



General Assembly

Amendment

January Session, 2005

LCO No. 7417

SB0012407417SR0

Offered by:

SEN. FREEDMAN, 26th Dist.

REP. BOUCHER, 143rd Dist.

To: Subst. Senate Bill No. **124**

File No. 403

Cal. No. 326

(As Amended)

"AN ACT CONCERNING THE MEDICAL USE OF MARIJUANA."

1 Strike section 1 in its entirety and substitute the following in lieu
2 thereof:

3 "Section 1. (NEW) (*Effective October 1, 2005*) As used in sections 1 to
4 9, inclusive, of this act, unless the context otherwise requires:

5 (1) "Marijuana" has the same meaning as provided in section 21a-
6 240 of the general statutes;

7 (2) "Medical use" means the acquisition and distribution, possession,
8 cultivation, use or transportation of marijuana or paraphernalia
9 relating to marijuana to alleviate the symptoms or effects of a
10 qualifying patient's symptoms, but does not include any such use of
11 marijuana by any person other than the qualifying patient. For the
12 purposes of this subdivision, "acquisition and distribution" means the

13 transfer of marijuana and paraphernalia relating to marijuana from the
14 primary caregiver to the qualifying patient;

15 (3) "Physician" means a person who is licensed under the provisions
16 of chapter 370 of the general statutes, but does not include a physician
17 assistant, as defined in section 20-12a of the general statutes;

18 (4) "Primary caregiver" means a person, other than the qualifying
19 patient and the qualifying patient's physician, who is eighteen years of
20 age or older and has agreed to undertake responsibility for managing
21 the well-being of the qualifying patient with respect to the medical use
22 of marijuana, provided (A) in the case of a qualifying patient lacking
23 legal capacity, such person shall be a parent, guardian or person
24 having legal custody of such qualifying patient, and (B) the need for
25 such person shall be determined by the qualifying patient's physician
26 and such need shall be documented in the written certification;

27 (5) "Qualifying patient" means a person who is eighteen years of age
28 or older and has been diagnosed by a physician as having a terminal
29 illness;

30 (6) "Usable marijuana" means the dried leaves and flowers of the
31 marijuana plant, and any mixtures or preparations thereof, that are
32 appropriate for the medical use of marijuana, but does not include the
33 seeds, stalks and roots of the plant; and

34 (7) "Written certification" means a statement signed by the
35 qualifying patient's physician stating that, in such physician's
36 professional opinion, the qualifying patient has a terminal illness and
37 the potential benefits of the medical use of marijuana would likely
38 outweigh the health risks of such use to the qualifying patient."

39 Strike subdivision (1) of subsection (a) of section 2 in its entirety and
40 substitute the following in lieu thereof:

41 "(1) The qualifying patient has been diagnosed by a physician as
42 having a terminal illness;"

43 Strike subdivision (1) of section 7 in its entirety and substitute the
44 following in lieu thereof:

45 "(1) The physician has diagnosed the qualifying patient as having a
46 terminal illness;"