



General Assembly

Amendment

February Session, 2012

LCO No. 3891

HB0538903891HDO

Offered by:

REP. FOX, 146th Dist.

SEN. COLEMAN, 2nd Dist.

REP. BACCHIOCHI, 52nd Dist.

To: House Bill No. 5389

File No. 313

Cal. No. 254

"AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 16,
4 inclusive, of this act, unless the context otherwise requires:

5 (1) "Cultivation" includes planting, propagating, cultivating,
6 growing and harvesting;

7 (2) "Debilitating medical condition" means (A) cancer, glaucoma,
8 positive status for human immunodeficiency virus or acquired
9 immune deficiency syndrome, Parkinson's disease, multiple sclerosis,
10 damage to the nervous tissue of the spinal cord with objective
11 neurological indication of intractable spasticity, epilepsy, cachexia,
12 wasting syndrome, Crohn's disease, posttraumatic stress disorder, or
13 (B) any medical condition, medical treatment or disease approved by

14 the Department of Consumer Protection pursuant to regulations
15 adopted under section 14 of this act;

16 (3) "Licensed dispensary" or "dispensary" means a person licensed
17 as a dispensary pursuant to section 9 of this act;

18 (4) "Licensed producer" or "producer" means a person licensed as a
19 producer pursuant to section 10 of this act;

20 (5) "Marijuana" means marijuana, as defined in section 21a-240 of
21 the general statutes;

22 (6) "Palliative use" means the acquisition, distribution, transfer,
23 possession, use or transportation of marijuana or paraphernalia
24 relating to marijuana, including the transfer of marijuana and
25 paraphernalia relating to marijuana from the patient's primary
26 caregiver to the qualifying patient, to alleviate a qualifying patient's
27 symptoms of a debilitating medical condition or the effects of such
28 symptoms, but does not include any such use of marijuana by any
29 person other than the qualifying patient;

30 (7) "Paraphernalia" means drug paraphernalia, as defined in section
31 21a-240 of the general statutes;

32 (8) "Physician" means a person who is licensed under chapter 370 of
33 the general statutes, but does not include a physician assistant, as
34 defined in section 20-12a of the general statutes;

35 (9) "Primary caregiver" means a person, other than the qualifying
36 patient and the qualifying patient's physician, who is eighteen years of
37 age or older and has agreed to undertake responsibility for managing
38 the well-being of the qualifying patient with respect to the palliative
39 use of marijuana, provided (A) in the case of a qualifying patient
40 lacking legal capacity, such person shall be a parent, guardian or
41 person having legal custody of such qualifying patient, and (B) the
42 need for such person shall be evaluated by the qualifying patient's
43 physician and such need shall be documented in the written

44 certification;

45 (10) "Qualifying patient" means a person who is eighteen years of
46 age or older, is a resident of Connecticut and has been diagnosed by a
47 physician as having a debilitating medical condition. "Qualifying
48 patient" does not include an inmate confined in a correctional
49 institution or facility under the supervision of the Department of
50 Correction;

51 (11) "Usable marijuana" means the dried leaves and flowers of the
52 marijuana plant, and any mixtures or preparations of such leaves and
53 flowers, that are appropriate for the palliative use of marijuana, but
54 does not include the seeds, stalks and roots of the marijuana plant; and

55 (12) "Written certification" means a written certification issued by a
56 physician pursuant to section 4 of this act.

57 Sec. 2. (NEW) (*Effective October 1, 2012*) (a) A qualifying patient shall
58 register with the Department of Consumer Protection pursuant to
59 section 5 of this act prior to engaging in the palliative use of marijuana.
60 A qualifying patient who has a valid registration certificate from the
61 Department of Consumer Protection pursuant to subsection (a) of
62 section 5 of this act and complies with the requirements of sections 1 to
63 15, inclusive, of this act shall not be subject to arrest or prosecution,
64 penalized in any manner, including, but not limited to, being subject to
65 any civil penalty, or denied any right or privilege, including, but not
66 limited to, being subject to any disciplinary action by a professional
67 licensing board, for the palliative use of marijuana if:

68 (1) The qualifying patient's physician has issued a written
69 certification to the qualifying patient for the palliative use of marijuana
70 after the physician has prescribed, or determined it is not in the best
71 interest of the patient to prescribe, prescription drugs to address the
72 symptoms or effects for which the certification is being issued;

73 (2) The combined amount of marijuana possessed by the qualifying
74 patient and the primary caregiver for palliative use does not exceed an

75 amount of usable marijuana reasonably necessary to ensure
76 uninterrupted availability for a period of one month, as determined by
77 the Department of Consumer Protection pursuant to regulations
78 adopted under section 14 of this act; and

79 (3) The qualifying patient has not more than one primary caregiver
80 at any time.

81 (b) The provisions of subsection (a) of this section do not apply to:

82 (1) Any palliative use of marijuana that endangers the health or
83 well-being of a person other than the qualifying patient or the primary
84 caregiver; or

85 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
86 in any other moving vehicle, (B) in the workplace, (C) on any school
87 grounds or any public or private school, dormitory, college or
88 university property, (D) in any public place, or (E) in the presence of a
89 person under the age of eighteen. For the purposes of this subdivision,
90 (i) "presence" means within the direct line of sight of the palliative use
91 of marijuana or exposure to second-hand marijuana smoke, or both; (ii)
92 "public place" means any area that is used or held out for use by the
93 public whether owned or operated by public or private interests; (iii)
94 "vehicle" means a vehicle, as defined in section 14-1 of the general
95 statutes; (iv) "motor bus" means a motor bus, as defined in section 14-1
96 of the general statutes; and (v) "school bus" means a school bus, as
97 defined in section 14-1 of the general statutes.

98 Sec. 3. (NEW) (*Effective October 1, 2012*) (a) No person may serve as a
99 primary caregiver for a qualifying patient (1) unless such qualifying
100 patient has a valid registration certificate from the Department of
101 Consumer Protection pursuant to subsection (a) of section 5 of this act,
102 and (2) if such person has been convicted of a violation of any law
103 pertaining to the illegal manufacture, sale or distribution of a
104 controlled substance. A primary caregiver may not be responsible for
105 the care of more than one qualifying patient at any time, except that a
106 primary caregiver may be responsible for the care of more than one

107 qualifying patient if the primary caregiver and each qualifying patient
108 have a parental, guardianship, conservatorship or sibling relationship.

109 (b) A primary caregiver who has a valid registration certificate from
110 the Department of Consumer Protection pursuant to subsection (a) of
111 section 5 of this act and complies with the requirements of sections 1 to
112 15, inclusive, of this act shall not be subject to arrest or prosecution,
113 penalized in any manner, including, but not limited to, being subject to
114 any civil penalty, or denied any right or privilege, including, but not
115 limited to, being subject to any disciplinary action by a professional
116 licensing board, for the acquisition, distribution, possession or
117 transportation of marijuana or paraphernalia related to marijuana on
118 behalf of such primary caregiver's qualifying patient, provided (1) the
119 amount of any marijuana so acquired, distributed, possessed or
120 transported, together with the combined amount of usable marijuana
121 possessed by the qualifying patient and the primary caregiver, does
122 not exceed an amount reasonably necessary to ensure uninterrupted
123 availability for a period of one month, as determined by the
124 Department of Consumer Protection pursuant to regulations adopted
125 under section 14 of this act, and (2) such amount is obtained solely
126 within this state from a licensed dispensary. For the purposes of this
127 subsection, "distribution" or "distributed" means the transfer of
128 marijuana and paraphernalia related to marijuana from the primary
129 caregiver to the qualifying patient.

130 Sec. 4. (NEW) (*Effective October 1, 2012*) (a) A physician may issue a
131 written certification to a qualifying patient that authorizes the
132 palliative use of marijuana by the qualifying patient. Such written
133 certification shall be in the form prescribed by the Department of
134 Consumer Protection and shall include a statement signed and dated
135 by the qualifying patient's physician stating that, in such physician's
136 professional opinion, the qualifying patient has a debilitating medical
137 condition and the potential benefits of the palliative use of marijuana
138 would likely outweigh the health risks of such use to the qualifying
139 patient.

140 (b) Any written certification for the palliative use of marijuana
141 issued by a physician under subsection (a) of this section shall be valid
142 for a period not to exceed one year from the date such written
143 certification is signed and dated by the physician. Not later than ten
144 calendar days after the expiration of such period, or at any time before
145 the expiration of such period should the qualifying patient no longer
146 wish to possess marijuana for palliative use, the qualifying patient or
147 the primary caregiver shall destroy all usable marijuana possessed by
148 the qualifying patient and the primary caregiver for palliative use.

149 (c) A physician shall not be subject to arrest or prosecution,
150 penalized in any manner, including, but not limited to, being subject to
151 any civil penalty, or denied any right or privilege, including, but not
152 limited to, being subject to any disciplinary action by the Connecticut
153 Medical Examining Board or other professional licensing board, for
154 providing a written certification for the palliative use of marijuana
155 under subdivision (1) of subsection (a) of section 2 of this act if:

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

158 (2) The physician has explained the potential risks and benefits of
159 the palliative use of marijuana to the qualifying patient and, if the
160 qualifying patient lacks legal capacity, to a parent, guardian or person
161 having legal custody of the qualifying patient;

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

167 (4) The physician has no financial interest in a dispensary licensed
168 under section 9 of this act or a producer licensed under section 10 of
169 this act.

170 Sec. 5. (NEW) (*Effective October 1, 2012*) (a) Each qualifying patient

171 who is issued a written certification for the palliative use of marijuana
172 under subdivision (1) of subsection (a) of section 2 of this act, and the
173 primary caregiver of such qualifying patient, shall register with the
174 Department of Consumer Protection. Such registration shall be
175 effective from the date the Department of Consumer Protection issues
176 a certificate of registration until the expiration of the written
177 certification issued by the physician. The qualifying patient and the
178 primary caregiver shall provide sufficient identifying information, as
179 determined by the department, to establish the personal identity of the
180 qualifying patient and the primary caregiver. The qualifying patient or
181 the primary caregiver shall report any change in such information to
182 the department not later than five business days after such change. The
183 department shall issue a registration certificate to the qualifying
184 patient and to the primary caregiver and may charge a reasonable fee,
185 not to exceed twenty-five dollars, for each registration certificate
186 issued under this subsection. Any registration fees collected by the
187 department under this subsection shall be paid to the State Treasurer
188 and credited to the account established pursuant to section 19 of this
189 act.

190 (b) Information obtained under this section shall be confidential and
191 shall not be subject to disclosure under the Freedom of Information
192 Act, as defined in section 1-200 of the general statutes, except that
193 reasonable access to registry information obtained under this section
194 and temporary registration information obtained under section 15 of
195 this act shall be provided to: (1) State agencies, federal agencies and
196 local law enforcement agencies for the purpose of investigating or
197 prosecuting a violation of law; (2) physicians and pharmacists for the
198 purpose of providing patient care and drug therapy management and
199 monitoring controlled substances obtained by the qualifying patient;
200 (3) public or private entities for research or educational purposes,
201 provided no individually identifiable health information may be
202 disclosed; (4) a licensed dispensary for the purpose of complying with
203 sections 1 to 15, inclusive, of this act; (5) a qualifying patient, but only
204 with respect to information related to such qualifying patient or such

205 qualifying patient's primary caregiver; or (6) a primary caregiver, but
206 only with respect to information related to such primary caregiver's
207 qualifying patient.

208 Sec. 6. (NEW) (*Effective October 1, 2012*) No person shall be subject to
209 arrest or prosecution solely for being in the presence or vicinity of the
210 palliative use of marijuana as permitted under sections 1 to 15,
211 inclusive, of this act.

212 Sec. 7. (NEW) (*Effective October 1, 2012*) Any marijuana,
213 paraphernalia relating to marijuana, or other property seized by law
214 enforcement officials from a qualifying patient or a primary caregiver
215 in connection with the claimed palliative use of marijuana under
216 sections 1 to 15, inclusive, of this act shall be returned to the qualifying
217 patient or the primary caregiver immediately upon the determination
218 by a court that the qualifying patient or the primary caregiver is
219 entitled to the palliative use of marijuana under sections 1 to 15,
220 inclusive, of this act, as evidenced by a decision not to prosecute, a
221 dismissal of charges or an acquittal. The provisions of this section do
222 not apply to any qualifying patient or primary caregiver who fails to
223 comply with the requirements for the palliative use of marijuana under
224 sections 1 to 15, inclusive, of this act.

225 Sec. 8. (NEW) (*Effective October 1, 2012*) (a) Any person who makes a
226 fraudulent representation to a law enforcement official of any fact or
227 circumstance relating to the palliative use of marijuana in order to
228 avoid arrest or prosecution under chapter 420b of the general statutes
229 or any other provision of the general statutes shall be guilty of a class
230 C misdemeanor.

231 (b) Any person who makes a fraudulent representation to a law
232 enforcement official of any fact or circumstance relating to the
233 issuance, contents or validity of a written certification for the palliative
234 use of marijuana, or a document purporting to be such a written
235 certification, shall be guilty of a class A misdemeanor.

236 Sec. 9. (NEW) (*Effective from passage*) (a) No person may act as a

237 dispensary or represent that such person is a licensed dispensary
238 unless such person has obtained a license from the Commissioner of
239 Consumer Protection pursuant to this section.

240 (b) The Commissioner of Consumer Protection shall determine the
241 number of dispensaries appropriate to meet the needs of qualifying
242 patients in this state and shall adopt regulations, in accordance with
243 chapter 54 of the general statutes, to provide for the licensure and
244 standards for dispensaries in this state and specify the maximum
245 number of dispensaries that may be licensed in this state. On and after
246 the effective date of such regulations, the commissioner may license
247 any person who applies for a license in accordance with such
248 regulations, provided (1) the commissioner deems such applicant
249 qualified to acquire, possess, distribute and dispense marijuana
250 pursuant to sections 1 to 15, inclusive, of this act, (2) the applicant is a
251 pharmacist licensed under chapter 400j of the general statutes, and (3)
252 the number of dispensary licenses issued does not exceed the number
253 appropriate to meet the needs of qualifying patients in this state, as
254 determined by the commissioner pursuant to this subsection. At a
255 minimum, such regulations shall:

256 (A) Indicate the maximum number of dispensaries that may be
257 licensed in this state;

258 (B) Provide that only a pharmacist licensed under chapter 400j of the
259 general statutes may apply for and receive a dispensary license;

260 (C) Provide that no marijuana may be dispensed from, obtained
261 from or transferred to a location outside of this state;

262 (D) Establish a licensing fee and renewal fee for each licensed
263 dispensary, provided such fees shall not be less than the amount
264 necessary to cover the direct and indirect cost of licensing and
265 regulating dispensaries pursuant to sections 1 to 15, inclusive, of this
266 act;

267 (E) Provide for renewal of such dispensary licenses at least every

268 two years;

269 (F) Describe areas in this state where licensed dispensaries may not
270 be located, after considering the criteria for the location of retail liquor
271 permit premises set forth in subsection (a) of section 30-46 of the
272 general statutes;

273 (G) Establish health, safety and security requirements for licensed
274 dispensaries, which may include, but need not be limited to: (i) The
275 ability to maintain adequate control against the diversion, theft and
276 loss of marijuana acquired or possessed by the licensed dispensary,
277 and (ii) the ability to maintain the knowledge, understanding,
278 judgment, procedures, security controls and ethics to ensure optimal
279 safety and accuracy in the distributing, dispensing and use of
280 palliative marijuana;

281 (H) Establish standards and procedures for revocation, suspension,
282 summary suspension and nonrenewal of dispensary licenses, provided
283 such standards and procedures are consistent with the provisions of
284 subsection (c) of section 4-182 of the general statutes; and

285 (I) Establish other licensing, renewal and operational standards
286 deemed necessary by the commissioner.

287 (c) Any fees collected by the Department of Consumer Protection
288 under this section shall be paid to the State Treasurer and credited to
289 the account established pursuant to section 19 of this act.

290 Sec. 10. (NEW) (*Effective from passage*) (a) No person may act as a
291 producer or represent that such person is a licensed producer unless
292 such person has obtained a license from the Commissioner of
293 Consumer Protection pursuant to this section.

294 (b) The Commissioner of Consumer Protection shall determine the
295 number of producers appropriate to meet the needs of qualifying
296 patients in this state and shall adopt regulations, in accordance with
297 chapter 54 of the general statutes, to provide for the licensure,

298 standards and locations for producers in this state and specify the
299 maximum number of producers that may be licensed in this state at
300 any time. On and after the effective date of such regulations, the
301 commissioner may license any person who applies for a license in
302 accordance with such regulations, provided (1) such person is
303 organized for the purpose of cultivating marijuana for palliative use in
304 this state, (2) the commissioner finds that such applicant has
305 appropriate expertise in agriculture and that such applicant is
306 qualified to cultivate marijuana and sell, deliver, transport or
307 distribute marijuana solely within this state pursuant to sections 1 to
308 15, inclusive, of this act, and (3) the number of producer licenses issued
309 does not exceed the number appropriate to meet the needs of
310 qualifying patients in this state, as determined by the commissioner
311 pursuant to this subsection. At a minimum, such regulations shall:

312 (A) Indicate the maximum number of producers that may be
313 licensed in this state at any time, which number shall not be less than
314 three nor more than ten producers;

315 (B) Provide that no marijuana may be sold, delivered, transported or
316 distributed by a producer from or to a location outside of this state;

317 (C) Establish a nonrefundable application fee of not less than
318 twenty-five thousand dollars for each application submitted for a
319 producer license;

320 (D) Establish a license fee and renewal fee for each licensed
321 producer, provided the aggregate amount of such license and renewal
322 fees shall not be less than the amount necessary to cover the direct and
323 indirect cost of licensing and regulating producers pursuant to sections
324 1 to 15, inclusive, of this act;

325 (E) Provide for renewal of such producer licenses at least every five
326 years;

327 (F) Provide that no producer may cultivate marijuana for palliative
328 use outside of this state and designate permissible locations for

329 licensed producers in this state;

330 (G) Establish financial requirements for producers, under which (i)
331 each applicant demonstrates the financial capacity to build and operate
332 a marijuana production facility, and (ii) each licensed producer may be
333 required to maintain an escrow account in a financial institution in this
334 state in an amount of two million dollars;

335 (H) Establish health, safety and security requirements for licensed
336 producers, which shall include, but need not be limited to, a
337 requirement that the applicant or licensed producer demonstrate: (i)
338 The ability to maintain adequate control against the diversion, theft
339 and loss of marijuana cultivated by the producer, and (ii) the ability to
340 cultivate pharmaceutical grade marijuana for palliative use in a secure
341 indoor facility;

342 (I) Define "pharmaceutical grade marijuana for palliative use" for
343 the purposes of this section;

344 (J) Establish standards and procedures for revocation, suspension,
345 summary suspension and nonrenewal of producer licenses, provided
346 such standards and procedures are consistent with the provisions of
347 subsection (c) of section 4-182 of the general statutes; and

348 (K) Establish other licensing, renewal and operational standards
349 deemed necessary by the commissioner.

350 (c) Any fees collected by the Department of Consumer Protection
351 under this section shall be paid to the State Treasurer and credited to
352 the account established pursuant to section 19 of this act.

353 Sec. 11. (NEW) (*Effective October 1, 2012*) (a) No licensed dispensary
354 or employee of the dispensary may: (1) Acquire marijuana from a
355 person other than a licensed producer; (2) distribute or dispense
356 marijuana to a person who is not (A) a qualifying patient registered
357 under section 5 or 15 of this act, or (B) a primary caregiver of such
358 qualifying patient; or (3) obtain or transport marijuana outside of this

359 state in violation of state or federal law.

360 (b) No licensed dispensary or employee of the dispensary acting
361 within the scope of his or her employment shall be subject to arrest or
362 prosecution, penalized in any manner, including, but not limited to,
363 being subject to any civil penalty, or denied any right or privilege,
364 including, but not limited to, being subject to any disciplinary action
365 by a professional licensing board, for acquiring, possessing,
366 distributing or dispensing marijuana pursuant to sections 1 to 15,
367 inclusive, of this act.

368 Sec. 12. (NEW) (*Effective October 1, 2012*) (a) No licensed producer or
369 employee of the producer may: (1) Sell, deliver, transport or distribute
370 marijuana to a person who is not a licensed dispensary, or (2) obtain or
371 transport marijuana outside of this state in violation of state or federal
372 law.

373 (b) No licensed producer or employee of the producer acting within
374 the scope of his or her employment shall be subject to arrest or
375 prosecution, penalized in any manner, including, but not limited to,
376 being subject to any civil penalty, or denied any right or privilege,
377 including, but not limited to, being subject to any disciplinary action
378 by a professional licensing board, for cultivating marijuana or selling,
379 delivering, transporting or distributing marijuana to licensed
380 dispensaries under sections 1 to 15, inclusive, of this act.

381 Sec. 13. (NEW) (*Effective from passage*) (a) The Commissioner of
382 Consumer Protection shall establish a Board of Physicians consisting of
383 eight physicians or surgeons who are knowledgeable about the
384 palliative use of marijuana and certified by the appropriate American
385 board in one of the following specialties: Neurology, pain medicine,
386 pain management, medical oncology, psychiatry, infectious disease,
387 family medicine or gynecology. Four of the members of the board first
388 appointed shall serve for a term of three years and four of the members
389 of the board first appointed shall serve for a term of four years.
390 Thereafter, members of the board shall serve for a term of four years

391 and shall be eligible for reappointment. Any member of the board may
392 serve until a successor is appointed. The Commissioner of Consumer
393 Protection shall serve as an ex-officio member of the board, and shall
394 select a chairperson from among the members of the board.

395 (b) A quorum of the Board of Physicians shall consist of three
396 members.

397 (c) The Board of Physicians shall:

398 (1) Review and recommend to the Department of Consumer
399 Protection for approval the debilitating medical conditions, medical
400 treatments or diseases to be added to the list of debilitating medical
401 conditions that qualify for the palliative use of marijuana;

402 (2) Accept and review petitions to add medical conditions, medical
403 treatments or diseases to the list of debilitating medical conditions that
404 qualify for the palliative use of marijuana;

405 (3) Convene at least twice per year to conduct public hearings and
406 to evaluate petitions, which shall be maintained as confidential
407 pursuant to subsection (d) of this section, for the purpose of adding
408 medical conditions, medical treatments or diseases to the list of
409 debilitating medical conditions that qualify for the palliative use of
410 marijuana;

411 (4) Review and recommend to the Department of Consumer
412 Protection protocols for determining the amounts of marijuana that
413 may be reasonably necessary to ensure uninterrupted availability for a
414 period of one month for qualifying patients, including amounts for
415 topical treatments; and

416 (5) Perform other duties related to the palliative use of marijuana
417 upon the request of the Commissioner of Consumer Protection.

418 (d) Any individually identifiable health information contained in a
419 petition received under this section shall be confidential and shall not
420 be subject to disclosure under the Freedom of Information Act, as

421 defined in section 1-200 of the general statutes.

422 Sec. 14. (NEW) (*Effective from passage*) (a) The Commissioner of
423 Consumer Protection may adopt regulations, in accordance with
424 chapter 54 of the general statutes, to establish (1) a standard form for
425 written certifications for the palliative use of marijuana issued by
426 physicians under subdivision (1) of subsection (a) of section 2 of this
427 act, and (2) procedures for registrations under section 5 of this act.
428 Such regulations, if any, shall be adopted after consultation with the
429 Board of Physicians established in section 13 of this act.

430 (b) The Commissioner of Consumer Protection shall adopt
431 regulations, in accordance with chapter 54 of the general statutes, to
432 establish a reasonable fee to be collected from each qualifying patient
433 to whom a written certification for the palliative use of marijuana is
434 issued under subdivision (1) of subsection (a) of section 2 of this act,
435 for the purpose of offsetting the direct and indirect costs of
436 administering the provisions of sections 1 to 15, inclusive, of this act.
437 The commissioner shall collect such fee at the time the qualifying
438 patient registers with the Department of Consumer Protection under
439 subsection (a) of section 5 of this act. Such fee shall be in addition to
440 any registration fee that may be charged under said subsection. The
441 fees required to be collected by the commissioner from qualifying
442 patients under this subsection shall be paid to the State Treasurer and
443 credited to the account established pursuant to section 19 of this act.

444 (c) The Commissioner of Consumer Protection shall adopt
445 regulations, in accordance with chapter 54 of the general statutes, to
446 implement the provisions of sections 1 to 8, inclusive, and section 13 of
447 this act. At a minimum, such regulations shall:

448 (1) Govern the manner in which the department considers
449 applications for the issuance and renewal of registration certificates for
450 qualifying patients and primary caregivers, and establish any
451 additional information to be contained in such registration certificates;

452 (2) Define the protocols for determining the amount of usable

453 marijuana that is necessary to constitute an adequate supply to ensure
454 uninterrupted availability for a period of one month, including
455 amounts for topical treatments;

456 (3) Establish criteria for adding medical conditions, medical
457 treatments or diseases to the list of debilitating medical conditions that
458 qualify for the palliative use of marijuana;

459 (4) Establish a petition process under which members of the public
460 may submit petitions, in such manner and in such form as prescribed
461 in the regulations, regarding the addition of medical conditions,
462 medical treatments or diseases to the list of debilitating medical
463 conditions;

464 (5) Establish a process for public comment and public hearings
465 before the board regarding the addition of medical conditions, medical
466 treatments or diseases to the list of debilitating medical conditions,
467 medical treatments or diseases;

468 (6) Add additional medical conditions, medical treatments or
469 diseases to the list of debilitating medical conditions that qualify for
470 the palliative use of marijuana as recommended by the board; and

471 (7) Develop a distribution system for marijuana for palliative use
472 that provides for:

473 (A) Marijuana production facilities within this state that are housed
474 on secured grounds and operated by licensed producers; and

475 (B) Distribution of marijuana for palliative use to qualifying patients
476 or their primary caregivers by licensed dispensaries.

477 (d) The commissioner shall submit regulations pursuant to
478 subsections (b) and (c) of this section to the standing legislative
479 regulation review committee not later than July 1, 2013.

480 Sec. 15. (NEW) (*Effective October 1, 2012*) (a) During the period
481 beginning on October 1, 2012, and ending thirty calendar days after the

482 effective date of regulations adopted pursuant to section 14 of this act,
483 a qualifying patient who would be determined to be eligible for a
484 registration certificate pursuant to subsection (a) of section 5 of this act,
485 except for the lack of effective regulations concerning licensed
486 dispensaries, licensed producers, distribution systems and amounts of
487 marijuana, may obtain a written certification from a physician and
488 upon presenting the written certification to the Department of
489 Consumer Protection, the department shall issue a temporary
490 registration certificate for the palliative use of marijuana. The
491 department shall indicate on such temporary registration certificate the
492 amount of usable marijuana that constitutes a one month supply which
493 may be possessed pursuant to such temporary registration certificate.
494 The department shall maintain a list of all temporary registration
495 certificates issued pursuant to this section and the information on such
496 list shall be confidential and shall not be subject to disclosure under the
497 Freedom of Information Act, as defined in section 1-200 of the general
498 statutes, except that such information may be disclosed in the manner
499 set forth in subsection (b) of section 5 of this act.

500 (b) A qualifying patient possessing a temporary registration
501 certificate and the qualifying patient's primary caregiver shall not be
502 subject to arrest or prosecution, penalized in any manner, including,
503 but not limited to, being subject to any civil penalty, or denied any
504 right or privilege, including, but not limited to, being subject to any
505 disciplinary action by a professional licensing board, for possessing
506 marijuana if the amount of usable marijuana possessed by the
507 qualifying patient and the primary caregiver is not more than the
508 amount specified in the temporary registration certificate.

509 (c) A physician shall not be subject to arrest or prosecution,
510 penalized in any manner, including, but not limited to, being subject to
511 any civil penalty, or denied any right or privilege, including, but not
512 limited to, being subject to any disciplinary action by the Connecticut
513 Medical Examining Board or other professional licensing board, for
514 providing a written certification for the palliative use of marijuana
515 pursuant to this section.

516 Sec. 16. (NEW) (*Effective October 1, 2012*) Nothing in sections 1 to 15,
517 inclusive, of this act, or section 21a-243 of the general statutes, as
518 amended by this act, shall be construed to require health insurance
519 coverage for the palliative use of marijuana.

520 Sec. 17. (NEW) (*Effective October 1, 2012*) (a) For the purposes of this
521 section:

522 (1) "Action" has the meaning provided in section 47a-1 of the
523 general statutes;

524 (2) "Dwelling unit" has the meaning provided in section 47a-1 of the
525 general statutes;

526 (3) "Employer" means a person engaged in business who has one or
527 more employees, including the state and any political subdivision of
528 the state;

529 (4) "Landlord" has the meaning provided in section 47a-1 of the
530 general statutes;

531 (5) "Palliative use" has the meaning provided in section 1 of this act;

532 (6) "Primary caregiver" has the meaning provided in section 1 of this
533 act;

534 (7) "Qualifying patient" has the meaning provided in section 1 of
535 this act;

536 (8) "School" means a public or private elementary or secondary
537 school in this state or a public or private institution of higher education
538 in this state; and

539 (9) "Tenant" has the meaning provided in section 47a-1 of the
540 general statutes.

541 (b) Unless required by federal law or required to obtain federal
542 funding:

543 (1) No school may refuse to enroll any person or discriminate
544 against any student solely on the basis of such person's or student's
545 status as a qualifying patient or primary caregiver under sections 1 to
546 15, inclusive, of this act;

547 (2) No landlord may refuse to rent a dwelling unit to a person or
548 take action against a tenant solely on the basis of such person's or
549 tenant's status as a qualifying patient or primary caregiver under
550 sections 1 to 15, inclusive, of this act; and

551 (3) No employer may refuse to hire a person or may discharge,
552 penalize or threaten an employee solely on the basis of such person's
553 or employee's status as a qualifying patient or primary caregiver under
554 sections 1 to 15, inclusive, of this act. Nothing in this subdivision shall
555 restrict an employer's ability to prohibit the use of intoxicating
556 substances during work hours or restrict an employer's ability to
557 discipline an employee for being under the influence of intoxicating
558 substances during work hours.

559 (c) Nothing in this section shall be construed to permit the palliative
560 use of marijuana in violation of subsection (b) of section 2 of this act.

561 Sec. 18. Section 21a-243 of the 2012 supplement to the general
562 statutes is repealed and the following is substituted in lieu thereof
563 (*Effective October 1, 2012*):

564 (a) The Commissioner of Consumer Protection shall adopt
565 regulations for the efficient enforcement and operation of sections 21a-
566 244 to 21a-282, inclusive.

567 (b) The Commissioner of Consumer Protection may, so far as may
568 be consistent with sections 21a-244 to 21a-282, inclusive, adopt the
569 regulations existing under the federal Controlled Substances Act and
570 pertinent regulations existing under the federal food and drug laws
571 and conform regulations adopted hereunder with those existing under
572 the federal Controlled Substances Act and federal food and drug laws.

573 (c) The Commissioner of Consumer Protection, acting upon the
574 advice of the Commission of Pharmacy, may by regulation designate,
575 after investigation, as a controlled substance, a substance or chemical
576 composition containing any quantity of a substance which has been
577 found to have a stimulant, depressant or hallucinogenic effect upon
578 the higher functions of the central nervous system and having a
579 tendency to promote abuse or physiological or psychological
580 dependence or both. Such substances are classifiable as amphetamine-
581 type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic,
582 morphine-type and other stimulant and depressant substances, and
583 specifically exclude alcohol, caffeine and nicotine. Substances which
584 are designated as controlled substances shall be classified in schedules
585 I to V by regulations adopted pursuant to subsection (a) of this section.

586 (d) The Commissioner of Consumer Protection may by regulation
587 change the schedule in which a substance classified as a controlled
588 substance in schedules I to V of the controlled substance scheduling
589 regulations is placed. On or before December 15, 1986, and annually
590 thereafter, the commissioner shall submit a list of all such schedule
591 changes to the chairmen and ranking members of the joint standing
592 committee of the General Assembly having cognizance of matters
593 relating to public health.

594 (e) Notwithstanding the provisions of subsections (a) to (d),
595 inclusive, of this section, not later than January 1, 2013, the
596 Commissioner of Consumer Protection shall submit amendments to
597 sections 21a-243-7 and 21a-243-8 of the regulations of Connecticut state
598 agencies to the standing legislative regulation review committee to
599 reclassify marijuana as a controlled substance in schedule II under the
600 Connecticut controlled substance scheduling regulations.

601 ~~[(e)]~~ (f) A new or amended regulation under this chapter shall be
602 adopted in accordance with the provisions of chapter 54.

603 ~~[(f)]~~ (g) In the event of any inconsistency between the contents of
604 schedules I, II, III, IV and V of the controlled substance scheduling

605 regulations and schedules I, II, III, IV and V of the federal Controlled
606 Substances Act, as amended, the provisions of the federal act shall
607 prevail, except (1) when the provisions of the Connecticut controlled
608 substance scheduling regulations place a controlled substance in a
609 schedule with a higher numerical designation, schedule I being the
610 highest designation, or (2) as provided in subsection (e) of this section.

611 ~~[(g)]~~ (h) When a drug that is not a controlled substance in schedule
612 I, II, III, IV or V, as designated in the Connecticut controlled substance
613 scheduling regulations, is designated to be a controlled substance
614 under the federal Controlled Substances Act, such drug shall be
615 considered to be controlled at the state level in the same numerical
616 schedule for a period of two hundred forty days from the effective date
617 of the federal classification.

618 ~~[(h)]~~ (i) The Commissioner of Consumer Protection shall, by
619 regulation adopted pursuant to this section, designate the following
620 substances, by whatever official, common, usual, chemical or trade
621 name designation, as controlled substances and classify each such
622 substance in the appropriate schedule:

623 (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018);

624 (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

625 (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

626 (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
627 (CP-47,497);

628 (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
629 (cannabicyclohexanol; CP-47,497 C8 homologue);

630 (6) Salvia divinorum; and

631 (7) Salvinorum A.

632 ~~[(i)]~~ (j) Notwithstanding the provisions of subsection (c) of this

633 section, the Commissioner of Consumer Protection shall designate the
 634 following substances, by whatever official, common, usual, chemical or
 635 trade name designation, as controlled substances in schedule I of the
 636 controlled substances scheduling regulations:

637 (1) Mephedrone (4-methylmethcathinone); and

638 (2) MDPV (3,4-methylenedioxypropylamphetamine).

639 Sec. 19. (NEW) (*Effective from passage*) There is established a
 640 palliative marijuana administration account which shall be a separate,
 641 nonlapsing account within the General Fund. The account shall
 642 contain any fees collected pursuant to subsection (a) of section 5 of this
 643 act, any fees collected pursuant to sections 9 and 10 of this act, any fees
 644 collected pursuant to subsection (b) of section 14 of this act, and any
 645 other moneys required by law to be deposited in the account, and shall
 646 be held in trust separate and apart from all other moneys, funds and
 647 accounts. Any balance remaining in the account at the end of any fiscal
 648 year shall be carried forward in the account for the fiscal year next
 649 succeeding. Investment earnings credited to the account shall become
 650 part of the account. Amounts in the account shall be expended only for
 651 the purpose of providing funds to the Department of Consumer
 652 Protection for administering the provisions of sections 1 to 16,
 653 inclusive, of this act."

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, 2012</i>	New section
Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	New section
Sec. 5	<i>October 1, 2012</i>	New section
Sec. 6	<i>October 1, 2012</i>	New section
Sec. 7	<i>October 1, 2012</i>	New section
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section

Sec. 11	<i>October 1, 2012</i>	New section
Sec. 12	<i>October 1, 2012</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>October 1, 2012</i>	New section
Sec. 16	<i>October 1, 2012</i>	New section
Sec. 17	<i>October 1, 2012</i>	New section
Sec. 18	<i>October 1, 2012</i>	21a-243
Sec. 19	<i>from passage</i>	New section