

General Assembly
Raised Bill No. _____

January Session, 2027
LCO No. _____

Referred to Committee on GENERAL LAW

Introduced by:
(GL)

**AN ACT CONCERNING MEDICAL CANNABIS CAREGIVER
CULTIVATION, THE LOCATION OF CANNABIS PLANTS CULTIVATED
AT A PERSON'S PRIMARY RESIDENCE AND LABORATORY
TESTING ACCESS FOR QUALIFYING PATIENTS.**

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

2 Section 1. Section 21a-278c of the general statutes is repealed and the following is substituted in
3 lieu thereof (Effective October 1, 2027):

4 (a) Notwithstanding the provisions of section 21a-278b, any consumer may cultivate up to three
5 mature cannabis plants and three immature cannabis plants in the consumer's primary residence,
6 provided such plants are secure from access by any individual other than the consumer and no more
7 than twelve cannabis plants may be grown at any given time per household.

8 (b) FOR PURPOSES OF THIS SECTION, CULTIVATION "IN THE CONSUMER'S
9 PRIMARY RESIDENCE" INCLUDES CULTIVATION IN AN AREA ON THE GROUNDS OF
10 SUCH PRIMARY RESIDENCE, PROVIDED SUCH AREA IS: (1) NOT VISIBLE AT GROUND
11 LEVEL FROM ANY ADJACENT PUBLIC STREET, SIDEWALK, PARK OR NEIGHBORING
12 RESIDENTIAL PROPERTY; (2) ENCLOSED BY A FENCE, WALL, HEDGE OR SIMILAR
13 BARRIER OF NOT LESS THAN SIX FEET IN HEIGHT, OR BY AN ACCESSORY
14 STRUCTURE, GREENHOUSE OR SIMILAR ENCLOSURE, THAT IS SECURED BY A LOCK
15 OR COMPARABLE DEVICE AGAINST ENTRY BY ANY INDIVIDUAL OTHER THAN A
16 RESIDENT OF SUCH PRIMARY RESIDENCE; AND (3) LOCATED ON REAL PROPERTY
17 THAT THE CONSUMER OWNS, OR WITH RESPECT TO WHICH THE CONSUMER HAS
18 OBTAINED THE WRITTEN CONSENT OF THE OWNER OR THE OWNER'S AGENT.

19 (c) NO REGULATION, POLICY OR PROCEDURE ADOPTED OR ISSUED BY THE
20 COMMISSIONER OF CONSUMER PROTECTION SHALL PROHIBIT CULTIVATION
21 OTHERWISE AUTHORIZED UNDER THIS SECTION SOLELY ON THE GROUND THAT
22 SUCH CULTIVATION OCCURS OUTSIDE THE WALLS OF A DWELLING UNIT.

23 (d) CANNABIS PLANTS CULTIVATED IN COMPLIANCE WITH THIS SECTION SHALL
24 NOT CONSTITUTE A NUISANCE SOLELY BY REASON OF THE ODOR OF SUCH PLANTS.
25 A PERSON CULTIVATING CANNABIS UNDER THIS SECTION SHALL TAKE

26 REASONABLE MEASURES TO MITIGATE ODOR, INCLUDING SITING AND, FOR INDOOR
27 CULTIVATION, FILTRATION.

28 (e) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AUTHORITY
29 OF A MUNICIPALITY TO ENFORCE GENERALLY APPLICABLE ORDINANCES
30 CONCERNING FENCES, ACCESSORY STRUCTURES OR SETBACKS, PROVIDED NO
31 MUNICIPALITY SHALL ADOPT OR ENFORCE ANY ORDINANCE THAT PROHIBITS
32 CULTIVATION AUTHORIZED UNDER THIS SECTION.

33 Sec. 2. Subsection (b) of section 21a-408d of the general statutes is repealed and the following
34 is substituted in lieu thereof (Effective October 1, 2027):

35 (b) [Any] (1) ANY qualifying patient who is eighteen years of age or older may cultivate up to
36 three mature cannabis plants and three immature cannabis plants in the patient's primary residence at
37 any given time, provided such plants are secure from access by any individual other than the patient
38 or patient's caregiver and no more than twelve cannabis plants may be grown per household.

39 (2) FOR PURPOSES OF THIS SUBSECTION, CULTIVATION "IN THE PATIENT'S
40 PRIMARY RESIDENCE" INCLUDES CULTIVATION IN AN AREA ON THE GROUNDS OF
41 SUCH PRIMARY RESIDENCE MEETING THE REQUIREMENTS OF SUBSECTION (b) OF
42 SECTION 21a-278c, AS AMENDED BY THIS ACT, EXCEPT THAT SUCH AREA SHALL BE
43 SECURED AGAINST ENTRY BY ANY INDIVIDUAL OTHER THAN A RESIDENT OF SUCH
44 PRIMARY RESIDENCE, THE PATIENT'S CAREGIVER OR THE PATIENT'S CULTIVATING
45 CAREGIVER.

46 Sec. 3. Subdivision (4) of section 21a-408m of the general statutes is repealed and the following
47 is substituted in lieu thereof (Effective October 1, 2027):

48 (4) Establish requirements for the growing of cannabis plants by a qualifying patient in his or
49 her primary residence as authorized under section 21a-408d, AS AMENDED BY THIS ACT,
50 including requirements for securing such plants to prevent access by any individual other than the
51 patient or the patient's caregiver, [the location of such plants] and any other requirements necessary to
52 protect public health or safety, PROVIDED NO SUCH REQUIREMENT SHALL PROHIBIT
53 CULTIVATION IN AN AREA ON THE GROUNDS OF THE PATIENT'S PRIMARY
54 RESIDENCE THAT SATISFIES SUBDIVISION (2) OF SUBSECTION (b) OF SECTION
55 21a-408d, AS AMENDED BY THIS ACT;

56 Sec. 4. (NEW) (Effective October 1, 2027) (a) As used in this section and sections 5 and 6 of
57 this act:

58 (1) "Caregiver", "cultivation", "qualifying patient" and "usable cannabis" have the same
59 meanings as provided in section 21a-408 of the general statutes;

60 (2) "Commissioner" means the Commissioner of Consumer Protection;

61 (3) "Cultivating caregiver" means a caregiver who holds a current cultivating caregiver
62 registration issued under subsection (c) of this section;

63 (4) "Designated qualifying patient" means a qualifying patient who has designated a cultivating
64 caregiver under subsection (d) of this section;

65 (5) "Plant canopy" means the total surface area within a cultivation area that is dedicated to the

cultivation of mature cannabis plants, calculated in square feet and measured using the outside boundaries of such area, and including all area within such boundaries. If such surface area consists of noncontiguous areas, each component area shall be separated by identifiable boundaries. If a tiered or shelving system is used, the surface area of each tier or shelf shall be included in calculating plant canopy. Plant canopy does not include any area used solely to cultivate immature cannabis plants or seedlings; and

(6) "Incidental cannabis material" means cannabis seeds, stalks, stems, fan leaves, root material and other cannabis plant material that is not usable cannabis.

(b) A cultivating caregiver may, for the palliative use of cannabis by a designated qualifying patient: (1) Cultivate cannabis plants on behalf of not more than five designated qualifying patients; (2) cultivate not more than six mature cannabis plants and six immature cannabis plants per designated qualifying patient, provided the total plant canopy maintained by such cultivating caregiver shall not exceed five hundred square feet; (3) possess usable cannabis derived from such plants in an amount not exceeding eight ounces per designated qualifying patient; (4) transfer usable cannabis derived from such plants to a designated qualifying patient or to such patient's caregiver, provided no consideration is transferred in return except as permitted under subsection (f) of this section; (5) transport cannabis plants and usable cannabis between the cultivation site and the residence of a designated qualifying patient, provided such cannabis is in a locked container and not visible from outside the vehicle; and (6) possess and furnish cannabis paraphernalia to a designated qualifying patient.

(c) The commissioner shall establish a cultivating caregiver registration. An applicant shall: (1) Be twenty-one years of age or older; (2) be a resident of this state; (3) submit to a state and national criminal history records check conducted in accordance with section 29-17a of the general statutes, and not have been convicted of a violent felony or of a felony involving the sale of a controlled substance to a minor; (4) identify the address of the cultivation site and certify that such site complies with subsection (e) of this section; (5) complete a cultivation, handling and storage education module made available by the department at no cost; and (6) pay the annual registration fee prescribed in section 5 of this act. Registration information shall be confidential and shall not be subject to disclosure under section 1-210 of the general statutes, except that the department may disclose to a law enforcement officer, upon inquiry concerning a specific address or individual, solely whether a current registration exists.

(d) A qualifying patient may designate one cultivating caregiver by written designation filed with the department. A qualifying patient who has designated a cultivating caregiver may continue to cultivate under subsection (b) of section 21a-408d, as amended by this act, and may continue to obtain cannabis from a dispensary facility or hybrid retailer. A designation may be revoked by the qualifying patient at any time and shall take effect upon filing.

(e) A cultivation site shall be: (1) The primary residence of the cultivating caregiver or of a designated qualifying patient; (2) secure from access by any individual other than the cultivating caregiver, a resident of such residence or a designated qualifying patient; and (3) if located outside the walls of a dwelling unit, in compliance with subsection (b) of section 21a-278c, as amended by this act.

(f) A cultivating caregiver may receive reimbursement for documented costs actually incurred in cultivating cannabis on behalf of a designated qualifying patient. Such reimbursement shall not

constitute the sale of a controlled substance. A cultivating caregiver shall retain records of such costs for two years and shall provide such records to the department upon written request.

(g) No cultivating caregiver shall: (1) Transfer cannabis to any person other than a designated qualifying patient or such patient's caregiver; (2) advertise or offer cannabis for sale; (3) hold a cultivator, micro-cultivator, producer, retailer, hybrid retailer or dispensary facility license; or (4) cultivate at more than one cultivation site.

(h) Incidental cannabis material possessed by a qualifying patient, caregiver or cultivating caregiver shall not be included in calculating any possession limit under chapter 420b or 420f of the general statutes or under RERACA, as defined in section 21a-420 of the general statutes.

Sec. 5. (NEW) (Effective October 1, 2027) (a) The annual fee for a cultivating caregiver registration, and for each renewal thereof, shall be as follows:

(1) For authority to cultivate not more than six mature and twelve immature cannabis plants, two hundred forty dollars;

(2) For authority to cultivate not more than twelve mature and twenty-four immature cannabis plants, four hundred eighty dollars;

(3) For authority to cultivate not more than eighteen mature and thirty-six immature cannabis plants, seven hundred twenty dollars;

(4) For authority to cultivate not more than twenty-four mature and forty-eight immature cannabis plants, nine hundred sixty dollars;

(5) For authority to cultivate not more than thirty mature and sixty immature cannabis plants, one thousand two hundred dollars; or

(6) In lieu of a plant count, for authority to maintain not more than five hundred square feet of mature plant canopy and one thousand square feet of immature plant canopy, one thousand five hundred dollars.

(b) No fee under this section shall exceed one thousand five hundred dollars. Fees collected under this section shall be deposited in the Cannabis Regulatory and Investment Account established under section 21a-420f of the general statutes and shall be available to the department for administration and enforcement of sections 4 to 7, inclusive, of this act and for the testing program established in section 6 of this act.

(c) The commissioner shall waive the fee under subdivision (1) of subsection (a) of this section for any cultivating caregiver who is a veteran, as defined in section 27-103 of the general statutes, or who is a designated qualifying patient's spouse, parent, child or legal guardian.

Sec. 6. (NEW) (Effective July 1, 2027) (a) The commissioner, in consultation with the Cannabis Ombudsman, shall establish a voluntary laboratory testing program under which a consumer cultivating cannabis pursuant to section 21a-278c of the general statutes, as amended by this act, or a qualifying patient or cultivating caregiver cultivating cannabis pursuant to chapter 420f of the general statutes or section 4 of this act, may submit a sample of cannabis to a cannabis testing laboratory licensed under section 21a-421 of the general statutes for analysis.

(b) The program shall provide for payment to the testing laboratory of the difference between the laboratory's usual and customary fee for such analysis and a participant copayment of not more than fifty dollars per sample. Payment shall be made from the Cannabis Regulatory and Investment

Account. A participant may submit not more than four samples per calendar year under this section.

(c) No result of an analysis conducted under this section shall be admissible in, or shall serve as the basis for, any criminal prosecution, civil enforcement action, administrative proceeding or forfeiture proceeding against the participant. The department shall not require identifying information beyond that necessary to verify eligibility and prevent duplicate submissions.

(d) A participating testing laboratory shall report analytical results to the participant and shall report de-identified aggregate results to the Cannabis Ombudsman, who shall annually publish a de-identified summary that does not identify any participant, address or sample source.

Sec. 7. (NEW) (Effective October 1, 2027) (a) The commissioner may suspend or revoke a cultivating caregiver registration for a violation of section 4 of this act, after notice and opportunity for a hearing in accordance with chapter 54 of the general statutes.

(b) A cultivating caregiver who fails to comply with the cultivation site or security requirements of subsection (e) of section 4 of this act shall be subject to a civil penalty of: (1) One hundred dollars for a first violation; (2) two hundred dollars for a second violation; (3) three hundred dollars and a written warning of potential revocation for a third violation; and (4) revocation of the registration for a period of six months for a fourth violation, after which such person may reapply.

(c) A violation of subdivision (1) or (2) of subsection (g) of section 4 of this act shall be subject to the penalties applicable under section 21a-278b of the general statutes.

(d) Nothing in sections 4 to 7, inclusive, of this act shall be construed to authorize entry into any dwelling, or onto the curtilage of any dwelling, by the department or any agent thereof without a warrant issued upon probable cause or the voluntary written consent of a resident of such dwelling.

(e) Possession of a cultivating caregiver registration, or application for such registration, shall not constitute evidence of unlawful conduct and shall not be used to support a search of any person or such person's property.

(f) Not later than January 1, 2029, and annually thereafter, the commissioner shall report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to consumer protection on the number of cultivating caregiver registrations issued, suspended and revoked, the number of designated qualifying patients, the fees collected under section 5 of this act, and the number of enforcement actions taken under this section.

Sec. 8. (NEW) (Effective October 1, 2027) No school, employer or landlord shall refuse to enroll or employ, refuse to lease to, or otherwise penalize a person solely for such person's status as a qualifying patient, caregiver or cultivating caregiver, unless failing to do so would put the school, employer or landlord in violation of federal law or cause it to lose a federal contract or funding. Nothing in this section shall be construed to prohibit a restriction on the use or cultivation of cannabis on premises where such use or cultivation would be inconsistent with the general use of the premises. No person shall be denied parental rights and responsibilities of, or contact with, a minor child as a result of conduct authorized under this act, unless such person's behavior is contrary to the best interests of the minor child.

Sec. 9. (NEW) (Effective from passage) (a) The Commissioner of Consumer Protection shall

adopt regulations, in accordance with chapter 54 of the general statutes, to implement sections 4 to 7, inclusive, of this act. In connection with such regulations, the commissioner shall prepare the small business impact and regulatory flexibility analysis required by section 4-168a of the general statutes and shall provide the notice required by subsection (c) of said section to the Department of Economic and Community Development and to the joint standing committee of the General Assembly having cognizance of matters relating to commerce.

(b) No policy or procedure issued by the commissioner in advance of such regulations shall impose any requirement inconsistent with section 21a-278c or 21a-408d of the general statutes, each as amended by this act.

Sec. 10. Subdivision (1) of subsection (f) of section 21a-420p of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2027):

(f)(1) Subject to the requirements of this subsection and subsection (b) of section 21a-420c, a micro-cultivator may sell its own cannabis, including, but not limited to, its own cannabis seedlings, to consumers, [excluding qualifying patients and caregivers,] INCLUDING QUALIFYING PATIENTS, CAREGIVERS AND CULTIVATING CAREGIVERS, through a delivery service OR AT THE MICRO-CULTIVATOR'S LICENSED PREMISES. [No cannabis establishment other than a micro-cultivator shall sell cannabis seedlings to consumers, and no cannabis establishment other than a delivery service shall deliver cannabis seedlings sold by a micro-cultivator to consumers.] A DISPENSARY FACILITY, HYBRID RETAILER, RETAILER, CULTIVATOR, MICRO-CULTIVATOR OR PRODUCER MAY SELL CANNABIS SEEDS, CANNABIS SEEDLINGS AND IMMATURE CANNABIS PLANTS TO CONSUMERS, QUALIFYING PATIENTS, CAREGIVERS AND CULTIVATING CAREGIVERS, AND MAY ACQUIRE SUCH SEEDS, SEEDLINGS AND IMMATURE PLANTS AT WHOLESALE FROM ANY CULTIVATOR, MICRO-CULTIVATOR OR PRODUCER LICENSED UNDER THIS CHAPTER, PROVIDED EACH SUCH SEEDLING AND IMMATURE PLANT SATISFIES SUBPARAGRAPHS (A) TO (C), INCLUSIVE, OF SUBDIVISION (2) OF THIS SUBSECTION AND IS TRACKED IN THE ELECTRONIC TRACKING SYSTEM REQUIRED UNDER SECTION 21a-421n.

Sec. 11. (NEW) (Effective October 1, 2027) (a) In any six-month period, a qualifying patient, caregiver or cultivating caregiver may purchase a number of cannabis seedlings or immature cannabis plants not exceeding the number of immature cannabis plants such person is authorized to cultivate under section 21a-408d of the general statutes, as amended by this act, or section 4 of this act, as applicable. In any six-month period, a consumer who is not a qualifying patient, caregiver or cultivating caregiver may purchase not more than six cannabis seedlings or immature cannabis plants.

(b) No limit shall apply to the purchase of cannabis seeds by any person twenty-one years of age or older.

(c) Cannabis seeds, cannabis seedlings and immature cannabis plants sold to a qualifying patient, caregiver or cultivating caregiver for palliative use shall be treated as cannabis sold for palliative use for purposes of subdivision (120) of section 12-412 of the general statutes.

(d) A cannabis establishment selling cannabis seeds, cannabis seedlings or immature cannabis plants under this section shall provide to the purchaser, at no additional charge, written cultivation, handling and storage guidance approved by the commissioner, and shall not be liable in any civil

232 action solely by reason of the purchaser's subsequent cultivation of such seed, seedling or immature
 233 plant.
 234 (e) Nothing in this section shall be construed to authorize a cultivating caregiver, qualifying
 235 patient or consumer to sell, or offer to sell, any cannabis seed, cannabis seedling or immature
 236 cannabis plant.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2027	21a-278c
Sec. 2	October 1, 2027	21a-408d(b)
Sec. 3	October 1, 2027	21a-408m(4)
Sec. 4	October 1, 2027	New section
Sec. 5	October 1, 2027	New section
Sec. 6	July 1, 2027	New section
Sec. 7	October 1, 2027	New section
Sec. 8	October 1, 2027	New section
Sec. 9	from passage	New section
Sec. 10	October 1, 2027	21a-420p(f)(1)
Sec. 11	October 1, 2027	New section

Statement of Purpose:

To authorize registered caregivers to cultivate cannabis for a limited number of designated qualifying patients; to clarify by statute that home cultivation already permitted by law may occur in a secured, screened area on the grounds of the cultivator's primary residence; to establish subsidized voluntary laboratory testing for personally cultivated cannabis; to authorize dispensary facilities, hybrid retailers, retailers, cultivators, micro-cultivators and producers to sell tested and tracked cannabis seeds, seedlings and immature plants to consumers, qualifying patients and caregivers; and to make conforming changes.

[Bracketed material] indicates existing law to be deleted; CAPITALIZED material indicates new language to be added.