

Testimony before the Joint Committees
Testimony before the Judiciary Committee
March 13, 2015

Good afternoon Senator Coleman and Representative Tong. My name is Nicholas Tamborrino. I am a pharmacist and dispensary owner at Bluepoint Wellness of CT located in Branford and proud to be serving New Haven County patients. I'm also President for the Academy of Medical Marijuana Dispensaries which is comprised of the six facilities serving registered patients.

I am here today to support the SB **1064 An Act Concerning the Palliative Use of Marijuana** with some suggested amendments.

I want to applaud legislators and the Department of Consumer Protection for an outstanding program we have developed. We have become a true model for other states and it has truly been an amazing experience being part of this new program. It's even more rewarding witnessing first hand patients finding success and relief through their treatment. The program has been up and running for about 6 months now. Patients are able to purchase product in many different dosage forms. It is very exciting times for the Producers, Dispensaries, and especially patients.

The Academy of Medical Marijuana Dispensaries is supportive of this legislation. We support the change in legislation **to allow access to medical marijuana from a dispensary to hospice or other inpatient care facility to be administered to patients of those facilities to maintain their current therapy or as an alternative therapy in end of life care.** We also support the changes **to allow for product to be used for research purposes.** It is through research and studies that we can confirm the medicinal value of this controversial product. That being said, we would like to take the opportunity to recommend some changes to the law to strengthen and improve the language.

Currently the law allows qualifying patients to avoid being penalized if they have purchased marijuana from a source other than one of the licensed dispensing facilities. As you are all aware, legislation was passed prior to the opening of the growing facilities and the dispensing facilities but made patient registration cards available. With no available source for legitimate product, it allowed registered patients to continue to buy products on the black market without threat of penalty. However, the intent of the legislation was to have qualifying patients purchase a safe, tested, mold free, pesticide free, consistent product for medicinal use. I have attached our suggested amendments to the current statutes which **would require the qualifying patient to purchase palliative marijuana solely through the licensed dispensaries.** Any person that violates this provision would be guilty of a Class C Misdemeanor and may be subject to revocation of the registration certificate issued by the Department of Consumer Protection.

In other words, the patient registration card should not be a get-out-of-jail free card. A lot of time, energy and resources have been put into building this model program. The integrity of the program is compromised and tax revenue is lost when we allow patients to continue to purchase marijuana on the streets. It will also impact the integrity of any future research projects that are planned by raising questions as to the actual effectiveness and safety of Medical Marijuana in our patients.

Thank you for your consideration as we continue to work together to improve this program.

**PROPOSED AMENDMENT TO THE PALLIATIVE USE OF MEDICAL MARIJUANA STATUTES
(SB 1064)**

Sec. 21a-408b. Primary caregiver not subject to arrest, prosecution or certain other penalties. Requirements. Exceptions. (a) No person may serve as a primary caregiver for a qualifying patient (1) unless such qualifying patient has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d, and (2) if such person has been convicted of a violation of any law pertaining to the illegal manufacture, sale or distribution of a controlled substance. A primary caregiver may not be responsible for the care of more than one qualifying patient at any time, except that a primary caregiver may be responsible for the care of more than one qualifying patient if the primary caregiver and each qualifying patient have a parental, guardianship, conservatorship or sibling relationship.

(b) A primary caregiver who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to 21a-408n, inclusive, 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 acquisition, distribution, possession or transportation of marijuana or paraphernalia related to marijuana on behalf of such primary caregiver's qualifying patient, provided (1) the amount of any marijuana so acquired, distributed, possessed or transported, together with the combined amount of usable marijuana possessed by the qualifying patient and the primary caregiver, does not exceed an amount 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 21a-408m, and (2) such amount is obtained solely within this state from a licensed dispensary AND ANY PERSON WHO VIOLATES THIS PROVISION SHALL BE GUILTY OF A CLASS C MISDEMEANOR AND MAY BE SUBJECT TO REVOCATION OF THE REGISTRATION CERTIFICATE BY THE DEPARTMENT. For the purposes of this subsection, "distribution" or "distributed" means the transfer of marijuana and paraphernalia related to marijuana from the primary caregiver to the qualifying patient.

Sec. 21a-408d. Qualifying patient and primary caregiver to register with Department of Consumer Protection. Change in information. Fee. Confidentiality of registry information. (a) Each qualifying patient who is issued a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a, 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. 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 21a-408q.

(B) THE QUALIFYING PATIENT SHALL SELECT ONE OF THE LICENSED, IN-STATE DISPENSARIES TO OBTAIN HIS OR HER PALLIATIVE MARIJUANA FROM AT THE TIME OF REGISTRATION. UPON THE ISSUANCE OF THE CERTIFICATE OF REGISTRATION BY THE DEPARTMENT, THE PATIENT SHALL PURCHASE SAID PALLIATIVE MARIJUANA PRODUCTS SOLELY FROM THIS DISPENSARY. ANY PERSON WHO VIOLATES THIS PROVISION SHALL BE GUILTY OF A CLASS C MISDEMEANOR AND MAY BE SUBJECT TO REVOCATION OF THE REGISTRATION CERTIFICATE BY THE DEPARTMENT.

(b) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information obtained under this section and temporary registration information obtained under section 21a-408n shall be provided to: (1) State agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (2) physicians and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the qualifying patient; (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed; (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408n, inclusive; (5) a qualifying patient, but only with respect to information related to such qualifying patient or such qualifying patient's primary caregiver; or (6) a primary caregiver, but only with respect to information related to such primary caregiver's qualifying patient.