



**AN ACT CONCERNING THE MEDICAL USE OF MARIJUANA.**

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

1 Section 1. (NEW) (*Effective October 1, 2003*) As used in sections 1 to 9,  
2 inclusive, of this act, unless the context otherwise requires:

3 (1) "Adequate supply" means an amount of marijuana jointly  
4 possessed by a qualifying patient and the qualifying patient's primary  
5 caregiver that is not more than is reasonably necessary to assure the  
6 uninterrupted availability of marijuana for the purpose of alleviating  
7 the symptoms or effects of the qualifying patient's debilitating medical  
8 condition, but shall not exceed three mature marijuana plants, four  
9 immature marijuana plants and one ounce of usable marijuana per  
10 each mature plant;

11 (2) "Debilitating medical condition" means (A) cancer, glaucoma,  
12 positive status for human immunodeficiency virus or acquired  
13 immune deficiency syndrome, or the treatment of any such conditions,  
14 including, but not limited to, chemotherapy, (B) a chronic or  
15 debilitating disease or medical condition, or the treatment thereof, that  
16 produces one or more of the following: (i) Cachexia or wasting  
17 syndrome; (ii) severe pain; (iii) severe nausea; (iv) seizures, including,  
18 but not limited to, those characteristic of epilepsy; or (v) severe and  
19 persistent muscle spasms, including, but not limited to, those  
20 characteristic of multiple sclerosis or Crohn's disease, or (C) any other

21 medical condition approved by the Department of Public Health,  
22 pursuant to regulations that the Commissioner of Public Health may  
23 adopt, in accordance with chapter 54 of the general statutes, in  
24 response to a request from a physician or potentially qualifying  
25 patient;

26 (3) "Marijuana" has the same meaning as provided in section 21a-  
27 240 of the general statutes;

28 (4) "Medical use" means the acquisition and distribution, possession,  
29 cultivation, use or transportation of marijuana or paraphernalia  
30 relating to marijuana to alleviate the symptoms or effects of a  
31 qualifying patient's symptoms, but does not include any such use of  
32 marijuana by any person other than the qualifying patient. For the  
33 purposes of this subdivision, "acquisition and distribution" means the  
34 transfer of marijuana and paraphernalia relating to marijuana from the  
35 primary caregiver to the qualifying patient;

36 (5) "Physician" means a person who is licensed under the provisions  
37 of chapter 370 of the general statutes and authorized by subsection (a)  
38 of section 21a-246 of the general statutes, as amended by this act, to  
39 possess and supply marijuana for medical use, but does not include a  
40 physician assistant, as defined in section 20-12a of the general statutes;

41 (6) "Primary caregiver" means a person, other than the qualifying  
42 patient and the qualifying patient's physician, who is eighteen years of  
43 age or older and has agreed to undertake responsibility for managing  
44 the well-being of the qualifying patient with respect to the medical use  
45 of marijuana, provided, in the case of a minor or an adult qualifying  
46 patient lacking legal capacity, such person shall be a parent, guardian  
47 or person having legal custody of such minor or adult qualifying  
48 patient;

49 (7) "Qualifying patient" means a person who has been diagnosed by  
50 a physician as having a debilitating medical condition;

51 (8) "Usable marijuana" means the dried leaves and flowers of the

52 marijuana plant, and any mixtures or preparations thereof, that are  
53 appropriate for the medical use of marijuana, but does not include the  
54 seeds, stalks and roots of the plant; and

55 (9) "Written certification" means a statement signed by the  
56 qualifying patient's physician stating that, in the physician's  
57 professional opinion, the qualifying patient has a debilitating medical  
58 condition and the potential benefits of the medical use of marijuana  
59 would likely outweigh the health risks of such use to the qualifying  
60 patient.

61 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) The medical use of  
62 marijuana by a qualifying patient who is eighteen years of age or older  
63 is permitted if:

64 (1) The qualifying patient has been diagnosed by a physician as  
65 having a debilitating medical condition;

66 (2) The qualifying patient's physician has issued a written  
67 certification to the qualifying patient for the medical use of marijuana;

68 (3) The amount of marijuana possessed by the qualifying patient  
69 and the primary caregiver for medical use does not exceed an adequate  
70 supply; and

71 (4) The cultivation of such marijuana occurs in a secure indoor  
72 facility.

73 (b) The medical use of marijuana by a qualifying patient who is  
74 under eighteen years of age is permitted if:

75 (1) The conditions set forth in subdivisions (1) to (4), inclusive, of  
76 subsection (a) of this section are satisfied;

77 (2) The qualifying patient's physician has explained the potential  
78 risks and benefits of the medical use of marijuana to the qualifying  
79 patient and to a parent, guardian or person having legal custody of the  
80 qualifying patient; and

81 (3) A parent, guardian or person having legal custody of the  
82 qualifying patient agrees in writing to (A) allow the medical use of  
83 marijuana by the qualifying patient, (B) serve as the qualifying  
84 patient's primary caregiver, and (C) control (i) the transfer of the  
85 marijuana to the qualifying patient, and (ii) the dosage and the  
86 frequency of the medical use of marijuana by the qualifying patient.

87 (c) Subsections (a) and (b) of this section do not apply to:

88 (1) Any medical use of marijuana that endangers the health or well-  
89 being of another person; and

90 (2) The medical use of marijuana (A) in a motor bus or a school bus,  
91 as defined respectively in section 14-1 of the general statutes, or in any  
92 moving vehicle, (B) in the workplace, (C) on any school grounds, or  
93 (D) at any public park, public beach, public recreation center or youth  
94 center or any other place open to the public.

95 (d) A qualifying patient shall have one primary caregiver at any  
96 time. A primary caregiver may not be responsible for the care of more  
97 than one qualifying patient at any time. The medical use of marijuana  
98 by a primary caregiver who is registered in accordance with subsection  
99 (b) of section 3 of this act is permitted on behalf of a qualifying patient,  
100 provided the amount of such marijuana shall not exceed an adequate  
101 supply.

102 (e) Any written certification for the medical use of marijuana issued  
103 by a physician under this section shall be valid for a period not to  
104 exceed one year from the date such written certification is signed by  
105 the physician.

106 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) Any physician who  
107 issues a written certification for the medical use of marijuana shall  
108 register with the Department of Public Safety the name, address and  
109 patient identification number, if any, of the qualifying patient who is  
110 issued such written certification and shall provide such other  
111 identifying information concerning the qualifying patient as may be

112 required by the department.

113 (b) Each qualifying patient who is issued a written certification for  
114 the medical use of marijuana, and the primary caregiver of such  
115 qualifying patient, shall register with the Department of Public Safety.  
116 Such registration shall be effective until the expiration of the written  
117 certification issued by the physician. The qualifying patient and the  
118 primary caregiver shall provide sufficient identifying information, as  
119 determined by the department, to establish the personal identity of the  
120 qualifying patient and the primary caregiver. The qualifying patient or  
121 the primary caregiver shall report any change in such information to  
122 the department not later than five business days after such change. The  
123 department shall issue a registration certificate to the qualifying  
124 patient and may charge a reasonable fee, not to exceed twenty-five  
125 dollars, for a registration under this subsection.

126 (c) Upon the request of a law enforcement agency, the Department  
127 of Public Safety shall verify whether a qualifying patient or a primary  
128 caregiver has registered with the department in accordance with  
129 subsection (b) of this section and may provide reasonable access to  
130 registry information obtained under this section for law enforcement  
131 purposes. Except as provided in this subsection, information obtained  
132 under this section shall be confidential and shall not be subject to  
133 disclosure under the Freedom of Information Act, as defined in section  
134 1-200 of the general statutes.

135 Sec. 4. (NEW) (*Effective October 1, 2003*) The Commissioner of Public  
136 Safety may adopt regulations, in accordance with chapter 54 of the  
137 general statutes, to establish (1) a required form for written  
138 certifications for the medical use of marijuana issued by physicians  
139 under section 2 of this act, and (2) requirements for registrations under  
140 section 3 of this act.

141 Sec. 5. (NEW) (*Effective October 1, 2003*) Nothing in sections 1 to 9,  
142 inclusive, of this act shall be construed to require health insurance  
143 coverage for the medical use of marijuana.

144 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) A qualifying patient or a  
145 primary caregiver may assert the medical use of marijuana as an  
146 affirmative defense to any prosecution involving marijuana, or  
147 paraphernalia relating to marijuana, under chapter 420b of the general  
148 statutes, provided such qualifying patient or such primary caregiver  
149 has strictly complied with the requirements of sections 1 to 9,  
150 inclusive, of this act.

151 (b) No person shall be subject to arrest or prosecution solely for  
152 being in the presence or vicinity of the medical use of marijuana as  
153 permitted under sections 1 to 9, inclusive, of this act.

154 Sec. 7. (NEW) (*Effective October 1, 2003*) A physician shall not be  
155 subject to arrest or prosecution, subject to any action under section 20-  
156 13c of the general statutes, penalized in any manner or denied any  
157 right or privilege for providing a written certification for the medical  
158 use of marijuana if:

159 (1) The physician has diagnosed the qualifying patient as having a  
160 debilitating medical condition;

161 (2) The physician has explained the potential risks and benefits of  
162 the medical use of marijuana to the qualifying patient and, if the  
163 qualifying patient is under eighteen years of age, to a parent, guardian  
164 or person having legal custody of the qualifying patient;

165 (3) The written certification issued by the physician is based upon  
166 the physician's professional opinion after having completed a full  
167 assessment of the qualifying patient's medical history and current  
168 medical condition made in the course of a bona fide physician-patient  
169 relationship; and

170 (4) The physician has complied with the registration requirements  
171 of subsection (a) of section 3 of this act.

172 Sec. 8. (NEW) (*Effective October 1, 2003*) Any marijuana,  
173 paraphernalia relating to marijuana, or other property seized by law

174 enforcement officials from a qualifying patient or a primary caregiver  
175 in connection with a claimed medical use of marijuana under sections  
176 1 to 9, inclusive, of this act shall be returned to the qualifying patient or  
177 the primary caregiver immediately upon the determination by a court  
178 that the qualifying patient or the primary caregiver is entitled to the  
179 medical use of marijuana under sections 1 to 9, inclusive, of this act, as  
180 evidenced by a decision not to prosecute, a dismissal of charges or an  
181 acquittal. Law enforcement officials seizing live marijuana plants as  
182 evidence shall not be responsible for the care and maintenance of such  
183 plants. This section does not apply to any qualifying patient or  
184 primary caregiver who fails to comply with the requirements for the  
185 medical use of marijuana under sections 1 to 9, inclusive, of this act.

186       Sec. 9. (NEW) (*Effective October 1, 2003*) (a) Any person who makes a  
187 fraudulent representation to a law enforcement official of any fact or  
188 circumstance relating to the medical use of marijuana in order to avoid  
189 arrest or prosecution under chapter 420b of the general statutes shall  
190 be guilty of a class C misdemeanor.

191       (b) Any person who makes a fraudulent representation to a law  
192 enforcement official of any fact or circumstance relating to the issuance  
193 of a written certification for the medical use of marijuana by a  
194 physician to which section 7 of this act does not apply shall be guilty of  
195 a class A misdemeanor.

196       Sec. 10. Subsection (a) of section 21a-246 of the general statutes is  
197 repealed and the following is substituted in lieu thereof (*Effective*  
198 *October 1, 2003*):

199       (a) No person within this state shall manufacture, wholesale,  
200 repack, supply, compound, mix, cultivate or grow, or by other  
201 process produce or prepare, controlled substances without first  
202 obtaining a license to do so from the Commissioner of Consumer  
203 Protection and no person within this state shall operate a laboratory  
204 for the purpose of research or analysis using controlled substances  
205 without first obtaining a license to do so from the Commissioner of

206 Consumer Protection, except that such activities by pharmacists or  
207 pharmacies in the filling and dispensing of prescriptions, or activities  
208 incident thereto, or the dispensing or administering of controlled  
209 substances by dentists, podiatrists, physicians [,] or veterinarians, or  
210 other persons acting under their supervision, in the treatment of  
211 patients shall not be subject to the provisions of this section, and  
212 provided laboratories for instruction in dentistry, medicine, nursing,  
213 pharmacy, pharmacology and pharmacognosy in institutions duly  
214 licensed for such purposes in this state shall not be subject to the  
215 provisions of this section except with respect to narcotic drugs and  
216 schedule I and II controlled substances. Upon application of any  
217 physician licensed pursuant to chapter 370, the Commissioner of  
218 Consumer Protection shall, without unnecessary delay, license such  
219 physician to possess and supply marijuana for [the treatment of  
220 glaucoma or the side effects of chemotherapy] medical use pursuant to  
221 sections 1 to 9, inclusive, of this act. No person [without] outside this  
222 state shall sell or supply controlled substances within [the] this state  
223 without first obtaining a license to do so from the Commissioner of  
224 Consumer Protection, provided no such license shall be required of a  
225 manufacturer whose principal place of business is located outside [the]  
226 this state and who is registered with the federal Drug Enforcement  
227 Agency or other federal agency, and who files a copy of such  
228 registration with the appropriate licensing authority under this  
229 chapter.

230 Sec. 11. Section 21a-253 of the general statutes is repealed and the  
231 following is substituted in lieu thereof (*Effective October 1, 2003*):

232 Any [person] qualifying patient or primary caregiver, as defined  
233 respectively in section 1 of this act, may possess or have under [his]  
234 such qualifying patient's or primary caregiver's control a quantity of  
235 marijuana less than or equal to that quantity supplied [to him]  
236 pursuant to a prescription made in accordance with the provisions of  
237 section 21a-249 by a physician licensed under the provisions of chapter  
238 370 and further authorized by subsection (a) of section 21a-246, as  
239 amended by this act, by the Commissioner of Consumer Protection to

240 possess and supply marijuana for [the treatment of glaucoma or the  
241 side effects of chemotherapy] medical use pursuant to sections 1 to 9,  
242 inclusive, of this act. The provisions of this section do not apply to the  
243 possession or control of marijuana in a quantity that exceeds an  
244 adequate supply, as defined in section 1 of this act.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>

**JUD**      *Joint Favorable Subst.*