



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

TO: Legislative Regulation Review Committee
Capitol Building, Hartford, Connecticut

DATE: June 20, 2013

SUBJECT: Proposed Regulations Concerning Palliative Use of Marijuana

SUMMARY OF TESTIMONY

The Department of Consumer Protection held a public hearing on the proposed Regulations Concerning Palliative Use of Marijuana on April 22, 2013. Thirty persons gave verbal testimony at the hearing. The administrative record was held open until April 26, 2013, to allow additional written testimony. The department received thirty-nine written comments. All the speakers and written comments supported the proposed regulations, but many speakers and commenters made suggested revisions. The names of the speakers and written commenters are attached as Exhibits A and B.

A copy of the official transcript of the public hearing is also being provided with this summary. Copies of the written testimony can be accessed on the department's website, www.ct.gov/dcp.

The public comments focused on the following areas:

Marijuana Testing and Labeling

A number of comments indicated that the regulations' requirement of providing a different brand name for products with different active ingredient profiles would be overly burdensome because the active ingredient levels may differ significantly within different parts of the same marijuana plant. There were also concerns that, due to the myriad of active ingredients in marijuana, there would be a high proliferation of brand names if a slight change in a minor active ingredient occurred, which would lead to consumer confusion. Some commenters also expressed concern that qualified laboratories may not be available to test marijuana products in Connecticut.

Producers

Some commenters expressed concern that the regulations:

- 1) Permit the department to rescind a producer's license if it has not commenced operation within 180-days of being awarded the license; and
- 2) Require that each producer establish an escrow account or letter of credit, which would be available to the State if the producer did not fulfill its obligation to provide an uninterrupted supply of medical marijuana.



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

Escrow Account

Three issues were raised concerning the escrow account or letter of credit:

- 1) Financial institutions may be unwilling to deal with a producer given the legal risks at the federal level;
- 2) The funds would be at risk of seizure by the federal government; and
- 3) Tying up two million dollars is too a large a burden for producers.

Youth Access to Marijuana and Recreational Use

Some commenters expressed concern that the legalization of marijuana for medical purposes may encourage the use of marijuana by teenagers for recreational purposes. These persons encouraged strict oversight of advertising.

Facility Locations

Several commenters expressed a concern that proposed limitations on the location of a dispensary facility or production facility would have the unintended consequence of prohibiting a dispensary or production facility from opening in most cities or towns.

Oversight of Persons Involved in the Medical Marijuana Industry

Three main concerns were raised in this area:

- 1) That the definitions of dispensary facility backer and producer backer included persons who have a very limited ownership interest and will not participate in the operation of, or exercise control over, the production facility or dispensary facility;
- 2) That the regulations be changed to permit entry by non-staff in emergency situations where prior written approval is not feasible; and
- 3) That the regulations be clarified so that a criminal conviction cannot serve as a basis for disciplinary action against an employee of a producer or dispensary facility where the criminal conviction is pursuant to a federal law and is for conduct permitted under the Act and regulations.

Vertical Integration

The department was asked to amend the regulations to address the issue of vertical integration by prohibiting a producer and dispensary facility from being owned by the same person or entity.

Compassionate Pricing

Some comments expressed concern that producers and dispensaries could not work together to offer discounted prices for patients with limited income.



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

Movement by Production Facility Employees

The regulations restrict the ability of production facility employees to freely roam around the facility. Some commenters suggested that this would inhibit a producer's ability to cross-train its employees.

Alcohol-Based Tinctures

One comment asked for a revision to the regulations to permit tinctures that are ethanol based pursuant to a standard process for manufacturing a tincture.

Organic Solvents/Pesticides

The department received comments on the strict limits in the regulations on the use of organic solvents and pesticide chemicals in the production and manufacture of marijuana.

Seed to Sale Tracking

The department received a comment suggesting that each producer utilize an electronic system that tracks all marijuana from seed to sale.

Producer License Renewal

The department was asked to extend the producer license period to more than one year.

Zoning

At least one commenter asked for changes that would prevent municipalities from adopting zoning ordinances banning dispensing and production facilities.

Permissibility of Offering Other Products and Services at a Dispensary Facility

The department was asked to broaden the regulations to permit dispensary facilities to offer other health-related services and to offer complementary food and beverages to patients.

Touching and Smelling Marijuana

Several commenters asked that patients be permitted to touch and smell the product before purchase.

One-Month Supply

Several comments asked the department to clarify the meaning of a one-month supply of marijuana.

Limiting Patients' Ability to Change Dispensaries

Some comments raised concerns about the limit on the number of times a patient can switch dispensaries.



STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

Dispensary Compounding

At least one person asked the department to permit compounding at dispensaries.

Decreased Restrictions on Pharmacy Technicians

The department was asked to reconsider the requirement that a dispensary technician be trained as a pharmacy technician. The department was also asked to permit dispensary technicians to consult with patients regarding their medication.

Allow Patients to Store Product in Different Container

The department was asked to remove the requirement that patients maintain marijuana in its original container.

Confidentiality

One commenter expressed concern with the prohibition on data intermediaries having access to patient or caregiver information.

Guidance on Business Operations Issues

Some commenters sought guidance from the department on issues such as production facility size or capacity, marijuana packaging size, prices, the types of marijuana strains that will be offered and at what locations.

Changes to the Statutes

The department received several comments seeking revisions that would require a change to the medical marijuana statutes. For example, comments sought to:

- 1) Add debilitating medical conditions to those that qualify under the Act;
- 2) Allow marijuana to be consumed on college campuses;
- 3) Allow patients to grow their own marijuana;
- 4) Require additional training for doctors who certify patients for the palliative use of marijuana;
- 5) Require mental health screening for patients prior to certification;
- 6) Require further clinical testing before allowing the sale of medical marijuana;
- 7) Eliminate the maximum limit on the number of dispensaries; and
- 8) Allow a producer to transport marijuana to locations other than a dispensary.

S/REG-L-SPEAKERS-MM