

# CT's Commercial Cannabis Law & Enhancing Your Advocacy Efforts

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# Goals for Today:

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1. Overview of CT's Cannabis Commercialization Law and new bills in the CGA
2. Understanding legislative advocacy & tracking the process
3. Educating our legislators around CT's Cannabis Law - a case study
4. Suggested talking points for future advocacy

# CT's Marijuana Law PA 21-1

SB-1201 “AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS” or RERACA was signed by Governor Lamont on June 22, 2021

<https://www.cga.ct.gov/2021/ACT/PA/pdf/2021PA-00001-R00SB-01201SS1-PA.pdf>

The bill contains 303 pages, with 173 subsections



is your friend!

# Legal Possession/Consumption

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Possession and consumption of Marijuana is legal for adults 21 years and older as of July 1, 2021.

- Adults 21 and older may possess up to 1.5 oz. of marijuana in public, and up to 5 oz. in a locked container or at home

**1 oz. of plant matter ≈ 75 joints**

- 1 oz. of plant matter = 5 grams of concentrate = any other product with < 500 mg of THC

Allows cannabis plant matter, concentrates (extracts, oils, tinctures, shatter and waxes), infused food and beverages

Use is prohibited in any place where smoking cigarettes is not allowed; additionally, banned in state parks and beaches. Use prohibited in vehicles.

# Home Grow



- Adults 21 and older will be allowed to grow up to 3 mature and 3 immature marijuana plants in their home starting July 1, 2023
  - A household may have no more than 12 plants at one time (6 mature and 6 immature)
  - Medical marijuana clients 18yo+ allowed to home grow as of 10/1/21
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# Retail Sales

- Retail sales can begin May, 2022, at the earliest
- Required to ensure customer age prior to sale
- Delivery allowed
- THC caps at 30% (plant), 60% (concentrates)

*Pre-filled vape cartridges specifically excluded from caps.*

# Retail Sales

- Edibles are limited to 5mg of THC per serving; servings need to be individually demarked.
- Prohibits products that appeal to children; child-proof packaging required
- Basic age warnings required.

*Not required to detail specific harm to teens, pregnant women, risk of impairment (less detail than alcohol or cigarette labels)*

# Underage Possession

Age	Amount Possessed (on your person)		
	0-1.5 oz.	1.5-5 oz.	5 oz.+
Juvenile	CGS Sec. 21a-279a(b) 1 <sup>st</sup> offense: Written warning; optional referral to YSB/JRB 2 <sup>nd</sup> offense: Mandatory YSB/JRB referral, no arrest 3 <sup>rd</sup> offense: Delinquent act		CGS Sec. 21a-279a (e) Juv- Delinquent act
18-20	CGS Sec. 21a-279a(c) Sign health statement and: 1 <sup>st</sup> offense: \$50 2 <sup>nd</sup> offense: \$150		CGS Sec. 21a-279a (e) 1 <sup>st</sup> offense: \$500; 2 <sup>nd</sup> offense: Class D misdemeanor
21+	CGS Sec. 21a-279a(a) Legal	CGS Sec. 21a-279a(d) 1 <sup>st</sup> offense: \$100 2 <sup>nd</sup> offense: \$250	CGS Sec. 21a-279a (e) 1 <sup>st</sup> offense: \$500; 2 <sup>nd</sup> offense: Class C misdemeanor



# Social Host

Similar to CT's Alcohol Social Host Law:



A person in control of a dwelling unit or private property:

- (a) Shall not permit any person under 21 to possess cannabis; and
- (b) Should make reasonable efforts to halt such possession

Penalty – Class A misdemeanor

# School Policies

- Effective January 1<sup>st</sup>, 2022, penalties for use, possession, or sale of marijuana in school cannot be greater than the penalties for use, possession, or sale of alcohol.
- Drug test that yields positive result for THC cannot be the sole basis for discipline.



# Cannabis & Driving



- DUI still prohibited, but police face limitations on when they can pull drivers over
- Police to be trained in Advanced Roadside Impaired Driving Enforcement (ARIDE) and allows for Drug Recognition Expert (DRE) evaluations to result in license suspensions
- No easy reliable roadside test for cannabis impairment

# Cannabis Advertising

## CT's law prohibits:

- Advertising paraphernalia, products, or services in ways that target or are designed to appeal to individuals under 21
- Advertising on TV, radio, billboards, signs, Internet, social media, mobile devices unless reliable evidence 90% of audience is 21 and older
- Event sponsorship unless no more than 10% of the event's audience (including in-person, and those viewing or participating) is under the age of 21
- Advertising/promoting any health benefit
- Advertising within 500 feet of schools, daycare, recreation centers, park, playground, library
- Cannabis products visible from the exterior of the retail establishment
- Advertising or logos that are similar to non-cannabis or illegal products



# Revenue: Show Me the Money!!!

Cannabis Revenue = CT Sales tax + additional tax based on THC content

<i>Funds and Accounts</i>	<i>FY 22</i>	<i>FY 23</i>	<i>FYs 24-26</i>	<i>FYs 27-28</i>	<i>FYs 29+</i>
Cannabis Regulatory and Investment Account	100%	-	-	-	-
General Fund	-	100%	15%	10%	-
Social Equity and Innovation Fund	-		60%	65%	75%
Prevention and Recovery Services Fund	-		25%	25%	25%

Prevention and Recovery Services Fund for “(1) substance abuse prevention, treatment and recovery services, and (2) collection and analysis of data regarding substance use”

# State Oversight

- Law gives the Dept. of Consumer Protection (DCP) responsibility for setting up regulations for packaging, warnings, other rules for sale.
- DCP tasked with protecting consumer safety AND ensuring adequate supply for the market.
- Protects the Medical Marijuana market.
- Creates a Social Equity Council to oversee the Social Equity and Innovation Fund.

# Local Control

- Towns can act in the interest of the public health of residents
- Municipalities can decide where cannabis can be consumed and whether to allow marijuana business

## BUT

- Municipalities with populations over 50,000 must designate a public place where consumption of cannabis is permitted
- A petition of 10% or more of a municipality's electors can force a town referendum on retail marijuana sales
- Until 2024, towns are limited to 1 retailer and 1 micro-grower per 25k residents

# Municipal Tax

Towns that allow retail sales can charge a 3% municipal tax, in addition to the CT sales tax. Municipal tax can be used to:

- (A) make improvements to the streetscapes and other neighborhood developments in and around community,
- (B) fund education programs or youth employment and training programs,
- (C) fund services for individuals released from the custody of the Commissioner of Correction, probation or parole,
- (D) fund mental health or addiction services,**
- (E) fund youth service bureaus and municipal juvenile review boards, or**
- (F) fund efforts to promote civic engagement in communities



# 2022 State Legislation

## H.B. 5329: An Act Concerning Cannabis Transfers, Cannabis Advertisements, and Recommendations by the Social Equity Council Concerning Cannabis

- Limits how cannabis may be gifted, sold or transferred
- Further restriction on advertising:
  - Bans electronic or illuminated billboards from 6am – 11pm
  - Puts the burden on the cannabis business to demonstrate 90% of audience is 21+
  - Prohibits use of cannabis plant imagery in advertising
  - Only medical marijuana sellers can use “dispensary”
  - Only business with a CT cannabis license can advertise
  - Limits ads to more than 1,500 ft from elementary or secondary school, house of worship, recreation center or facility, child care center, playground, public park or library
- Removes the provision limiting the number of retailers or micro-cultivators to one per 25k residents in a municipality (curr in place until 2024)

**\*\* includes amendments approved by the House this week**

# 2022 State Legislation, cont'd

## **H.B. 5155: An Act Concerning the Safe Storage and Disposal of Opioid Drugs, Cannabis, and Cannabis Products**

- Requires Dept. of Consumer Protection to develop and distribute documents promoting safe storage of cannabis, cannabis products
- Cannabis retailers and hybrid retailers to distribute such documents to consumers

# Understanding Legislative Advocacy

Why advocate?

Advocacy vs lobbying

Who to focus on

Options for advocating

Following bills

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# What is advocacy? Why do it?

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“The act of lending your voice to improve the lives of others. It’s a special, selfless act that leads to better public policies and better health outcomes for families and communities.”

*-Prevention Action Alliance*

“Educate & inform on modifying & changing policies”

*-CDC*

# Advocacy *vs* Lobbying

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- Lobbying means trying to influence specific legislation
  - Identifying a piece of legislation and supporting a stance
  - Sharing information about legislation with grassroots members in a way that supports a stance and encourages their action
- *Coalitions* cannot use federal dollars (or matching dollars) to lobby
- *Individuals* can lobby

# Examples of Advocacy (*not* lobbying)

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- Meeting with legislators about your work
- Providing information, education, data
- Sharing information about the effects of drugs or drug policies
- Educating officials about conducting public education campaigns
- Advocating for better enforcement of existing laws
- Responding to written legislative requests for advice or testimony
- *...what you do on your own as an individual!*

Source: CADCA NCA

# Who to Focus On

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- Local decision makers
  - For cannabis: Planning & Zoning, Ordinance Committee... schools...
- State decision makers
  - Build relationships with your local legislators (both sides of the aisle!)
  - Legislators from key committees at the General Assembly (e.g., Public Health, Appropriations)
  - Other players: DCP, Regulations... DMHAS, ADPC...
- Key local stakeholders



# Options for Advocating

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- Meet with legislators outside of the legislative session: Have coffee with a couple coalition members, invite to coalition meetings & subcommittees
- Host a meet & greet for legislators with community members
- Hold a local (or regional) legislative forum outside of the session
  - Personal stories
  - Educate on specific issues, share position statements
  - Provide infobriefs
- Educate coalition members about advocacy, provide them with status updates on legislation during the session
  - Training opportunities: KTP, NAMI, Gallo & Robinson, etc.



# Following Bills

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Get to know the CGA website: [www.cga.ct.gov](http://www.cga.ct.gov)

- Find legislators & committee info
- Set up bill tracking for different topics
- Refer to daily bulletin, weekly calendar
- Public hearing information includes testimonies that have been submitted
- Learning about & following individual bills (& finding similar bills)
  - HB5329, HB5155, 2021 session: SB888 -> SB1201

# Case Study

Norwalk + Westport: Joint legislative forum on cannabis, January 2022

- Single topic - relevant to all legislators
- Joint market
- Key legislators in those towns
- Format:
  - Education ([recorded video](#))
  - [Slideshow](#) with speakers from prevention, YSB, health/BH, law enforcement, local govt
  - [Infobrief](#) as follow-up
  - Follow-up emails with targeted legislators

## Local follow-up (Norwalk):

- Public hearing on on moratorium ([sample testimony](#)), meetings with Ordinance, [document](#) prepared upon request from Ordinance
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# Talking Points for Future Advocacy

Advocacy works best when many  
voices are heard!

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# Suggested State-level Topics

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- Include pre-filled vapes in THC caps
- Lower THC caps
- Align consequences for youth possession with those for alcohol
- Monitor implementation of billboard advertising laws
- Require comprehensive health warnings similar to tobacco and alcohol
- Revisit impaired driving aspects of law
- Allocate cannabis revenues and Prevention & Recovery funds to fund prevention staff, professional campaigns, and comprehensive statewide surveys
- Change legal age for all substances and gambling to 25
- Require PD for health teachers on BH topics and emerging trends

# State Level – Cannabis

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1. **Close the loophole:** Apply **THC potency caps** to pre-filled vapes, products popular among youth. (Sec. 32, part 14)
2. **Close the loophole:** Align the consequences for **underage possession** of cannabis with the alcohol statutes: Consequences for minors in possession of cannabis amount to less than a slap as currently written. (Sec. 3)
3. **Allocate the funding to meet the need:** Cannabis **prevention funding** is slated to start two years after the new retail market opens. (Sec. 128)
4. Ensure strong, comprehensive **health warnings** on cannabis packaging: The only required warning label on cannabis products is related to age of use. (Sec. 32 (4), Sec. 33, Sec. 65)
5. **Close the loophole:** While PA 21-1 prohibits **DUI**, it also prohibits law enforcement from stopping cars when the drivers or passengers are using cannabis. (Sec. 112)
6. **Allocate the funding:** Ensure Dept. of Consumer Protection is fully funded to monitor **compliance**.

# State Level – General prevention

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1. **Follow the science:** Make 25 the legal age for all substances & gambling.
2. **Educate communities effectively:** Use professionals to adapt/develop high-quality multimedia campaigns at the state level, to then be disseminated through regions/towns.
3. **Build school capacity to educate youth:** Require health teachers to receive regular professional development on current mental health and substance use issues and trends.
4. **Improve data gathering:** Fund a more comprehensive statewide survey every 2-3 years (not just a sample) that can provide *not only* state, but also regional and local data.
5. **Strengthen the prevention infrastructure:** Allocate cannabis revenue to fund staff, campaigns, survey, etc.

# Suggested Local-level Community Topics

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Municipalities that allow marijuana businesses should consider:

- Proximity to locations where youth congregate
- Signage and advertising
- Hours of operation
- Security
- Traffic
- Record-keeping
- Odor control
- Disposal of remnants and by-products
- Impact on utilities
- Environmental impact
- Enforcement

Municipalities of a certain size will also have to designate a space for public consumption.

# Thank you!

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