

**From:** [Berner, Gary](#)  
**To:** [Breiner, Kirstin](#)  
**Cc:** [Hanratty, Richard](#)  
**Subject:** August agenda of the Regulation Review Committee  
**Date:** Monday, August 05, 2013 12:00:04 PM

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Hello Administrator Breiner,

On behalf of DCP Commissioner William Rubenstein, this email is to officially request that the Department's Regulation 2013-002B "Controlled Substances," be placed on the August 27, 2013 agenda of the Regulation Review Committee.

As you may recall, this proposed regulation was "rejected without prejudice" at the committee's March 26, 2013 meeting. It was "rejected without prejudice" a second time at the April 23, 2013 meeting.

At the June 25, 2013 meeting, the Committee approved a request for filing extension until the August meeting.

In keeping with the request of the committee members, the Department requests that 2013-002B "Controlled Substances" be placed on the August agenda. The committee will then be able to consider that proposed regulation in concert with the Department's proposed regulation "Palliative Use of Marijuana."

Thank you for your assistance in this matter.

Please contact me if you have any questions.

Gary

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1 MR. SCHWANE: Good morning. My name is Steve Schwane.  
2 I'm a staff attorney with the Department of Consumer Protection.  
3 I've been designated to be the hearing officer for today's  
4 hearing by William Rubenstein, the Commissioner of the  
5 Department of Consumer Protection. I would like to formally  
6 open this Public Hearing on Proposed Regulations Concerning  
7 Controlled Substances. What the regulations actually do is  
8 reclassify marijuana from a Schedule I Controlled Substance to a  
9 Schedule II Controlled Substance. Today is November 26, 2012.  
10 We've waited, uh, a few minutes. It's about, uh, 10:14 in the  
11 morning, and this hearing is taking place in Room 119 of the  
12 State Office Building at 165 Capitol Avenue, Hartford,  
13 Connecticut. On October 23, 2012, the Department of Consumer  
14 Protection published in the *Connecticut Law Journal* a Notice of  
15 Intent to Amend Regulations. These regulations are being  
16 proposed in accordance with the authority granted in §21a-243 of  
17 the Connecticut General Statutes as amended by §18 of Public Act  
18 12-55. I will enter a copy of the **Connecticut Law Journal**  
19 **Notice** as Exhibit 1. I will also enter the letter from  
20 Commissioner Rubenstein designating me to be the hearing officer  
21 for today's public hearing, and that will be marked as Exhibit  
22 #2.

23 This Department has notified the Department of Small  
24 Business Affairs at the Department of Economic Development of  
25 its intent to amend these regulations. The Department of

1 Consumer Protection, as far as I'm aware, has not received a  
2 response from the Department of Economic Development. The  
3 Department has received four written comments regarding the  
4 proposed regulations. These four comments are all from the same  
5 person, a Dr. Velandy Manohar. They are all in the form of e-  
6 mails sent on November 23, 2012. Uh, I'm gonna be marking as  
7 Exhibit #3 the e-mail from Dr. Manohar that was sent, uh, at  
8 7:37 in the morning on, uh,--I'm sorry. I guess that was  
9 actually the 21<sup>st</sup> when these were sent. At least this one was.  
10 So November 21, 2012, at 7:37 a.m. That's Exhibit #3. Exhibit  
11 4 is an e-mail from Dr. Manohar on November 22, 2012, at 7:40  
12 a.m. to be marked as Exhibit 4. The e-mail sent on November 21,  
13 2012, at 7:48 a.m. from Dr. Manohar is marked as Exhibit #5.  
14 And finally, uh, an e-mail sent on Friday, November 23, 2012, at  
15 2:54 in the afternoon from Dr. Manohar is marked as Exhibit #6.

16 Uh, pursuant to the Connecticut General Statute §4-168a,  
17 the Department of Consumer Protection, when drafting these  
18 proposed regulations, considered the methods that would  
19 accomplish the objectives of the applicable statutes while  
20 minimizing the adverse impact on small businesses. This agency  
21 specifically considered the five methods listed in §4-168a(b).

22 At this point, I would normally begin by having the  
23 individuals who have signed up on the speaker sign-up sheet give  
24 their comments, but it's a little after 10:15 in the morning,  
25 and no one appears to have shown up for the hearing. So, also,

1 there's no one here to provide written comments.

2           So at this point, uh, I will just note that I've been  
3 requested to keep the record open, for any further submissions  
4 to the Department, for one week. So I'm gonna keep the record  
5 open for this public hearing until Monday, December 3, at 4:30  
6 p.m. So the Department will accept any written comments  
7 provided up to that date. After that date, the hearing will  
8 conclude, and the Department of Consumer Protection will then  
9 decide whether to make any changes to the reg., which in this  
10 kind of a regulation probably is, is not possible. We will then  
11 send the regulation over to the Attorney General for their  
12 review for legal sufficiency. Once it's signed off on by the  
13 Attorney General's office, we will then submit the proposed  
14 amended regulation to the Legislative Regulation Review  
15 Committee. The final step in the process after the committee's  
16 approval is to file the regulation with the Secretary of State.

17           Again, noting that no one else has appeared for the public  
18 hearing, I'm gonna close the hearing but again note that the  
19 record will be kept open until Monday, December 3 at 4:30 p.m.

20 Thank you.

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CERTIFICATE

I, Karen Johnson, do hereby certify that the foregoing transcription is a true and accurate record to the best of my ability of the Public Hearing on Proposed Regulations Concerning Controlled Substances on Monday, November 26, 2012.

IN WITNESS WHEREOF, I sign my name this 3rd day of December, 2012.

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Karen Johnson

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December 3, 2012