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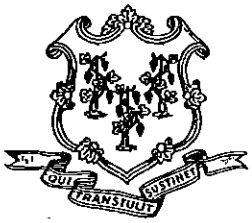

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Good Afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. I am here today to testify in support of HB 5389, AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA and SB 101, AN ACT CONCERNING UNINSURED MOTORIST COVERAGE FOR BODILY INJURY TO A NAMED INSURED OR RELATIVE DURING THE THEFT OF A MOTOR VEHICLE

HB 5389 would legalize the use of marijuana for medical purposes for our citizens with certain debilitating medical conditions. These citizens deserve compassion rather than arrest, fines, court costs, property forfeiture, incarceration, probation and criminal records. Ideally, I believe that research should be done to compare the effects of marijuana relative to other available treatments; this approach, which might lead to a national policy shift, also represents the view of a panel formed by the Institute of Medicine. However this is not likely in the near term and our citizens suffering from these diseases need our assistance now. I am pleased that this bill contains language which allows

for legal production thus eliminating a flaw in the bill passed in 2007 (but vetoed by the governor) under which the marijuana would have had to be procured illegally. This legislation would create licensed producers and licensed dispensaries. It would allow for patients to procure medical marijuana (that was produced by a licensed producer) from a pharmacist at a licensed dispensary. This would create a level of quality control that should allay some of the fears that people with these debilitating conditions have about the use of medical marijuana. An additional benefit for our state would be the generation of sales tax revenue created by these dispensaries.

HB 101 addresses a quirk in Connecticut's insurance laws that can create an unintended conundrum for the few affected by it. This involves a situation in which a person is hit by his or her own car that has been taken without the owner's permission. When a car is taken without the owner's permission, it is declared uninsured. This is meant to protect the vehicle owner. Connecticut statutes also prevent the owner from filing an uninsured motorist claim on his or her own vehicle; this is to encourage vehicle owners to insure their vehicles. However, if these two statutes operate together, when a vehicle owner is injured by his or her own vehicle that has been taken without permission there is no way to make a claim. This was not the intent of the legislature when it passed these two provisions; there was not an intent to have the two provisions work together in such a way as to deny recovery to a person who is hit by his or her own

vehicle that has been stolen. I am aware of two cases with a similar fact pattern; two judges made opposite decisions as to recovery. In Peirolo v. American National Fire Insurance Company, CV 9455936s (1997), Judge Rittenband held that the named insured could in fact collect under the uninsured motorist policy. He correctly noted that this situation was not in the mind of the legislature in passing that legislation. However, in Maynard v. Geico General Insurance Company, CV06 5004144s (2009), Judge Corradino held that the plaintiff could not recover due to the statutory language. I am hopeful that SB 101 will clarify legislative intent on this issue.

Thank you for raising bills to address these important issues