



General Assembly

January Session, 2025

**Raised Bill No. 7258**

LCO No. 6866



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING DRIVING UNDER THE INFLUENCE OF OR WHILE CONSUMING CANNABIS.***

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

1 Section 1. (*Effective from passage*) The Department of Emergency  
2 Services and Public Protection shall study the feasibility of instituting a  
3 blood tetrahydrocannabinol (THC) level at which point a driver is per  
4 se driving while intoxicated, in a manner analogous to blood alcohol  
5 content. In conducting such study, the department shall examine the  
6 cannabis-related driving while under the influence structure of the  
7 following states: Colorado, Illinois, Montana, Nevada, Ohio and  
8 Washington. Not later than February 1, 2026, the Commissioner of  
9 Emergency Services and Public Protection shall report such study, in  
10 accordance with the provisions of section 11-4a of the general statutes,  
11 to the joint standing committee of the General Assembly having  
12 cognizance of matters relating to the judiciary with recommendations  
13 and options for implementing a per se blood level of THC for  
14 determination of when a person is driving under the influence of  
15 cannabis in this state.

16 Sec. 2. Section 53a-213a of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2025*):

18 (a) A person is guilty of smoking, otherwise inhaling or ingesting  
19 cannabis, as defined in section 21a-420, while operating a motor vehicle  
20 when he or she smokes, otherwise inhales or ingests cannabis, as  
21 defined in section 21a-420, while operating a motor vehicle upon a  
22 public highway of this state or upon any road of any specially chartered  
23 municipal association or of any district organized under the provisions  
24 of chapter 105, a purpose of which is the construction and maintenance  
25 of roads and sidewalks, or in any parking area for ten cars or more, or  
26 upon any private road on which a speed limit has been established in  
27 accordance with the provisions of section 14-218a or upon any school  
28 property. No person shall be convicted of smoking or otherwise  
29 inhaling or ingesting cannabis while operating a motor vehicle and  
30 possessing or having under such person's control a controlled substance  
31 upon the same transaction. A person may be charged and prosecuted  
32 for either or each such offense, a violation of operating a motor vehicle  
33 while under the influence of any drug and any other applicable offense  
34 upon the same information.

35 (b) Smoking, otherwise inhaling or ingesting cannabis while  
36 operating a motor vehicle is a class C misdemeanor.

37 (c) No peace officer shall stop a motor vehicle for a violation of this  
38 section if such violation is the sole reason for such stop, unless such  
39 officer (1) observes active cannabis consumption, and (2) detects the  
40 odor of burnt cannabis.

41 Sec. 3. Section 53a-213b of the general statutes is repealed and the  
42 following is substituted in lieu thereof (*Effective October 1, 2025*):

43 (a) A person is guilty of smoking or otherwise inhaling or ingesting  
44 cannabis, as defined in section 21a-420, in a motor vehicle when he or  
45 she smokes or otherwise inhales or ingests cannabis in a motor vehicle  
46 that is being operated by another person upon a public highway of this

47 state or upon any road of any specially chartered municipal association  
48 or of any district organized under the provisions of chapter 105, a  
49 purpose of which is the construction and maintenance of roads and  
50 sidewalks, or in any parking area for ten cars or more, or upon any  
51 private road on which a speed limit has been established in accordance  
52 with the provisions of section 14-218a or upon any school property. No  
53 person shall be convicted of smoking or otherwise inhaling or ingesting  
54 cannabis as a passenger in a motor vehicle and possessing or having  
55 under such person's control a controlled substance upon the same  
56 transaction, but such person may be charged and prosecuted for both  
57 offenses upon the same information.

58 (b) Smoking or otherwise inhaling or ingesting cannabis in a motor  
59 vehicle is a class D misdemeanor.

60 (c) No peace officer shall stop a motor vehicle for a violation of this  
61 section if such violation is the sole reason for such stop, unless such  
62 officer (1) observes active cannabis consumption, and (2) detects the  
63 odor of burnt cannabis.

64 Sec. 4. Section 54-33p of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective October 1, 2025*):

66 (a) Except as provided in subsection (c) of this section, the existence  
67 of any of the following circumstances shall not constitute in part or in  
68 whole probable cause or reasonable suspicion and shall not be used as  
69 a basis to support any stop or search of a person or motor vehicle:

70 (1) The odor of cannabis or burnt cannabis, unless a law enforcement  
71 official observes active consumption of cannabis related to such odor;

72 (2) The possession of or the suspicion of possession of cannabis  
73 without evidence that the quantity of cannabis is or suspected to be in  
74 excess of five ounces of cannabis plant material, as defined in section  
75 21a-279a, or an equivalent amount of cannabis products or a  
76 combination of cannabis and cannabis products, as provided in

77 subsection (i) of section 21a-279a; or

78 (3) The presence of cash or currency in proximity to cannabis without  
79 evidence that such cash or currency exceeds five hundred dollars.

80 (b) Any evidence discovered as a result of any stop or search  
81 conducted in violation of this section shall not be admissible in evidence  
82 in any trial, hearing or other proceeding in a court of this state.

83 (c) A law enforcement official may conduct a test for impairment  
84 based on the odor of cannabis or burnt cannabis if such official  
85 reasonably suspects the operator of violating section 14-227a, 14-227m  
86 or 14-227n.

87 (d) The provisions of this section shall not apply to a probation officer  
88 supervising a probationer who, as a condition of probation, is  
89 prohibited from using or possessing cannabis.

|   |                        |             |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>from passage</i>    | New section |
| Sec. 2  | <i>October 1, 2025</i> | 53a-213a    |
| Sec. 3  | <i>October 1, 2025</i> | 53a-213b    |
| Sec. 4  | <i>October 1, 2025</i> | 54-33p      |

**Statement of Purpose:**

To develop recommendations for implementation of a per se blood level of tetrahydrocannabinol (THC) for when a person is driving under the influence of cannabis, permit a stop of a motor vehicle if an officer observes cannabis consumption and detects the odor of burnt cannabis and provide that the observation by a law enforcement official of the odor of cannabis or burnt cannabis and active cannabis consumption may serve to constitute in part or in whole probable cause or reasonable suspicion in support of a stop or search of a person or motor vehicle.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*