



General Assembly

January Session, 2011

Amendment

LCO No. 6633

SB0101506633SR0

Offered by:
SEN. BOUCHER, 26th Dist.

To: Senate Bill No. 1015

File No. 605

Cal. No. 375

"AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 12-650 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 As used in this chapter:

6 (1) "Marijuana" means any marijuana, whether real or counterfeit, as
7 defined in subdivision (29) of section 21a-240, that is (1) held,
8 possessed, transported, sold or offered to be sold in violation of any
9 provision of the general statutes, or (2) purchased or grown for
10 palliative use;

11 (2) "Controlled substance" means any controlled substance as
12 defined in subdivision (9) of section 21a-240, that is held, possessed,
13 transported, sold or offered to be sold in violation of any provision of
14 the general statutes;

15 (3) "Dealer" means any person who, in violation of any provision of
16 the general statutes, manufactures, produces, ships, transports, or
17 imports into the state or in any manner acquires or possesses more
18 than forty-two and one-half grams of marijuana or seven or more
19 grams of any controlled substance or ten or more dosage units of any
20 controlled substance which is not sold by weight; [and]

21 (4) "Commissioner" means the Commissioner of Revenue Services;

22 (5) "Palliative use" has the same meaning as provided in section 1 of
23 this act;

24 (6) "Primary caregiver" has the same meaning as provided in section
25 1 of this act;

26 (7) "Qualifying patient" has the same meaning as provided in
27 section 1 of this act; and

28 (8) "Usable marijuana" has the same meaning as provided in section
29 1 of this act.

30 Sec. 502. Section 12-651 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2011*):

32 (a) A tax is imposed on (1) any marijuana or controlled substances
33 purchased, acquired, transported or imported into the state, or (2) any
34 marijuana purchased or grown for palliative use. Payment [thereof] of
35 such tax shall be evidenced by the permanent affixing of stamps on the
36 marijuana or controlled substance immediately after receipt or, with
37 respect to marijuana purchased or grown for palliative use, in such
38 other manner as the commissioner may prescribe. Each stamp or other
39 official indicia may be used only once.

40 (b) The tax imposed pursuant to this section shall be at the following
41 rates: (1) On each gram of marijuana or portion of a gram, three dollars
42 and fifty cents, and (2) on each gram of a controlled substance, or
43 portion of a gram, two hundred dollars or on each fifty dosage units of
44 a controlled substance that is not sold by weight, or portion thereof,

45 two thousand dollars. For the purpose of calculating the tax due under
46 this section, an ounce of marijuana or other controlled substance is
47 measured by the weight of the substance in the dealer's possession, or
48 the weight of the usable marijuana in the qualifying patient's or
49 primary caregiver's possession.

50 (c) Any tax imposed pursuant to this section is due and payable
51 immediately upon acquisition or possession in this state by a dealer, or
52 immediately upon purchase or cultivation by a qualifying patient or
53 primary caregiver.

54 Sec. 503. Section 12-652 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2011*):

56 No dealer, qualifying patient or primary caregiver may possess any
57 marijuana or controlled substance upon which a tax is imposed
58 pursuant to section 12-651, as amended by this act, unless the tax has
59 been paid on the marijuana or controlled substance as evidenced by a
60 stamp, [or] other official indicia or in such other manner as the
61 commissioner prescribes.

62 Sec. 504. Section 12-658 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2011*):

64 [The] Except as specifically provided in section 12-651, as amended
65 by this act, the provisions of this chapter shall not be construed to
66 require persons lawfully in possession of marijuana or a controlled
67 substance pursuant to any provision of the general statutes to pay the
68 tax imposed pursuant to section 12-651, as amended by this act."