

AN ACT CONCERNING THE CRIMINAL TREATMENT OF CANNABIS

Legislative Bill Summary — prepared for legislator and committee staff review

Working draft · August 15, 2026 · Not introduced, no sponsor, no official status

The short version

Connecticut legalized adult possession, home cultivation and licensed commercial sale of cannabis in 2021. Several criminal provisions now operate inconsistently with the rest of that framework. This bill makes them consistent and proportionate. It legalizes nothing, and in one respect it increases penalties.

What existing law does

Selling cannabis without a license is a misdemeanor, at any quantity. Section 21a-278b(b) is flat: a class B misdemeanor for a first offense and a class A misdemeanor for any subsequent offense, with no quantity tiers and no felony. Below eight ounces, subsection (c) reduces it to a \$500 fine.

But one clause of a different statute imposes five years. Section 21a-278(b)(1)(D) reaches the same conduct at one kilogram or more — about 2.2 pounds — and subsection (b)(2) sets the term at not less than five years nor more than twenty, with the mandatory minimum portion non-suspendable except in narrow circumstances. One ounce under 2.2 pounds is a six-month misdemeanor. One ounce over is a five-year mandatory minimum.

A second statute can convert a home into a drug factory. Section 21a-267 no longer penalizes cannabis paraphernalia; its title now reads “associated with a controlled substance other than cannabis.” Subsection (b)(1) of section 21a-277 also excludes cannabis. Subsection (c) does not. It makes it a crime to possess drug paraphernalia in a drug factory situation. Section 21a-240(20)(B) defines a factory as any building, rooms or location containing equipment or paraphernalia used for growing, harvesting, packaging, storing or containing a controlled substance, and section 21a-240(20)(A) lists exactly the items a lawful home grower owns — scales, jars, packaging, lights, trays.

The penalty for that offense is not stated in section 21a-277. Subsection (d) provides an alternative sentence for subsections (a) and (b) only. Section 21a-255(c) then supplies the penalty for any violation of sections 21a-243 to 21a-282 for which none is expressly provided: up to two years for a first offense, and a class C felony — a one-to-ten-year felony — for any subsequent offense.

An enhancement statute sits on top of both. Section 21a-278a adds two years, or three years, non-suspendable and consecutive, to a violation of section 21a-277 or 21a-278.

Over-limit cultivation has an all-or-nothing cliff. Growing seven plants instead of six drops the grower out of section 21a-278c entirely. Under section 21a-279a(a), the exemption keeping home-grown cannabis out of the personal possession limit applies only to plants grown “in accordance with the provisions of section 21a-278c.” One extra plant switches that exemption off for the entire harvest.

What the bill changes

Area	What changes
Drug factory	Removes cannabis from section 21a-277(c). Bars arrest, charge, conviction and use as evidence based on cannabis, ordinary cannabis equipment, or currency found with it. Preserves the offense in full for every other controlled substance.

Area	What changes
Mandatory minimum	Deletes subparagraph (D) from section 21a-278(b)(1). Cannabis quantity alone no longer triggers a mandatory prison term.
Graduated felonies	Replaces the flat misdemeanor structure in section 21a-278b(b) with tiers: class B/A misdemeanor from eight ounces; class A misdemeanor, then class D felony, from two pounds; class D, then class C felony, from ten pounds. This is new felony exposure that does not exist today, and it carries no mandatory minimum.
Enhancement	Adds section 21a-278a(c): no enhancement term where cannabis is the only controlled substance. Leaves the enhancement fully available for every other substance.
Cultivation	Creates a five-step ladder — two civil penalty tiers, then class C, class B and class A misdemeanors, with no felony at any plant count — with counting rules for mature, immature, seedling and clone plants and for households with more than one authorized grower.
Harvested cannabis	Anti-stacking: a person penalized for excess plant count is not also charged under sections 21a-277, 21a-278, 21a-278b or 21a-279a for the same plants by reason of the count alone, and the resulting material is not counted toward the possession limit. Charges supported by evidence independent of plant count are expressly preserved.
Sentencing	Presumption against incarceration, defeated only by one of six defined aggravating circumstances alleged in a second part of the information and proven to the jury beyond a reasonable doubt. The sixth covers ten pounds or more combined with a storefront, two or more employees, defiance of a cease-and-desist order, or interstate transport.
Forfeiture	Amends section 54-36h(a)(1) so cash is not forfeitable where cannabis is the only controlled substance.

What remains illegal

Selling cannabis without a license. Section 21a-420c is untouched: a thirty thousand dollar civil penalty per violation with each day a separate offense, another thirty thousand for an owner or controlling shareholder who knowingly aids it, ten thousand a day for a landlord who knowingly provides the space, and an ex parte Superior Court order allowing a municipality to close the business, seal the premises and take the cannabis and the proceeds. Subsection (g), preserving criminal penalties, is untouched.

Cultivation above the limit. Sales to anyone under twenty-one. Any offense involving a firearm, a dangerous instrument, physical force, or another controlled substance. Every penalty for those is unchanged.

WHAT THIS BILL IS AND IS NOT

It is not legalization: unlicensed sale stays unlawful and section 21a-420c is untouched. It is not decriminalization: every covered offense stays a crime. It removes one mandatory minimum, removes cannabis from one prohibition-era offense, replaces a flat misdemeanor structure with graduated classifications that include new felony exposure above ten pounds, and creates a presumption against incarceration that six defined aggravating circumstances defeat. It raises no cultivation limit.

What the bill does not do

It is entirely prospective. It resents no one, erases no conviction, vacates no enhancement, and provides no relief to any person now serving a sentence.

Effective dates

Legislative findings on passage. All substantive amendments October 1, 2027.

Prepared August 15, 2026 by the Connecticut Cannabis Reform Project and published as a working draft. This is a proposal, not a bill. It has not been introduced in the General Assembly, has no sponsor, and has no official status. This document is advocacy and policy analysis, not legal advice, and its author is not an attorney. Statutory citations were verified against the Connecticut General Assembly at cga.ct.gov and against the enacted text of the 2026 public acts on August 15, 2026.