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Governor Lamont Signs Bill Legalizing and Safely Regulating Adult-Use Cannabis

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STATE OF CONNECTICUT

GOVERNOR NED LAMONT

06/22/2021

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Bill signing for legislation legalizing the adult use of canna...



(HARTFORD, CT) – Governor Ned Lamont this afternoon signed into law legislation that legalizes and safely regulates the adult-use of cannabis in Connecticut. The legislation contains comprehensive reforms that address many areas, including equity, criminal justice, public health, and public safety.

“For decades, the war on cannabis caused injustices and created disparities while doing little to protect public health and safety,” **Governor Lamont said.** “The law that I signed today begins to right some of those wrongs by creating a comprehensive framework for a regulated market that prioritizes public health, public safety, criminal justice, and equity. It will help eliminate the dangerous, unregulated market and support a new and equitable sector of our economy that will create jobs. The states surrounding us already, or soon will, have legal adult-use markets. By allowing adults to possess cannabis, regulating its sale and content, training police officers in the latest techniques of detecting and preventing impaired driving, and expunging the criminal records of people with certain cannabis crimes, we’re not only effectively modernizing our laws and addressing inequities, we’re keeping Connecticut economically competitive. This legislation directs significant new funding to prevention and recovery services, which will be used to help prevent cannabis use by minors and to promote safe, healthy use of cannabis by those of legal age.

“This measure is comprehensive, protects our children and the most vulnerable in our communities, and will be viewed as a national model for regulating adult-use cannabis. By signing this into law today, we are helping our state move beyond this terrible period of incarceration and injustice.”

The legislation Governor Lamont signed today is Senate Bill 1201 (https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=1201). A proposal to legalize adult-use cannabis was initially put forward by Governor Lamont to the General Assembly earlier this year as Senate Bill 888 (https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=888). He also proposed similar legislation in February 2020 as Senate Bill 16 (https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2020&bill_num=16).

Key components of the new law include:

- **Possession:** Possession of cannabis among adults age 21 and over will be legal in Connecticut beginning July 1, 2021. Adults cannot have more than 1.5 ounces of cannabis on their person, and no more than 5 ounces in their homes or locked in their car truck or glove box.
- **Retail sales:** Retail sales of cannabis aim to begin in Connecticut by the end of 2022. The sale, manufacture, and cultivation of cannabis (aside from home grow) requires a license from the state. Products that contain delta-8-THC, delta-9-THC, or delta-10-THC are considered cannabis and may only be sold by licensed retailers. Individuals who are not licensed by the state may gift cannabis to others but may not sell it. Individuals may not gift cannabis to another individual who has “paid” or “donated” for another product.
- **Homegrown:** Patients who are participating in Connecticut’s medical marijuana program will be permitted to cultivate up to six cannabis plants (three mature, three immature) indoors within their homes beginning October 1, 2021. All adults age 21 and over will be permitted to grow a similar number of plants indoors within their homes beginning July 1, 2023. The law includes requirements to keep the plants secure from anyone else. Home

grow of up to six cannabis plants is defeloned beginning July 1, 2021, and instead will result in infractions.

- **Erases prior convictions:** Certain cannabis-related convictions that occurred between January 1, 2000 and October 1, 2015 will be automatically erased. Those seeking to erase cannabis-related convictions outside of that period will require petitioning.
- **Equity and investments:** To start the necessary work of repairing the damage caused by decades of failed cannabis criminalization policies, the law implements equitable marketplace requirements under which at least half of all initial licenses are reserved for social equity applicants, targeting those communities that have been most negatively impacted by the so-called war on drugs. The Social Equity Council, which is created by this legislation, will launch a programs and supports for social equity applicants in the cannabis market.
- **Tax structure:** The law enacts a tax rate structure on the retail sale of cannabis that includes a new source of revenue for municipalities. This includes (1) a 3% municipal sales tax, which will be directed to the town or city where the retail sale occurred; (2) the 6.35% state sales tax; and (3) a tax based on the THC content of the product, which will be 2.75 cents per milligram of THC for cannabis edibles; 0.625 cents per milligram of THC for cannabis flower; and 0.9 cents per milligram of THC for all other product types. This means that Connecticut generally will have about a 4% lower tax rate than New York and about the same as Massachusetts.
- **Revenue to support economic opportunities in targeted communities:** Portions of the revenue obtained from retail sales of cannabis will be directed to communities that have been most negatively impacted by the war on drugs through the creation of the Social Equity and Innovation Fund. Funding from this account will be appropriated for use by the Social Equity Council to provide business capital, technical assistance for business start-ups and operations, workforce education, and community investments. These investments will not be limited to the cannabis market.

- **Revenue to support substance misuse prevention and recovery services:** Portions of the revenue obtained from retail sales of cannabis will be directed to support substance misuse prevention, treatment, and recovery services through the creation of the Prevention and Recovery Services Fund. Connecticut's health agencies, including the Department of Public Health, Department of Mental Health and Addiction Services, and Department of Children and Families will launch new programs and initiatives regarding prevention, treatment, and recovery in regard to cannabis.
- **Preventing underage use:** This legislation adapts the state's strong framework regarding preventing access to alcohol by minors in the context of cannabis. For example, it will be a Class A misdemeanor to sell or provide cannabis to a person under 21 years old. In addition, an individual allowing someone under 21 years old to loiter at a cannabis store will receive a \$1,000 fine on the first offense with subsequent offenses as a Class B misdemeanor. It will be a Class D misdemeanor for a person under the age of 21 to lie about their age or use a fake ID in an attempt to buy cannabis. Delivery services will be required to use online ID and age verification.
- **Enforcement of safe driving:** This law significantly strengthens Connecticut's impaired driving statutes by requiring police to be trained in Advanced Roadside Impaired Driving Enforcement (ARIDE) and allows for Drug Recognition Expert (DRE) evaluations to result in license suspensions. This means that drivers who are impaired on any substance, whether cannabis or otherwise, will be more quickly taken off the roads.
- **Advertising:** This law implements strong standards for advertising that exceed those for the tobacco and alcohol industries. All cannabis-related advertising will be banned on television, radio, internet, print, and billboards unless the advertiser has reliable evidence that more than 90% of the audience reached by the advertising is at least 21 years of age or older. Advertising of cannabis is restricted within 500 feet of a school. The advertising restrictions apply to all cannabis advertising, whether or not the advertiser is a state licensee.
- **Safe products:** This legislation imposes strong requirements for product safety. Products will have to be lab tested and will have strict packaging and labeling standards. Edible

cannabis products are limited to 5 milligrams of THC per serving, and most other products are subject to a potency cap. Products will be in child-safe packaging, and product types that appeal to children are banned.

- **Municipalities and zoning:** Local officials will play an important role in the implementation of cannabis legalization. For example, local officials can control the number and locations of cannabis retailers through zoning. Municipalities can also determine where smoked or vaped cannabis can be consumed (e.g. in city parks or beaches, or on sidewalks or streets).
- **Employment:** This legislation allows employers to continue to enforce drug-free workplaces, and respects the need for employers to maintain workplace safety and to remain in compliance with federal laws and contracts. As such, employers in certain industries, such as manufacturing and healthcare, are considered “exempt” from the employment provisions of this law. The law allows employers to take adverse actions against employees who are impaired at work. The law says that nonexempt employers may not prohibit the off-work use of cannabis or take adverse action against an employee or a potential employee for a positive THC test unless such employer has adopted employment policies stipulating as such. Generally, an employer may not take adverse action against an employee or potential employee for use of cannabis prior to applying for or working at such employer.
- **Medical marijuana program:** The law protects Connecticut’s nation-leading medical marijuana program in many ways. For example, producers and dispensaries that currently operate in the medical marijuana program may expand or convert their licenses for adult-use cannabis, but they must prioritize serving the medical program. Medical marijuana users will soon be able to purchase medical marijuana from any dispensary rather than simply the one to which they are assigned.
- **State parks and beaches:** Cannabis use is prohibited in state parks, state beaches, and on state waters.

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