submitted to the department prior to final license issuance and on an annual basis in conjunction with license renewal. Such written policies and procedures shall include detailed methods and processes for the following:
- (1) Identifying, recording, and reporting diversion, theft or loss;
  - (2) Correcting all inventory errors and inaccuracies;
  - (3) Handling mandatory and voluntary recalls of cannabis. Such process shall be adequate to deal with recalls due to any action initiated at the request of the commissioner and any voluntary action by a 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;
  - (4) Preparing for, protecting against, and handling any crisis that affects the security or operation of an establishment in the event of strike, fire, flood, or other natural disaster, or other situations of local, state, or national emergency;
  - (5) Ensuring that any outdated, damaged, deteriorated, or adulterated cannabis is segregated from all other cannabis and disposed of in accordance with section 21a-421j-3 of the Regulations of Connecticut State Agencies. This procedure shall provide for written documentation of the cannabis disposition and disposal; and
  - (6) Ensuring the oldest stock of cannabis is distributed first. A written policy or procedure may permit deviation from this requirement.
- (f) The policies and procedures required pursuant to this section shall be submitted to the department prior to final license issuance and on an annual basis in conjunction with license renewal. In the event the department identifies a deficiency in such policies and procedures, in contravention of law, the commissioner may require changes necessary to protect public health, safety and welfare, which changes shall be made within thirty days from written notification thereof, or such alternative period specified by the commissioner.
- (g) No person, except authorized employees of the cannabis establishment, authorized representatives of law enforcement, the department, or the Connecticut Agriculture Experimental Station, during the course of performing their governmental duties, shall be



allowed in a restricted area of a producer, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter, except that:

- (1) Cannabis testing laboratory staff may enter an establishment for the sole purpose of identifying and collecting cannabis samples for purposes of conducting laboratory tests; and
- (2) Other persons may enter the restricted areas of an establishment pursuant to, and abiding by, the procedures set forth in section 21a-421j-9 of the Regulations of Connecticut State Agencies.

### **Section 21a-421j-25. Cannabis Manufacturing Restrictions.**

(a) Except as otherwise provided in section 21a-421j-28 of the Regulations of Connecticut State Agencies, cannabis permitted for sale to a consumer, qualifying patient or caregiver shall meet the following requirements, and any cannabis not in compliance with this section shall be deemed adulterated:

- (1) Cannabis shall be homogenous and shelf-stable for a minimum of sixty days after opening without refrigeration.
- (2) Cannabis products shall be produced and manufactured in compliance with 21 CFR Part 211 Subpart B, in the following manner:
  - (A) using ingredients and components permitted by the U.S. Food and Drug Administration for the specified use in food or food manufacturing pursuant to the Substances Added to Food inventory, if edible;
  - (B) With equipment that meets the standards set forth under 21 CFR Part 211 Subpart D, and
  - (C) In facilities that meet the standards set forth under 21 CFR Part 211 Subpart C.
- (3) Cannabis shall only incorporate cannabis-derived terpenes and other cannabis-derived additives that are either (A) derived from cannabis grown and regulated in the State of Connecticut, or (B) extracted (i) by a person credentialed by the state of Connecticut or another state, territory or possession of the United States or another sovereign entity for the production or manufacturing of hemp products, and (ii) directly from raw hemp grown by a licensed hemp grower under a U.S. Department of Agriculture approved Tribal or State Plan regulated by a state agency, territory or tribe. Such hemp and hemp products, except hemp oil solely obtained to manufacture infused beverages pursuant to Public Act 24-76, shall be deemed cannabis pursuant to section 22-61n of the Connecticut General Statutes once received by the cannabis establishment.
- (4) Cannabis shall not incorporate terpenes (A) from any source other than as provided in subdivision (3) of this subsection, and (B) in an amount that comprises greater than ten per cent of the cannabis.
- (5) Edible cannabis products capable of maintaining a defined external form or outline shall be in cuboid or spherical form, or such other form as approved by the commissioner, and conspicuously stamped, embossed, imprinted, or otherwise marked with the capital letters

“THC” in plain font, each “THC” mark comprising not less than twenty-five per cent of the largest side of the cannabis product. The addition of an “!” is permissible so long as it is in the same size, font, and method of marking as “THC” and does not detract from the required sized percentage of the “THC” mark. An edible cannabis product shall not incorporate any information, print, embossing, debossing, graphic or hidden feature, except as expressly required or permitted in this subsection. A mint shall be cuboid in shape.

- (6) Cannabis shall not bear notable likeness to a commercial product not containing cannabis.
  - (7) Cannabis shall not be in the form of capsules, pills, tablets, sublinguals, nor suppositories or other product forms intended to be administered in or through a bodily orifice or membrane other than orally.
  - (8) Cannabis shall not be designed, molded or created in a form that is obscene or indecent, may encourage use of cannabis by persons under the age of twenty-one, or is customarily associated with persons under the age of twenty-one.
  - (9) Cannabis shall not be produced or manufactured (A) in the presence of a pesticide chemical not authorized by the commissioner, or (B) using a solvent other than, as confirmed by cannabis testing laboratory testing, (A) a United States Pharmacopeia 467 Class 3 organic solvent, (B) a solvent Generally Recognized as Safe pursuant to the Federal Food, Drug and Cosmetic Act, or (C) a solvent approved by the Department.
- (b) A cannabis product that contains cannabis flower in pre-rolled form for the purpose of combustion may:
- (1) Display a logo of a cannabis establishment on the wrapping of the pre-roll, which wrapping is intended for combustion and inhalation and is, along with the substance that constitutes the logo, considered an ingredient in such cannabis product and subject to testing required by section 21a-421j-29 of the Regulations of Connecticut State Agencies; and
  - (2) Contain a filter, which is not intended for combustion and not considered an ingredient, which filter may include the logo of a cannabis establishment.

**Section 21a-421j-26. Cannabis Content Restrictions.** Except as otherwise provided in section 21a-421j-28 of the Regulations of Connecticut State Agencies, cannabis permitted for sale to a consumer, qualifying patient, or caregiver shall not contain any of the following ingredients and any cannabis not in compliance with this section shall be deemed adulterated:

- (a) Alcohol, provided that this provision shall not: (1) apply to solvents that remain after manufacturing, which solvents shall comply with the provisions of section 21a-421j-29 of the Regulations of Connecticut State Agencies; or (2) prohibit any edible cannabis product that contains less than one half of one per cent of alcohol by volume;
- (b) Dietary supplements or any regulated drug or controlled substance other than cannabis;
- (c) Non-cannabinoid additives that are psychotropic or could increase the potency, toxicity or addictive properties of cannabis, including but not limited to nicotine and caffeine, other than caffeine naturally occurring in chocolate;
- (d) Artificial, synthetic, or toxic coloring additives;

- (e) Terpenes or other additives derived from cannabis not (1) derived from cannabis grown and regulated in the State of Connecticut or (2) extracted (A) by a person credentialed by the state of Connecticut or another state, territory or possession of the United States or another sovereign entity for the production or manufacturing of hemp products, and (B) directly from raw hemp grown by a licensed hemp grower under a U.S. Department of Agriculture approved Tribal or State Plan regulated by a state agency, territory or tribe;
- (f) Any inactive ingredient not included as approved in the U.S. Food and Drug Administration Inactive Ingredient Database for the intended route of administration, dosage form, and potency;
- (g) Any non-cannabis derived ingredient that is not Generally Recognized as Safe pursuant to the Federal Food, Drug and Cosmetic Act;
- (h) Any non-cannabis derived ingredient that is not permitted by the U.S. Food and Drug Administration for the specified mode of use in food or food manufacturing pursuant to the Substances Added to Food inventory;
- (i) Excipients that are not pharmaceutical grade or approved by the department for the intended mode of consumption;
- (j) If the cannabis is intended for inhalation, added non-cannabis derived flavor, polyethylene glycol, vitamin E acetate, medium chain triglycerides, squalene, squalane, tetrahydrocannabinol acetate ester (THC-O or THCO-A), or other substances demonstrated to be harmful when inhaled, as determined by the commissioner;
- (k) If cannabis flower or cannabis trim , a total THC concentration higher than thirty per cent on a dry-weight basis;
- (l) If a cannabis product other than cannabis flower, cannabis trim , and prefilled cartridges for use in an electronic cannabis delivery system, a total THC concentration greater than sixty per cent on a dry-weight basis
- (m) If a cannabis product, any active ingredient with an expiration or “sell by” date that is prior to the date such cannabis product is manufactured; and
- (n) Any other substance determined by the commissioner to be contrary to public health and safety.

**Section 21a-421j-27. Delivery Device Restrictions.** Except as otherwise set forth in section 21a-421j-28 of the Regulations of Connecticut State Agencies, the following delivery devices are prohibited and shall not be sold to consumers, qualifying patients, or caregivers:

- (a) Delivery devices used for pulmonary administration that aerosolize or volatilize cannabis for administration through inhalation, including but not limited to inhalers and nebulizers, provided that nothing herein shall prohibit vaporizers that (1) have a heating element that is made of inert material and does not come into direct contact with cannabis resin or extract, (2) incorporate internal or external temperature controls regulated to prevent combustion, and (3) are incapable of producing temperatures sufficient to burn cannabis;
- (b) Delivery devices used to administer cannabis through skin, subcutaneously, intramuscularly or intravenously, including but not limited to transdermal patches and syringes;

- (c) Delivery devices used to administer cannabis in or through a bodily orifice or membrane, other than orally, including but not limited to nasal sprays;
- (d) Delivery devices designed for cannabis to have any direct contact with a heating element;
- (e) Delivery device cartridges, unless they are pre-filled, single-use, tamper-evident and sealed in such a manner that reasonably restricts any attempt to refill or reuse;
- (f) Delivery devices or components thereof that are obscene or indecent, may encourage cannabis use by persons under the age of 21, or are customarily associated with persons under the age of 21;
- (g) Delivery devices or components thereof that could introduce any substance into cannabis such that the cannabis would no longer satisfy the restrictions set forth herein, or the cannabis testing laboratory testing requirements set forth in section 21a-421j-29 of the Regulations of Connecticut State Agencies; and
- (h) Delivery devices or components thereof containing any cadmium, arsenic, lead or mercury.

#### **Section 21a-421j-28. Medical Marijuana Products.**

- (a) Notwithstanding the restrictions set forth in sections 21a-421j-25, 21a-421j-26, and 21a-421j-27 of the Regulations of Connecticut State Agencies, a dispensary facility or hybrid retailer may sell the following medical marijuana products and delivery devices to qualifying patients and caregivers, provided that all other requirements and restrictions of sections 21a-421j-25, 21a-421j-26, and 21a-421j-27 of the Regulations of Connecticut State Agencies not explicitly exempted hereunder are satisfied:
  - (1) Delivery devices used for pulmonary administration or otherwise used to aerosolize or volatilize cannabis for administration through inhalation, provided any such delivery devices that incorporate a heating element (A) have a heating element made of inert material, (B) incorporate internal or external temperature controls regulated to prevent combustion, and (C) are incapable of producing temperatures sufficient to burn cannabis;
  - (2) Delivery devices and forms of cannabis intended for transdermal and topical administration, including transdermal patches, and syringes;
  - (3) Delivery devices and forms of cannabis intended for administration in or through a bodily orifice or membrane, including but not limited to capsules, pills, tablets, sublinguals, nasal sprays, and suppositories;
  - (4) Lozenges, which shall be deemed edible cannabis products, are medical marijuana products unless packaged in child-resistant, multilayer blister packaging;
  - (5) Cannabis containing non-cannabis derived flavor additives that satisfy the requirements of sections 21a-421j-26(g) and 21a-421j-26(h) of the Regulations of Connecticut State Agencies;
  - (6) Cannabis in the form of ethanol-based tinctures with an alcohol level no greater than ten per cent by volume, or such greater amount as approved by the commissioner on a case-by-case basis, provided such tincture is packaged with a calibrated dropper or similar device for accurate dispensing measurement;

- (7) Raw cannabis with a total THC concentration higher than thirty per cent on a dry-weight basis;
  - (8) Cannabis product other than raw cannabis with a total THC concentration greater than sixty per cent on a dry-weight basis; and
  - (9) Any other delivery device or form of cannabis approved by the commissioner.
- (b) Any medical marijuana products not in compliance with this section shall be deemed adulterated.

**Section 21a-421j-29. Cannabis Testing Laboratory Processes and Testing.**

- (a) No cannabis establishment shall sell, transfer, transport, or otherwise convey cannabis to a retailer, hybrid retailer, or dispensary facility unless and until it has received a certificate of analysis from a cannabis testing laboratory confirming satisfactory results for all certificate of analysis testing and analyses required under subsection (i) of this section, and all corresponding results have been entered into the Cannabis Analytic Tracking System.
- (b) No micro-cultivator shall sell or offer for sale any cannabis to or through a delivery service licensee unless and until it has received a certificate of analysis from a cannabis testing laboratory confirming satisfactory results for all tests and analysis required under this section, and all corresponding results have been entered into the Cannabis Analytic Tracking System.
- (c) All testing and analysis conducted to determine the results of a certificate of analysis shall be performed by a cannabis testing laboratory and shall comply with the most current version of the International Standard for Organization and the International Electrotechnical Commission 17025, as amended. The cannabis testing laboratory shall comply with section 21a-408-59 of the Regulations of Connecticut State Agencies, and use certified reference materials or an equivalent approved by the department to validate results from the testing required under this section, with an acceptable tolerance between eighty (80) per cent to one hundred and twenty (120) per cent.
- (d) A cannabis testing laboratory may conduct preliminary testing, prior to acquiring cannabis for certificate of analysis testing, for any of the tests and analyses required under subsection (i) of this section, provided that the results of any such testing conducted shall be entered into the Cannabis Analytic Tracking system. A cannabis establishment may conduct preliminary testing on cannabis, prior to submitting cannabis for certificate of analysis testing, provided that the results of any such testing shall be maintained and produced in accordance with section 21a-421j-6 of these Policies and Procedures.
- (e) On or after January 1, 2025, prior to a cannabis testing laboratory collecting samples for a certificate of analysis pursuant to subsection (i) of this section, or stability testing pursuant to section 21a-421j-30 of these Policies and procedures, a cannabis establishment shall: (1) prepare each cannabis batch in its homogenized, final form, (2) conduct a visual inspection for foreign matter, and (3) cause the entire batch to be placed into final packaging in a timeframe and manner that ensures consistency and integrity between the batch and the samples taken from such batch. A cannabis establishment shall make the entire cannabis batch in final packaging available for random sample selection by the cannabis testing laboratory employee at the time of sampling for certificate of analysis testing.

- (f) Prior to January 1, 2025, the cannabis establishment shall restrict cannabis batch sizes to reasonably ensure reliable testing results. On or after January 1, 2025, the cannabis batch size for purposes of certificate of analysis testing pursuant to subsection (i) of this section shall comply with the following restrictions:
- (1) For raw cannabis, the batch size shall not exceed forty pounds;
  - (2) For cannabis products, the batch size shall not exceed forty thousand units;
  - (3) A smaller batch sizes than provided in above in this section for a specified product type or category, provided the Commissioner has (A) has determined that such smaller batch size is necessary to protect public health and safety, and (B) posts such specified product type or category and corresponding smaller batch size on the Department of Consumer Protection's Internet web site and provides written notice to all active cannabis establishments and cannabis testing laboratories no less than thirty days prior to the first date on which the commissioner requires such smaller batch size.
- (g) Prior to January 1, 2025, the number of random samples, sufficient to ensure a representative sampling, taken from a cannabis batch, shall be representative of the homogenous batch to ensure reliable testing. On or after January 1, 2025, the quantity and number of cannabis samples taken for certificate of analysis testing pursuant to subsection (i) of this section shall be taken at random, sufficient to ensure representative sampling of the corresponding batch. Representative samples shall consist of at least four tenths of one percent of the batch, but in no circumstance less than twenty grams for raw cannabis or, for cannabis products, the number of units required in accordance with the following table:

<b>Total Number of Cannabis Product Final Package Units in Batch</b>	<b>Number of Individual Final Packaged Units</b>	<b>Number of Multi-Serving Final Packaged Units</b>
≤50 - 500	5	2
501 – 1,200	8	3
1,201 – 3,200	13	4
3,201 – 10,000	20	5
10,001 – 40,000	32	6

- (h) Aside from the sample taken by a cannabis testing laboratory employee, a cannabis establishment shall isolate the batch from which a sample was taken for the purposes of certificate of analysis testing, and withhold such batch from use in its entirety, from the time the sample is taken until the time the cannabis testing laboratory enters the testing and analysis results into the Cannabis Analytic Tracking System and issues a certificate of analysis to the cannabis establishment. During this period of isolation, the cannabis batch shall be stored in a cool, dry, and secure location to prevent contamination and degradation. Under no



circumstances shall any cannabis in the isolated batch be sold, transferred, transported, or otherwise conveyed by the cannabis establishment until the cannabis testing laboratory has completed testing and analysis, entered the results required hereunder into the Cannabis Analytic Tracking System, and provided the cannabis establishment with a certificate of analysis.

(i) For the purposes of a certificate of analysis, a sample shall be deemed satisfactory if it meets or exceeds the applicable following testing and analysis standards:

- (1) Microbiological Testing: a sample, not less than one gram, shall be tested using a molecular method that is certified for identifying microbiological DNA and approved by the Association of Official Analytical Collaboration (AOAC) International, which includes quantitative polymerase chain reaction (qPCR), or using an alternative method approved by the department. For the purposes of microbiological testing, such samples shall be deemed satisfactory if (i) *E. coli*, shiga toxin producing *E. coli*, *L. monocytogenes*, and *salmonella* spp. are not detected, (ii) the total aerobic microbial count and total combined yeast and mold count are each equal to or less than  $10^5$  cfu/g or ml, and, (iii) if the cannabis is intended for inhalation, the pathogenic *Aspergillus* species *A. fumigatus*, *A. flavus*, *A. niger*, and *A. terreus* are not detected as viable. For purposes of this subdivision, viability shall be confirmed using a validated plating method and appropriate plating medium for each pathogen species detected.
- (2) Mycotoxin Testing: a sample, not less than one half of one gram, shall be deemed satisfactory if tested using a liquid chromatography-mass spectrometry (LC-MS) or an enzyme-linked immunosorbent assay (ELISA) method approved by the Association of Official Analytical Collaboration (AOAC) International, U.S. Food and Drug Administration, or United States Pharmacopeia, or an alternative method approved by the department, and it contains less than twenty (20) micrograms per kilogram of each of the following mycotoxins: aflatoxin B1, aflatoxin B2, aflatoxin G1, aflatoxin G2, and ochratoxin A.
- (3) Heavy Metal Testing: a sample, not less than one half of one gram, shall be deemed satisfactory if it meets the following standards for the intended route of administration :

Heavy Metal	Intended Route of Administration: Inhalation (µg/g)	Intended Route of Administration: Not inhalation (µg/g)
Cadmium	≤0.2	≤0.5
Arsenic	≤0.2	≤1.5
Lead	≤0.5	≤0.5
Mercury	≤0.1	≤3.0
Chromium	≤0.6	≤2.0

- (4) Pesticide Chemical Residue Testing: a sample, not less than one half of one gram, shall be deemed satisfactory if (A) all of the Category I Residual Pesticides are not detected, employing a limit of quantitation of 0.10 µg/g, and (B) all of the Category II Residual Pesticides do not exceed the indicated levels below. For purposes of this subdivision, Category I Residual Pesticides shall include aldicarb, carbofuran, chlordane, chlorfenapyr, chlorpyrifos, coumaphos, daminozide, dichlorvos (DDVP), dimethoate, ethoprop(hos), etofenprox, fenoxycarb, fipronil, imazalil, methiocarb, methyl parathion, mevinphos, paclobutrazol, propoxur (baygon), spiroxamine, and thiacloprid, and Category II Residual Pesticides shall include the following, with the corresponding action levels:

Category II Residual Pesticide	Intended Route of Administration: Inhalation, Level (µg/g)	Intended Route of Administration: Not Inhalation, Level (µg/g)
Abamectin	0.1	0.3
Acephate	0.1	5
Acequinocyl	0.1	4
Acetamiprid	0.1	5
Azoxystrobin	0.1	40
Bifenazate	0.1	5
Bifenthrin	3	0.5
Boscalid	0.1	10
Captan	0.7	5
Carbaryl	0.5	0.5
Chlorantraniliprole	10	40
Clofentezine	0.1	0.5
Cyfluthrin	2	1
Cypermethrin	1	1
Diazinon	0.1	0.2
Dimethomorph	2	20
Etoxazole	0.1	1.5
Fenhexamid	0.1	10
Fenpyroximate	0.1	2
Flonicamid	0.1	2
Fludioxonil	0.1	30
Hexythiazox	0.1	2
Imidacloprid	5	3
Kresoxim-methyl	0.1	1
Malathion	0.5	5
Metalaxyl	2	15
Methomyl	1	0.1
Myclobutanil	0.1	9
Naled	0.1	0.5
Oxamyl	0.5	0.2

Pentachloronitrobenzene	0.1	0.2
Permethrin	0.5	20
Phosmet	0.1	0.2
Piperonylbutoxide	3	8
Prallethrin	0.1	0.4
Propiconazole	0.1	20
Pyrethrins	0.5	1
Pyridaben	0.1	3
Spinetoram	0.1	3
Spinosad	0.1	3
Spiromesifen	0.1	12
Spirotetramat	0.1	13
Tebuconazole	0.1	2
Thiamethoxam	5	4.5
Trifloxystrobin	0.1	30

(5) Total THC Testing for Cannabis: a sample, not less than one gram, shall be deemed satisfactory if the total THC does not exceed, on a dry-weight basis, (A) thirty per cent, if cannabis flower or cannabis trim, or (B) sixty (60) per cent if a cannabis product other than cannabis flower, cannabis trim, and prefilled cartridges for use in an electronic cannabis delivery system. This subdivision shall not apply to medical marijuana products.

(6) Solvent Testing for Cannabis Produced Using a Solvent: a sample, not less than one half of one gram, shall be deemed satisfactory only (A) upon an absence of any solvent not in compliance with section 21a-421j-26, and (B) if each permitted solvent used in production, and listed in the below table, is equal to or below the limit specified in this subdivision.

<b>Solvent</b>	<b>Action Limit (ppm)</b>
Acetone	1000
Class 3 Butanes (Total)	1000
Tert-Butylmethyl ether	1000
Ethanol (ethyl alcohol)	1000
Ethyl acetate (acetic acid ethyl ester)	1000
Ethyl ether (Diethyl ether, 1, 1'-Oxybisethane)	1000
Ethyl formate	1000
Heptane (n-Heptane)	1000
Isobutyl acetate	1000
Isopropyl acetate	1000
Class 3 Pentanes (Total)	1000
Class 3 Propanes (Total)	1000
Each Additional Permitted Solvent Used in Production	1000
<b>Total Residual Solvent</b>	<b>5000</b>

- (7) Moisture Content and Water Activity Testing for Dried Raw Cannabis and Non-Liquid Edible Cannabis Products: a sample, not less than one half of one gram, shall be deemed satisfactory if the water activity does not exceed 0.65 Aw for dried raw cannabis , and 0.85 Aw for non-liquid edible cannabis product.
- (8) Ingredient Testing for Cannabis Intended for Inhalation: a sample, not less than one half of one gram, shall be deemed satisfactory only upon an absence of detectable polyethylene glycol, vitamin E acetate, medium chain triglycerides, squalene, squalane, or other substances determined by the commissioner to be harmful when inhaled.
- (9) All cannabis shall be analyzed to determine the cannabinoid and terpene profiles including, but not limited to, THC, tetrahydrocannabinol acid, cannabidiol, and cannabidiolic acid, as well as each active ingredient that constitutes at least one per cent of the cannabis batch.
- (j) If a sample yields satisfactory results for all testing required under subsection (i) of this section, the cannabis testing laboratory shall enter all analysis and test results into the Cannabis Analytic Tracking System and destroy the sample in accordance with section 21a-421j-3 of the Regulations of Connecticut State Agencies, and the batch of cannabis from which the sample was taken shall be permitted for sale, transfer, transport, or other conveyance in accordance with section 21a-420 of the Connecticut General Statutes. Notwithstanding the foregoing, the cannabis testing laboratory shall maintain a remainder comprising twenty-five per cent of the sample in a manner preventing degradation for a period of sixty days, which remainder may be subject to department testing.
- (k) If a cannabis sample does not yield satisfactory results for any testing required under this section, the cannabis testing laboratory shall enter all analysis and test results into the Cannabis Analytic Tracking System and dispose of the cannabis sample in accordance with section 21a-421j-3 of the Regulations of Connecticut State Agencies. Thereafter, the cannabis establishment shall comply with the retesting, remediation, and disposal provisions set forth in section 3 of public act 24-76, as applied to all testing and analysis required under subsection (i) of this section, which retesting shall be evidenced by a certificate of analysis.
- (l) The results of all testing and analyses required for a certificate of analysis shall be valid for the earlier of (1) a period of one year from the date on the certificate of analysis, and (2) the expiration date of the cannabis, after which time cannabis shall be tested again and yield satisfactory results before it is permitted for sale, transfer, transport, or other conveyance in accordance with section 21a-420 of the Connecticut General Statutes to a retailer, hybrid retailer, or dispensary facility.
- (m) In addition to entering all analysis and testing results into the Cannabis Analytic Tracking System, the cannabis testing laboratory shall maintain a separate record of all analysis and testing results.
- (n) The Commissioner may waive or require additional testing as necessary to further protect public health and safety.
- (o) Corresponding certificates of analyses shall be available upon request to any person purchasing cannabis, and to physicians, physician assistant or APRNs.

**Section 21a-421j-30. Product Name Testing and Registration.**

- (a) Except for the purpose of cannabis testing laboratory testing, no cannabis establishment shall sell, transfer, transport, or otherwise convey cannabis to a consumer, qualifying patient or caregiver that does not have a product name that has been successfully registered with the department, or without final packaging that has undergone stability testing.
- (b) A producer, cultivator, micro-cultivator, product manufacturer and food and beverage manufacturer shall have stability testing performed in each specific type and size of final packaging, on (1) the first registered batch in each product category produced by the cannabis establishment in end-user form, (2) the first batch of each registered cannabis beverage, edible cannabis product, and vape oil and (3) each batch of a registered medical marijuana product. Stability testing shall be performed on the product category or brand tested in final packaging at intervals of thirty and sixty days, with samples that are set aside prior to the application for brand registration for that particular batch. Each sample shall consist of no less than two and one half grams, and the tests conducted shall include a cannabinoid analysis, as well as the heavy metal and microbial tests required under section 21a-421j-29(i) of the Regulations of Connecticut State Agencies.
- (c) For the purposes of this section, product categories are: raw cannabis, including loose flower and pre-rolls; vape oils; concentrates intended for inhalation; tinctures and oils, excluding cannabis beverages; and topical products. In the event that there is a change to the specific type or size of final packaging for any cannabis or cannabis product within a product category, or for any cannabis beverage or edible cannabis product brand, as applicable, stability testing shall be required again in the new final packaging.
- (d) A producer, cultivator, micro-cultivator, product manufacturer and food and beverage manufacturer shall submit for product registration with the department, on a form and in a manner prescribed by the commissioner, which contains the following information:
  - (1) All cannabis testing laboratory testing and analysis results, as evidenced by a certificate of analysis, which certificate of analysis is issued no more than thirty days prior to the product registration application submission;
  - (2) All information concerning ingredients, processing techniques and solvents required pursuant to section 21a-421j-32 of the Regulations of Connecticut State Agencies; and
  - (3) A proposed product name for the cannabis or cannabis product.
- (e) In the event that any sample yields stability test results outside of the ninety (90) per cent to one hundred ten (110) per cent range, the cannabis establishment shall notify the department within two business days with the results of such stability testing, and no additional product in that product category, or cannabis beverage or edible cannabis product brand, as applicable, shall be manufactured, packaged, sold, transferred, transported, or otherwise conveyed by the cannabis establishment conducting the stability testing until the corresponding label information is revised to accurately reflect the composition and appropriate expiration date of the cannabis or cannabis product, as approved by the department.
- (f) Cannabis or a cannabis product shall only be labeled with a product name if it:
  - (1) Contains all of the same ingredients and is produced in the manner as registered for the product name as set forth in subsection (d)(2) of this section; and

- (2) The cannabis testing laboratory results verify that the cannabis or cannabis product is comprised of the corresponding registered cannabinoid and terpenoid profiles, as well as active ingredients that constitute at least one per cent of the product, within a range of ninety (90) per cent to one hundred ten (110) per cent.
- (g) A licensee shall not apply for, and the department shall not register, any product name that:
  - (1) Is identical, or confusingly similar to the name of an existing non-cannabis product;
  - (2) Is identical, or confusingly similar to the name of an unlawful product or substance;
  - (3) Is identical, or confusingly similar to the product name of a cannabis or cannabis product previously registered with the department;
  - (4) Is obscene or indecent;
  - (5) May encourage the use of cannabis by, or is customarily association with, persons under the age of twenty-one, or patients under the age of eighteen; or
  - (6) Is related to benefits, safety, or efficacy of the cannabis or cannabis product unless supported by substantial evidence or substantial clinical data;
  - (7) If a medical marijuana product, may encourage the use of such product for recreational purposes; or
  - (8) If a medical marijuana product, may encourage the use of such product for a condition other than a debilitating medical condition, as defined in chapter 420f of the Connecticut General Statutes.
- (h) The non-refundable fee to register a cannabis product with the department shall be twenty-five dollars per product registration.

**Section 21a-421j-31. Cannabis Packaging Requirements.** Cannabis shall be individually packaged in the following manner:

- (a) For purposes of adult-use cannabis sold to consumers:
  - (1) A single package shall contain not more than one ounce of cannabis or the equivalent thereof, as set forth in section 21a-279a of the Connecticut General Statutes;
  - (2) The standard serving of an edible cannabis product shall contain not more than five milligrams of total THC;
  - (3) Each single standardized serving of an edible cannabis product in a multiple-serving package shall be physically demarcated and readily separable in a way that enables a reasonable person to easily determine (1) how much of the edible cannabis product constitutes a single standardized serving and (2) the maximum possible amount of total THC contained in the entire package, provided that if such demarcation and separation is impracticable, then the entire package shall contain not more than five milligrams of total THC. Notwithstanding the foregoing, cannabis beverage products shall contain not more than one single standardized serving; and
  - (4) A multiple-serving package of an edible cannabis product shall contain not more than one hundred milligrams of total THC.



- (b) For purposes of cannabis sold to qualifying patients and caregivers:
  - (1) A single package shall contain not more than five ounces of cannabis or the equivalent thereof, as set forth in section 21a-279a of the Connecticut General Statutes; and
  - (2) Each single standardized serving of an edible cannabis product or transdermal patch in a multiple-serving package shall be physically demarcated and readily separable in a way that enables a reasonable person to easily determine how much of the edible cannabis product constitutes a single standardized serving unless impracticable based on the product type.
- (c) The design and materials used to package cannabis sold to consumers shall meet the following requirements:
  - (1) Packaging shall be child-resistant, tamper-evident and light-resistant based on the following standards:
    - (A) Packaging shall be deemed child-resistant if it satisfies the standard for “special packaging” as set forth in the Poison Prevention Packaging Act of 1970 Regulations, 16 CFR 1700.1(b)(4);
    - (B) Packaging shall be deemed tamper-evident if it has one or more indicators or barriers to entry that would preclude its contents from being accessed or adulterated without indicating to a reasonable person that the package was breached; and
    - (C) Packaging shall be deemed light-resistant if it is entirely and uniformly opaque and protects the whole of its contents from the effects of light.
  - (2) Packaging for cannabis intended for multiple-serving use shall be resealable in such a manner that is continuously child-resistant and preserves the integrity of its contents;
  - (3) Packaging shall be impervious and protect its contents from contamination and exposure to any toxic or harmful substance, including any glue, adhesive, or other substance incorporated into the packaging;
  - (4) Packaging shall be entirely and uniformly one color, and shall not incorporate any information, print, embossing, debossing, graphic or hidden feature, other than labeling required or permitted under section 21a-421j-32 of the Regulations of Connecticut State Agencies, provided that the packaging of edible cannabis products shall be entirely and uniformly white. Notwithstanding the foregoing, a liquid containing cannabis may be packaged in an aluminum alloy bottle or can, provided the bottle or can contains no less than eight fluid ounces, and does not incorporate any color, including through painting, dyeing or anodizing. Labels on edible cannabis products, including beverages, shall be entirely and uniformly white. For the purposes of this provision, white and black shall be considered colors; and
  - (5) Packaging shall not be visually similar to (A) any commercially similar product that does not contain cannabis, or (B) packaging used for any good that is marketed to an audience reasonably expected to be under twenty-one years of age.
- (d) For the purposes of transportation between cannabis establishments, cannabis flower, cannabis trim, and cannabis products that are not in final packaging shall be sealed in an airtight manner using packaging material that is both tamper-evident and light-resistant.

**Section 21a-421j-32. Cannabis Labeling Requirements.**

- (a) Prior to being sold and transferred to a consumer, qualifying patient, or caregiver, a cannabis package shall be clearly labeled, whether printed directly on packaging or affixed by separate label, which for the purposes hereof shall not include an extended content label, with the following:
- (1) A unique identifier generated by the Cannabis Analytic Tracking System and used to track cannabis pursuant to section 21a-421j-5 of the Regulations of Connecticut State Agencies; and
  - (2) The following information about the cannabis in legible English using black Times New Roman font, flat regular typeface, on a contrasting background, in uniform size not less than one tenth of an inch, based on a capital letter “K,” which information shall also be available on the Internet web site of the cannabis establishment that sells the cannabis:
    - (A) The name of the cannabis, as registered with the department pursuant to section 21a-421j-30 of the Regulations of Connecticut State Agencies;
    - (B) If a cannabis product, the name of the cannabis establishment that manufactured the final cannabis product for sale to consumers, and if raw cannabis, the name of the cannabis establishment that cultivated the raw cannabis;
    - (C) The expiration date, which shall not account for refrigeration after sale to a consumer, qualifying patient or caregiver;
    - (D) The net weight or volume in metric and imperial units;
    - (E) The standardized serving size in customary units and the number of servings included in the package, if applicable;
    - (F) Directions for use and storage, as well as the range of time it typically takes the cannabis to affect an individual;
    - (G) Each active ingredient comprising one per cent or more of the cannabis, including cannabinoids, isomers, esters, ethers, salts and salts of isomers, esters and ethers, and all quantities thereof in metric units and as a per centage of volume;
    - (H) A list of all known allergens, as identified by the U.S. Food and Drug Administration, contained in the cannabis, or the denotation “no known FDA identified allergens” if the cannabis does not contain any allergens identified by the U.S. Food and Drug Administration;
    - (I) The following warning statement outlined by a red box: “This product is not FDA-approved, may be intoxicating, cause long-term physical and mental health problems, and have delayed side effects. It is illegal to operate a vehicle or machinery under the influence of cannabis. Keep away from children.” and at least one of the following warning statements rotated quarterly on an alternating basis:

Warning: Frequent and prolonged use of cannabis can contribute to mental health problems over time, including anxiety, depression, stunted brain development and impaired memory.

Warning: Consumption while pregnant or breastfeeding may be harmful.

Warning: Cannabis has intoxicating effects and may be habit forming and addictive.

Warning: Consuming more than the recommended amount may result in adverse effects requiring medical attention.

- (J) The appropriate chemotype, in accordance with section 21a-421j(b)(5)(M) of the general statutes. For a cannabis concentrate with a total THC concentration exceeding thirty percent, the following warning statement “This is a high-potency cannabis product and may increase the risk of psychosis.” Nothing shall preclude such warning from being affixed to cannabis with a total THC concentration below thirty percent; and

(K) Additional warning labels for certain cannabis products as may be required by the commissioner and posted to the department’s Internet web site.

- (3) The following unobscured graphics, each in a size not less than one-half inch by one-half inch, which graphics shall not be used for any purpose other than as contemplated herein:

(A) The following symbol issued by the department that indicates the package contains THC:



(B) The following symbol issued by the department that indicates the package is not safe or legal for individuals under twenty-one years of age:



- (b) If cannabis packaging contains separate internal packaging in order to meet the requirements of section 21a-421j-31(c)(1)-(3), such internal packaging shall be labeled with the information required under subdivision (a)(2) of this section, with the exception of: subparagraphs (a)(2)(C), (F), (G) of this section, the rotated warning statement requirement in subparagraph (H), and (I), provided that total THC and total CBD content shall also be included in the labeling. All other requirements set forth in section 21a-421j-31 shall apply to internal packaging. The external packaging used in conjunction with such internal packaging shall be required to comply with all provisions set forth in section 21a-421j-31 and section 21a-421j-32 except for subdivisions (c)(1)-(3) of section 21a-421j-31. The external and internal packaging shall be the same one uniform color.
- (c) A cannabis package may be labeled with one picture of the cannabis it contains, and such picture shall (1) clearly depict the size, shape and color of the cannabis, (2) not obscure or overlap with any information required by this section, and (3) not exceed one inch in height by one inch in width.

- (d) The label of a cannabis package may contain a single logo associated with a cannabis establishment, and such logo shall (1) be comprised of no more than three colors, provided that for the purposes of the logo design, neither black nor white shall be considered one of the three colors, (2) not to obscure or overlap with any information required by this section, and (3) not exceed one inch in height by one inch in width. Notwithstanding the foregoing, a logo on an edible cannabis product label shall only be black.
- (e) No label shall appeal to persons under the age of twenty-one.
- (f) If a cannabis package contains a delivery device cartridge, such cartridge shall be labeled in a clearly legible manner, in flat, regular typeface, Times New Roman font, as large a font size as the label reasonably allows, with the following information: the name of the cannabis establishment where the cannabis was grown or manufactured, the name of the cannabis brand, the total THC and total CBD content contained within the delivery device cartridge, the expiration date, and the unique identifier. A delivery device cartridge that contains cannabis may contain an embossed, debossed, or similarly printed cannabis establishment name, and its logo comprising not more than three colors, and shall not incorporate any information, print, embossing, debossing, graphic or hidden feature, except as expressly required or permitted in this subsection.
- (g) Prior to being sold and transferred to a consumer, qualifying patient, or caregiver, a cannabis package shall clearly include the following information on an extended content label, a package insert, or using a static quick response (QR) code, which information shall also be available in-store and on the Internet web site of the cannabis establishment that sells the cannabis:
  - (1) The types of cannabis incorporated, as well as all processing techniques and solvents used to produce and manufacture the cannabis;
  - (2) All inactive ingredients comprising one per cent or more of the cannabis;
  - (3) For raw cannabis or cannabis products that contain raw cannabis, the date of harvest, and the date of final packaging for sale to consumers;
  - (4) For cannabis products, the date of final packaging for sale to consumers;
  - (5) The complete cannabinoid and terpene profile, including all isomers, esters, ethers, salts and salts of isomers, esters and ethers, as well as all additives and excipients, and all quantities thereof in metric units and as a percentage of volume;
  - (6) A statement that the cannabis has been tested for microbiological contaminants, mycotoxins, heavy metals, pesticide residue, and residual solvents, as well as the date and the satisfactory or failing result of such testing;
  - (7) The cannabis establishment or cannabis establishments where the cannabis was, as applicable, (A) cultivated, propagated or harvested, and (B) manufactured, as defined in section 21a-420 of the Connecticut General Statutes. The cannabis establishments shall be identified by: legal entity name as registered with the State of Connecticut; business address; and email and telephone contact information;
  - (8) The following warning statements:

Warning: Frequent and prolonged use of cannabis can contribute to mental health problems over time, including anxiety, depression, stunted brain development and impaired memory.

Warning: Consumption while pregnant or breastfeeding may be harmful.

Warning: Cannabis has intoxicating effects and may be habit forming and addictive.

Warning: Consuming more than the recommended amount may result in adverse effects requiring medical attention.

- (9) The following statement: “Cannabis is an agricultural crop which naturally contains yeast and mold. This cannabis or cannabis product has been tested to ensure that it meets or exceeds state standards for the presence of safe levels and varieties of yeast and mold. This cannabis or cannabis product may have undergone one or more forms of decontamination or remediation.”; and
  - (10) Additional warning labels for certain cannabis products as may be required by the commissioner and posted to the department’s Internet web site.
- (h) A dispensary facility, hybrid retailer or employee thereof shall not sell cannabis to a qualifying patient or caregiver unless the cannabis package is clearly labeled with the following information in addition to the requirements of subsection (a) of this section:
- (1) The date such cannabis is dispensed;
  - (2) The name and registration certificate number of the qualifying patient and, where applicable, the caregiver;
  - (3) The name of the certifying physician, physician assistant, or APRN;
  - (4) The name of the dispensary facility or hybrid retailer where the cannabis was dispensed, as well as the name of the dispensing licensed pharmacy employee;
  - (5) The serial number associated with dispensation for upload into the electronic prescription drug monitoring program;
  - (6) The per cent of alcohol by volume, if greater than one per cent, contained in the cannabis product, which total shall include any alcohol added as an ingredient as well as any residual solvents permitted pursuant to section 21a-421j-29 of the Regulations of Connecticut State Agencies; and
  - (7) If the cannabis has been diluted pursuant to section 21a-421j-14(b) of the Regulations of Connecticut State Agencies, the label shall be corrected, if necessary, to accurately reflect the information about the cannabis required pursuant to section 21a-421j-32(a)(2) of the Regulations of Connecticut State Agencies.
- (i) A dispensary facility, hybrid retailer or employee thereof shall not sell any medical marijuana product to a qualifying patient or caregiver unless it is clearly labeled with the following unobscured graphic, in addition to the graphics required under subsection (a) of this section, and in a size not less than one-half inch by one-half inch, which graphic shall not be used for any purpose other than as contemplated in this subsection:



- (j) A cannabis packaging label may include the term “organic” only for cannabis that has been organically grown in accordance with section 21a-92 of the Connecticut General Statutes, and cannabis products derived therefrom that have been produced, processed, manufactured and certified to be consistent with organic standards in compliance with section 21a-92a of the Connecticut General Statutes.
- (k) Cannabis labeling and packaging shall not incorporate any information, print, embossing, debossing, graphic or hidden feature, except as expressly required or permitted in this section.

### **Section 21a-421j-33. Cannabis delivery and transportation general requirements**

- (a) Prior to offering cannabis delivery or transportation services, a cannabis establishment shall submit to the department the following items:
  - (1) A list of the employees authorized to conduct cannabis delivery or transportation, along with a copy of each authorized employee’s valid driver license; and
  - (2) For each transport vehicle:
    - (A) License plate number, vehicle identification number, make and model;
    - (B) An attestation that the vehicle is properly registered and insured;
    - (C) A description of the locked, safe and secure storage compartment(s);
    - (D) A description of the security system, form of secure communication, global positioning system (GPS) monitoring device, and any other equipment or system required pursuant to section 21a-421j-34 of the Regulations of Connecticut State Agencies; and
    - (E) A certificate of satisfactory inspection, if required by the department, pursuant to subsection (f) of section 21a-421j-34 of the Regulations of Connecticut State Agencies.
- (b) A cannabis establishment shall provide written notice to the department, along with the documentation required in subsection (a) of this section, in the event of the addition or the removal of a transport vehicle or a transporting agent.
- (c) No cannabis establishment shall advertise, offer or commence delivery or transportation operations prior to receiving written approval from the department.
- (d) A transport vehicle shall only transport the following products, simultaneously or separately: cannabis, cannabis paraphernalia, infused beverages, and manufacturer hemp products, as defined in section 22-611 of the Connecticut General Statutes.

### **Section 21a-421j-34. Vehicle security.**



- (a) All transport vehicles shall be properly registered with the state, be insured in the State of Connecticut, and have received a satisfactory inspection from the department, if inspected pursuant to subsection (f) of this section. Records documenting the same shall be maintained and made available to the department and law enforcement officials upon request. Transport vehicles shall not be required to be owned or leased by a delivery service or transporter.
- (b) A transport vehicle shall bear no marking or outward appearance, including brand or company names, that would indicate to a reasonable person that the vehicle is used to transport cannabis.
- (c) At all times during the transportation of cannabis, a transport vehicle shall be equipped with the following functioning features, provided that subdivision (2) of this subsection shall not apply to a transport vehicle transporting only seedlings:
  - (1) Heating and air conditioning systems sufficient for maintaining appropriate temperatures for the storage of cannabis during transport in accordance with recommendations provided by the originating establishment to protect the quality and integrity of the cannabis;
  - (2) A locked, safe and secure storage compartment where cannabis is not visible from the outside of the vehicle, and the cannabis is secured in, and not easily removed from the transport vehicle. If a delivery service is transporting cannabis from multiple originating establishments, a separate designated storage compartment meeting the requirements of this section shall be used for the cannabis from each originating establishment;
  - (3) A global positioning system (GPS) monitoring device that is secured to the vehicle in a manner not easily removed, and able to remain powered on when the transport vehicle is not running, the information from which shall be maintained in accordance with subsection (i) of section 21a-421j-36 of the Regulations of Connecticut State Agencies;
  - (4) A secure form of communication between the transporting agent and the transporting establishment, and any originating establishment if required by subsection (g) of section 21a-421j-36 of the Regulations of Connecticut State Agencies, at all times during the transportation of cannabis. Secure forms of communication shall include a two-way digital or analog radio, cellular phone, and satellite phone, taking into consideration the functionality of the communication device within the geographic area of the transport; and
  - (5) An adequate vehicle security system to prevent adulteration, diversion, theft and loss of cannabis, including, but not limited to, an audible alarm system.
- (d) In addition to the requirements set forth in subsection (c) of this section, all vehicles transporting more than two pounds of cannabis flower and cannabis trim, excluding seedlings, or the equivalent thereof, as set forth in section 21a-279a of the Connecticut General Statutes, shall be equipped with the following functioning features:
  - (1) An automatic dialer, which for purposes of this subsection means any electrical, electronic, mechanical, or other device capable of sending a prerecorded voice message, or otherwise alerting an alarm monitoring center, when activated, to a law enforcement, public safety or emergency services agency requesting dispatch; and
  - (2) A failure notification system that provides an audible, text or visual notification of any failure in the vehicle security system. The failure notification system shall provide an alert to the transporting establishment and the transporting agents within five minutes of the failure, either by telephone, email, text message or other means approved by the department.

- (e) Access to transport vehicle security equipment and records shall be limited to persons that are (1) licensed or registered pursuant to section 21a-420 of the Connecticut General Statutes and essential to security operations, (2) law enforcement agencies, (3) security system service employees, (4) the department, and (5) other persons approved by the commissioner. A transporting establishment shall maintain a current list of all individuals that have access to any transport vehicle security equipment and records.
- (f) The commissioner may inspect a transport vehicle, as well as its equipment, including, but not limited to, security systems, forms of secure communication, and GPS monitoring devices at any time without prior notice. If the commissioner determines that the transport vehicle does not satisfy the requirements of this section, or that such transport vehicle requires additional security measures in order to address public health and safety concerns, such transport vehicle shall not be used to transport cannabis until such time as it receives a satisfactory inspection from the department.

### **Section 21a-421j-35. Manifests.**

- (a) Prior to the delivery or transportation of cannabis:
  - (1) The originating establishment shall prepare a shipping manifest in the Cannabis Analytic Tracking System on a form and in a manner prescribed by the commissioner, itemizing all cannabis to be transported. A separate copy of the shipping manifest shall be provided to the transporting agent to accompany the itemized cannabis at all times during transport;
  - (2) If cannabis is being transported from an originating establishment to a receiving establishment, the originating establishment shall securely transmit to the receiving establishment, a copy of the shipping manifest at least twenty-four hours prior to transport;
  - (3) A transporting agent shall review the shipping manifest prepared by the originating establishment and confirm that it accurately describes the type and quantity of cannabis in the transport vehicle to be transported by the transporting agent, in the aggregate and for each delivery;
  - (4) If cannabis is being transported directly to a qualifying patient, caregiver or consumer, the transporting agent shall review the shipping manifest prepared by the originating establishment and confirm that it includes sufficient identifying information for each patient, caregiver, or consumer, including name, day and month of birth, and, if applicable, patient or caregiver identification number; and
  - (5) Prior to the transporting agent's departure, any deficiencies or inaccuracies contained in the shipping manifest shall be rectified by the originating establishment and a copy of the corrected shipping manifest shall be provided to the transporting agent, and securely submitted to all receiving establishments.
- (b) A transport vehicle shall not contain any cannabis for which a manifest has not been provided, and all cannabis, other than seedlings, shall be packaged and labeled in accordance with sections 21a-421j-31 and 21a-421j-32 of the Regulations of Connecticut State Agencies.

### **Section 21a-421j-36. Transporting Agents; Transportation of Cannabis**

- (a) There shall be a minimum of two transporting agents per transport vehicle containing more than two pounds of cannabis flower and cannabis trim or the equivalent thereof, as set forth in section 21a-279a of the Connecticut General Statutes. A transporting agent shall remain with the transport vehicle at all times that the vehicle contains cannabis, provided that if there is only one transporting agent, the transporting agent may leave the vehicle, which shall be securely locked, only for the purpose of transferring the cannabis to a consumer, qualifying patient, caregiver or cannabis establishment to complete a delivery.
- (b) A transporting agent shall carry transportation credentials at all times during the transportation of cannabis and display such credentials to the appropriate persons at the originating establishment prior to each instance of transportation of cannabis, and to any law enforcement official or authorized department representative upon request. For purposes of this section, “transportation credentials” shall mean the transporting agent’s valid driver’s license and employee license or registration, a copy of the transporting establishment license, and all shipping manifests for cannabis contained in the transport vehicle.
- (c) A transporting establishment shall inspect and test all security systems, secure communications, and global positioning system (GPS) monitoring devices of each transport vehicle at least once per day of use, prior to the transport vehicle’s first departure. The individual conducting the inspection on behalf of the transporting establishment shall certify in writing (1) the printed name of such individual, (2) the vehicle identification number of the transport vehicle, (3) the date of inspection, and (4) the status of all inspected systems, equipment, and devices. The individual conducting the inspection shall sign the certification, which signature may be electronic, and the transporting establishment shall maintain a log of all inspection certifications.
- (d) A transport vehicle shall not transport cannabis unless every security system, form of secure communication, and GPS monitoring device is in good working order and functioning properly.
- (e) If any security system, form of secure communication, or GPS monitoring device fails during the transportation of cannabis, the transporting agents shall immediately notify the transporting establishment and all impacted originating establishments of the specific failure and return directly to the transporting establishment or originating establishment. Such transport vehicle shall not resume transportation of cannabis until all systems resume full functioning capacity.
- (f) The transporting establishment shall ensure that all delivery times and routes are varied in a randomized manner. The transporting establishment shall create a confidential delivery schedule within twenty-four hours of the transport and only provide the transporting agents with a copy of such confidential delivery schedule immediately prior to departure.
- (g) A transporting agent shall verbally communicate with an authorized representative from the transporting establishment, who is not present in the transporting vehicle, upon arriving at and departing from each scheduled delivery location, and at least every thirty (30) minutes during the transportation of cannabis. The transporting establishment shall maintain a log of each and every communication. Notwithstanding the foregoing, this provision shall not apply to transporting agents that are transporting only seedlings.
- (h) A transporting agent shall strictly adhere to the delivery schedule provided by the transporting establishment and not make any unscheduled stops. In the case of an emergency unscheduled

stop, the transport vehicle shall remain securely locked, and the transporting agent shall verbally communicate with the transporting establishment, describing the reason for the emergency unscheduled stop, the location and the duration of the emergency unscheduled stop, as well as any activities of the transporting agent, and the identities and activities of any persons interacting with the transport vehicle or the transporting agent. The transporting establishment shall maintain a log of each and every communication.

- (i) For a period of not less than one year, a transporting establishment shall maintain a record of the GPS information of each of its transport vehicles for the entire duration of any transportation of cannabis, and make such information available to the department upon request. A transporting establishment may contract with the GPS provider or similar service provider to conduct GPS monitoring, provided that any such third-party GPS monitor shall comply with all applicable state and federal laws regarding patient confidentiality.
- (j) A transporting agent shall return any undeliverable cannabis to the respective originating establishment's secure cannabis return location, as set forth in section 21a-421j-8 of the Regulations of Connecticut State Agencies, no later than directly after the last scheduled delivery.
- (k) No cannabis shall be stored in a transport vehicle or the establishment of a delivery service or transporter after the establishment's hours of operation, and in no event longer than twenty-four hours.
- (l) A transporting establishment, jointly with any impacted originating establishment, shall report to the department and local law enforcement any transport vehicle accidents, transport vehicle theft, cannabis diversion, loss, or adulteration, and any other event deemed by the commissioner to be a reportable event in connection with the transportation of cannabis within twenty-four hours of such event being discovered.

#### **Section 21a-421j-37. Delivery to Qualifying Patients, Caregivers, and Consumers.**

- (a) Delivery service licensees shall (1) only accept orders for delivery over the internet or through a mobile app, (2) require consumers to provide the consumer's full legal name, date of birth, address, email address and telephone number, and (3) take commercially and technologically reasonable measures to verify the identity and address of each such consumer prior to effectuating a sale of cannabis. If a consumer's identity or address remains in question after the submission of information required by this subsection, the consumer shall be afforded an opportunity to further establish identity through the provision of additional information.
- (b) Hybrid retailers, retailers, and micro-cultivators shall (1) require each consumer that purchases cannabis for delivery to provide the cannabis establishment with the consumer's full legal name, date of birth, address, email address and telephone number, and (2) take commercially and technologically reasonable measures to verify the identity and address of each such consumer prior to effectuating a sale of cannabis. If a consumer's identity or address remains in question after the submission of information required by this subsection, the consumer shall be afforded an opportunity to further establish identity through the provision of additional information.
- (c) Dispensary facilities and hybrid retailers offering delivery to qualifying patients and caregivers shall (1) require each qualifying patient and caregiver that purchases cannabis for delivery to

provide the cannabis establishment with the full legal name, date of birth, address, email address and telephone number of the qualifying patient, and, if applicable the legal name, date of birth, and address of the caregiver, and (2) take commercially and technologically reasonable measures to verify the identity and address of each such qualifying patient, and caregiver if applicable, prior to effectuating a sale of cannabis. If the identity or address of a qualifying patient or caregiver remains in question after the submission of information required by this subsection, the qualifying patient or caregiver, as applicable, shall be afforded an opportunity to further establish identity through the provision of additional information.

- (d) For each delivery of cannabis to a consumer, qualifying patient, or caregiver, a transporting agent shall confirm from a valid driver's license or other valid, government-issued photographic identification, that the identity of the individual accepting the cannabis delivery is the same as the individual that ordered the cannabis, and confirm:
  - (1) If delivering to a consumer, that the individual is of legal age to purchase cannabis; and
  - (2) If delivering to a qualifying patient or caregiver, the qualifying patient or caregiver registration number from the qualifying patient's or caregiver's registration certificate.
- (e) If the identity, age, or registration of the individual accepting the cannabis delivery remains in question after presentation of the required documentation, the transporting agent shall (1) immediately alert the originating establishment; and (2) return the cannabis to the originating establishment's secure return location no later than directly after the last scheduled delivery.

### **Section 21a-421j-38. License and Registration Suspension; Enforcement.**

- (a) During any period that a cannabis establishment, cannabis testing laboratory or research facility license is suspended:
  - (1) The licensee shall not make any alterations to an establishment, unless the alterations have been expressly approved in writing by the commissioner, or attach to the exterior or any other part of the establishment any sign indicating that the premises are undergoing alternations, including but not limited to signs stating "closed for repairs," "closed for alterations" or any words to similar effect;
  - (2) The licensee shall place on the establishment's front window and front door facing the street, a notice indicating the length of the suspension. The sign shall measure a minimum of eight inches in height by ten inches in width with lettering in a size and style that allows such sign to be read without difficulty by persons standing outside the establishment. The licensee shall maintain the sign in place until the period of suspension has terminated;
  - (3) The licensee shall not offer, sell, transfer, transport or otherwise convey, nor order or receive cannabis unless expressly approved by the commissioner;
  - (4) If a cannabis establishment, the licensee shall close the entire establishment for business, shall securely store all cannabis in a securely locked area, and employees of the licensee may access the establishment only under the supervision of a key employee and for the necessary care and maintenance of the cannabis and the establishment; and

- (5) If a cannabis testing laboratory or a research facility, the licensee shall cease all cannabis-related activity, shall embargo any cannabis in the establishment, and employees of the licensee may access the embargoed-cannabis only under the supervision of a key employee and for the necessary care and maintenance of the cannabis.
- (b) Any cannabis not in compliance with Chapter 420h of the Connecticut General Statutes and sections 21a-421j-1 to 21a-421j-39, inclusive, of the Regulations of Connecticut State Agencies shall be subject to embargo or seizure by the department in accordance with section 21a-96 of the Connecticut General Statutes.
- (c) The commissioner may, in the commissioner's discretion, suspend, revoke or refuse to grant or renew a dispensary or hybrid retailer license if such licensee is nonoperational for a period of more than sixty days, unless the commissioner approves in writing, a written request by the cannabis establishment, for good cause shown.

**Section 21a-421j-39. Home Grow.** A qualifying patient who is eighteen years of age or older, or a consumer, may cultivate up to three mature and three immature cannabis plants inside the Connecticut primary residence of such qualifying patient or consumer at any given time in accordance with sections 21a-408d and 21a-278c of the Connecticut General Statutes, as applicable, and the following requirements:

- (a) Cannabis plants shall be kept in an indoor, locked area, secured from access by anyone other than the consumer or qualifying patient cultivating such cannabis plants, or such qualifying patient's caregiver;
- (b) A qualifying patient's caregiver may assist with the cultivation and preparation of the cannabis plants for use by the qualifying patient;
- (c) Cannabis plants shall not be visible from public view without use of optical aids; and
- (d) Immature cannabis plants shall be non-flowering, not taller than eight inches, and not wider than eight inches.



**Statement of Purpose:** To provide the rules necessary to operationalize the Connecticut cannabis industry, including the parameters by which persons licensed by the Department under Chapter 420h of the general statutes will operate. These proposed regulations set forth consumer protections, including but not limited to, product quality, safeguards for minors, and security of product against diversion. These proposed new regulations codify the policies and procedures that have governed the Connecticut cannabis industry since the induction of the adult-use cannabis market in 2021.