AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA.

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

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

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

(2) "Debilitating medical condition" means (A) cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's disease, posttraumatic stress disorder, or
(B) any medical condition, medical treatment or disease approved by
the Department of Consumer Protection pursuant to regulations
adopted under section 14 of this act;

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

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

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

(6) "Optometrist" means an optometrist licensed under chapter 380
of the general statutes;

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

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

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

(10) "Primary caregiver" means a person, other than the qualifying
patient and the qualifying patient's physician or optometrist, who is
eighteen years of age or older and has agreed to undertake
responsibility for managing the well-being of the qualifying patient
with respect to the palliative use of marijuana, provided (A) in the case
of a qualifying patient lacking legal capacity, such person shall be a
parent, guardian or person having legal custody of such qualifying patient, and (B) the need for such person shall be evaluated by the qualifying patient's physician or optometrist, as the case may be, and such need shall be documented in the written certification;

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

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

(13) "Written certification" means a written certification issued by a physician or optometrist pursuant to section 4 of this act."

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

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

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

(2) The combined amount of marijuana possessed by the qualifying patient and the primary caregiver for palliative use does not exceed an amount of usable marijuana reasonably necessary to ensure uninterrupted availability for a period of one month, as determined by the Department of Consumer Protection pursuant to regulations adopted under section 14 of this act; and

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

Strike section 4 in its entirety and substitute the following in lieu thereof:

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

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

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

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

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

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

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

(d) An optometrist may issue a written certification to a qualifying
patient that authorizes the palliative use of marijuana by the qualifying
patient for glaucoma. Such written certification shall be in the form
prescribed by the Department of Consumer Protection and shall
include a statement signed and dated by the qualifying patient's
optometrist stating that, in such optometrist's professional opinion, the
qualifying patient has glaucoma and the potential benefits of the
palliative use of marijuana would likely outweigh the health risks of
such use to the qualifying patient.

(e) Any written certification for the palliative use of marijuana for glaucoma issued by an optometrist under subsection (d) of this section shall be valid for a period not to exceed one year from the date such written certification is signed and dated by the optometrist. Not later than ten calendar days after the expiration of such period, or at any time before the expiration of such period should the qualifying patient no longer wish to possess marijuana for palliative use, the qualifying patient or the primary caregiver shall destroy all usable marijuana possessed by the qualifying patient and the primary caregiver for palliative use.

(f) An optometrist shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Board of Examiners for Optometrists or other professional licensing board, for providing a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 2 of this act if:

(1) The optometrist has diagnosed the qualifying patient as having glaucoma;

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

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

(4) The optometrist has no financial interest in a dispensary licensed
under section 9 of this act or a producer licensed under section 10 of
this act."

Strike subsection (a) of section 5 in its entirety and substitute the
following in lieu thereof:

"Sec. 5. (NEW) (Effective October 1, 2012) (a) Each qualifying patient
who is issued a written certification for the palliative use of marijuana
under subdivision (1) of subsection (a) of section 2 of this act, and the
primary caregiver of such qualifying patient, shall register with the
Department of Consumer Protection. Such registration shall be
effective from the date the Department of Consumer Protection issues
a certificate of registration until the expiration of the written
certification issued by the physician or optometrist. The qualifying
patient and the primary caregiver shall provide sufficient identifying
information, as determined by the department, to establish the
personal identity of the qualifying patient and the primary caregiver.
The qualifying patient or the primary caregiver shall report any
change in such information to the department not later than five
business days after such change. The department shall issue a
registration certificate to the qualifying patient and to the primary
caregiver and may charge a reasonable fee, not to exceed twenty-five
dollars, for each registration certificate issued under this subsection.
Any registration fees collected by the department under this
subsection shall be paid to the State Treasurer and credited to the
account established pursuant to section 19 of this act."

Strike subdivision (2) of subsection (b) of section 5 in its entirety and
substitute the following in lieu thereof:

"(2) physicians, optometrists and pharmacists for the purpose of
providing patient care and drug therapy management and monitoring
controlled substances obtained by the qualifying patient;"

Strike subsection (a) of section 14 in its entirety and substitute the
following in lieu thereof:
"Sec. 14. (NEW) (Effective from passage) (a) The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54 of the general statutes, to establish (1) a standard form for written certifications for the palliative use of marijuana issued by physicians and optometrists under subdivision (1) of subsection (a) of section 2 of this act, and (2) procedures for registrations under section 5 of this act. Such regulations, if any, shall be adopted after consultation with the Board of Physicians established in section 13 of this act."

Strike subsection (a) of section 15 in its entirety and substitute the following in lieu thereof:

"Sec. 15. (NEW) (Effective October 1, 2012) (a) During the period beginning on October 1, 2012, and ending thirty calendar days after the effective date of regulations adopted pursuant to section 14 of this act, a qualifying patient who would be determined to be eligible for a registration certificate pursuant to subsection (a) of section 5 of this act, except for the lack of effective regulations concerning licensed dispensaries, licensed producers, distribution systems and amounts of marijuana, may obtain a written certification from a physician, or an optometrist with respect to glaucoma, and upon presenting the written certification to the Department of Consumer Protection, the department shall issue a temporary registration certificate for the palliative use of marijuana. The department shall indicate on such temporary registration certificate the amount of usable marijuana that constitutes a one-month supply which may be possessed pursuant to such temporary registration certificate. The department shall maintain a list of all temporary registration certificates issued pursuant to this section and the information on such list shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes, except that such information may be disclosed in the manner set forth in subsection (b) of section 5 of this act."

At the end of section 15, insert the following:
"(d) An optometrist shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Board of Examiners for Optometrists or other professional licensing board, for providing a written certification for the palliative use of marijuana for glaucoma pursuant to this section."