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TESTIMONY RAISED BILL NO.1064 AN ACT CONCERNING THE PALIATIVE USE OF MARIJUANA.

Judiciary Committee

March 13, 2015

Good Morning, Senator Coleman, Representative Tong and esteemed members of the Judiciary Committee

Thank you, for the opportunity to provide testimony on behalf of the Connecticut Nurses' Association (CNA) related **RAISED BILL NO.1064 AN ACT CONCERNING THE PALIATIVE USE OF MARIJUANA.**

I am Mary Jane Williams Ph.D., RN current chairperson of Government Relations Committee for the Connecticut Nurses Association and professor emeritus from Central Connecticut State University.

I bring our concerns about **RAISED BILL NO.1064 AN ACT CONCERNING THE PALIATIVE USE OF MARIJUANA.**

Sec. 3. Section 21a-408 Lines 154-161.

(d) A nurse shall not be subject to arrest or prosecution, penalized in
155 any manner, including, but not limited to, being subject to any civil
156 penalty, or denied any right or privilege, including, but not limited to,

157 being subject to any disciplinary action by the Board of Examiners for
158 Nursing or other professional licensing board, for administering
159 marijuana to a qualifying patient or research program subject in a
160 hospital or health care facility licensed by the Department of Public
161 Health.

Federal Law sets the Bar for legal issues and a state may only set the bar lower. The state does not have the legal right to set the bar higher legislatively. My concern is specific to the protections for providers and nurses – protections from federal prosecution is minimal. My query to the American Nurses Association Legal department confirmed prosecution of nurses is minimal. "Although the state may acknowledge a provider's ability to prescribe and a nurses ability to help with administration, that does not limit the ability for the DEA to prosecute." This is a very grey area, even though they are unlikely to prosecute, that doesn't seem particularly reassuring to the health care professional. ANA reports several federal bills have been introduced but the legislation did not move forward and it is expected that similar legislation will be introduced in the 2015 Federal session (2015).

> In a communication from the Department of Justice it is stated
> In a new memorandum outlining the policy, that marijuana remains an illegal drug under the Controlled Substances Act and that federal prosecutors will continue to aggressively enforce this statute. To this end, the department identifies eight enforcement areas that federal prosecutors should prioritize. These are the same enforcement priorities that have traditionally driven the DOJ's efforts in this area.
> Outside of these enforcement priorities, however, the federal government has traditionally relied on state and local authorities to address marijuana activity through enforcement of their own narcotics laws. This guidance continues that policy.
> The DOJ expects States to establish strict regulatory schemes that protect the eight federal interests identified in the department's guidance. These schemes must be tough in practice, not just on paper, and include strong, state-based enforcement efforts, backed by adequate funding. Based on assurances that those states will impose an appropriately strict regulatory system, the department has informed the governors of the states that it is deferring its right

to challenge their legalization laws at this time. But if any of the stated harms do materialize—either despite a strict regulatory scheme or because of the lack of one—federal prosecutors will act aggressively to bring individual prosecutions focused on federal enforcement priorities and the DOJ may challenge the regulatory scheme themselves in these states. (DOJ Communication, 2011)

In an Aug. 29 Hartford Courant article, William Rubenstein, commissioner of Connecticut's Department of Consumer Protection, which oversees the medical marijuana program, expressed confidence that Connecticut's tightly regulated program will assure that medical marijuana will only be used for medical practice and thus will not invite federal interference.

In the same Courant article, Connecticut State Attorney General George Jepsen was quoted as saying, "We believe that the program developed by the state Department of Consumer Protection is precisely the sort of robust and tightly controlled regulatory scheme that the [Department of Justice] has announced would likely fall outside its enforcement priorities," http://www.latimes.com/nation/la-na-medical-pot-20141216-story.html

With this information we still have several concerns:

1) We ask you to carefully consider the implications of this language and the issues related to this proposal as they apply to the individual administering the Marijuana.

2) We also ask for this information to be shared with the providers who by law are held accountable for the administration of this medicinal preparation of Marijuana.

3) We ask that Nurses be fully informed of this exception and strongly recommend that all nurses carry appropriate liability to protect their license.

In conclusion after legal council from our Professional Organization we still have strong concerns related to the language proposed in **RAISED BILL NO.1064 AN ACT CONCERNING THE PALIATIVE USE OF MARIJUANA. We trust that Connecticut** Regulations meet the highest standards as discussed in the Department of Justice recommendations and will protect the providers in this proposed legislation.

Therefore we ask you to carefully consider the implications of this proposed legislation and make sure the established guidelines meet the standards set by the DOJ before passing **RAISED BILL NO.1064 AN ACT CONCERNING THE PALIATIVE USE OF MARIJUANA.**

Thank You

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