



General Assembly

**Amendment**

January Session, 2015

LCO No. 8910



Offered by:  
SEN. COLEMAN, 2<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 1064      File No. 739      Cal. No. 430

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA."**

1      Strike everything after the enacting clause and substitute the  
2      following in lieu thereof:

3      "Section 1. Section 21a-408 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective from passage*):

5      As used in [sections 21a-408] this section, sections 21a-408a to 21a-  
6      408o, inclusive, as amended by this act, and sections 11 to 15, inclusive,  
7      of this act, unless the context otherwise requires:

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

10      (2) "Debilitating medical condition" means (A) cancer, glaucoma,  
11      positive status for human immunodeficiency virus or acquired  
12      immune deficiency syndrome, Parkinson's disease, multiple sclerosis,

13 damage to the nervous tissue of the spinal cord with objective  
14 neurological indication of intractable spasticity, epilepsy, cachexia,  
15 wasting syndrome, Crohn's disease, posttraumatic stress disorder,  
16 cerebral palsy or cystic fibrosis, except, if the qualifying patient is  
17 under eighteen years of age, "debilitating medical condition" means  
18 terminal cancer, terminal positive status for human immunodeficiency  
19 virus or acquired immune deficiency syndrome, irreversible spinal  
20 cord injury with objective neurological indication of intractable  
21 spasticity, cerebral palsy, cystic fibrosis, epilepsy or uncontrolled  
22 intractable seizure disorder, or (B) any medical condition, medical  
23 treatment or disease approved for qualifying patients eighteen years of  
24 age or older and approved for qualifying patients under the age of  
25 eighteen by the Department of Consumer Protection pursuant to  
26 regulations adopted under section 21a-408m;

27 (3) "Institutional animal care and use committee" means a  
28 committee that oversees an organization's animal program, facilities  
29 and procedures to ensure compliance with federal policies, guidelines  
30 and principles related to the care and use of animals in research;

31 (4) "Institutional review board" means a specifically constituted  
32 review body established or designated by an organization to protect  
33 the rights and welfare of persons recruited to participate in biomedical,  
34 behavioral or social science research;

35 (5) "Laboratory" means a laboratory located in this state that is  
36 licensed to provide analysis of controlled substances pursuant to  
37 section 21a-246;

38 (6) "Laboratory employee" means a person licensed as a laboratory  
39 employee pursuant to section 11 of this act or a person who holds a  
40 temporary certificate of registration issued pursuant to section 11 of  
41 this act;

42 [(3)] (7) "Licensed dispensary" or "dispensary" means a person  
43 licensed as a dispensary pursuant to section 21a-408h, as amended by

44 this act;

45 [(4)] (8) "Licensed producer" or "producer" means a person licensed  
46 as a producer pursuant to section 21a-408i;

47 [(5)] (9) "Marijuana" means marijuana, as defined in section 21a-240;

48 (10) "Nurse" means a person who is licensed under chapter 378;

49 [(6)] (11) "Palliative use" means the acquisition, distribution,  
50 transfer, possession, use or transportation of marijuana or  
51 paraphernalia relating to marijuana, including the transfer of  
52 marijuana and paraphernalia relating to marijuana from the patient's  
53 primary caregiver to the qualifying patient, to alleviate a qualifying  
54 patient's symptoms of a debilitating medical condition or the effects of  
55 such symptoms, but does not include any such use of marijuana by  
56 any person other than the qualifying patient;

57 [(7)] (12) "Paraphernalia" means drug paraphernalia, as defined in  
58 section 21a-240;

59 [(8)] (13) "Physician" means a person who is licensed under chapter  
60 370, but does not include a physician assistant, as defined in section 20-  
61 12a;

62 [(9)] (14) "Primary caregiver" means a person, other than the  
63 qualifying patient and the qualifying patient's physician, who is  
64 eighteen years of age or older and has agreed to undertake  
65 responsibility for managing the well-being of the qualifying patient  
66 with respect to the palliative use of marijuana, provided (A) in the case  
67 of a qualifying patient under eighteen years of age or otherwise  
68 lacking legal capacity, such person shall be a parent, guardian or  
69 person having legal custody of such qualifying patient, and (B) in the  
70 case of a qualifying patient eighteen years of age or older lacking legal  
71 capacity, the need for such person shall be evaluated by the qualifying  
72 patient's physician and such need shall be documented in the written  
73 certification;

74 [(10)] (15) "Qualifying patient" means a person who: [is eighteen  
75 years of age or older, is] (A) Is a resident of Connecticut, [and] (B) has  
76 been diagnosed by a physician as having a debilitating medical  
77 condition, and (C) (i) is eighteen years of age or older, or (ii) has  
78 written consent from a custodial parent, guardian or other person  
79 having legal custody of the qualifying patient that indicates that the  
80 qualifying patient has permission from such parent, guardian or other  
81 person for the palliative use of marijuana for a debilitating medical  
82 condition other than posttraumatic stress disorder and that such  
83 parent, guardian or other person shall serve as a primary caregiver for  
84 the qualifying patient and controls the acquisition and possession of  
85 marijuana for palliative use and any related paraphernalia on behalf of  
86 the qualifying patient. "Qualifying patient" does not include an inmate  
87 confined in a correctional institution or facility under the supervision  
88 of the Department of Correction;

89 (16) "Research program" means a study approved by the  
90 Department of Consumer Protection in accordance with this chapter  
91 and undertaken to increase information or knowledge with regard to  
92 the growth, processing, medical attributes, dosage forms,  
93 administration or use of marijuana to treat or alleviate symptoms of  
94 any medical condition or the effects of such symptoms;

95 (17) "Research program employee" means a person licensed as a  
96 research program employee pursuant to section 13 of this act or a  
97 person who holds a temporary certificate of registration issued  
98 pursuant to section 13 of this act;

99 (18) "Research program subject" means a person registered as a  
100 research program subject pursuant to section 15 of this act;

101 [(11)] (19) "Usable marijuana" means the dried leaves and flowers of  
102 the marijuana plant, and any mixtures or preparations of such leaves  
103 and flowers, that are appropriate for the palliative use of marijuana,  
104 but does not include the seeds, stalks and roots of the marijuana plant;  
105 and

106 [(12)] (20) "Written certification" means a written certification issued  
107 by a physician pursuant to section 21a-408c, as amended by this act.

108 Sec. 2. Subsection (b) of section 21a-408a of the general statutes is  
109 repealed and the following is substituted in lieu thereof (*Effective from*  
110 *passage*):

111 (b) The provisions of subsection (a) of this section do not apply to:

112 (1) Any palliative use of marijuana that endangers the health or  
113 well-being of a person other than the qualifying patient or the primary  
114 caregiver; or

115 (2) The ingestion of marijuana (A) in a motor bus or a school bus or  
116 in any other moving vehicle, (B) in the workplace, (C) on any school  
117 grounds or any public or private school, dormitory, college or  
118 university property, unless such college or university is participating  
119 in a research program and such use is pursuant to the terms of the  
120 research program, (D) in any public place, or (E) in the presence of a  
121 person under the age of eighteen, unless such person is a qualifying  
122 patient or research program subject. For the purposes of this  
123 subdivision, (i) "presence" means within the direct line of sight of the  
124 palliative use of marijuana or exposure to second-hand marijuana  
125 smoke, or both; (ii) "public place" means any area that is used or held  
126 out for use by the public whether owned or operated by public or  
127 private interests; (iii) "vehicle" means a vehicle, as defined in section  
128 14-1; (iv) "motor bus" means a motor bus, as defined in section 14-1;  
129 and (v) "school bus" means a school bus, as defined in section 14-1.

130 Sec. 3. Section 21a-408b of the general statutes is repealed and the  
131 following is substituted in lieu thereof (*Effective from passage*):

132 (a) No person may serve as a primary caregiver for a qualifying  
133 patient (1) unless such qualifying patient has a valid registration  
134 certificate from the Department of Consumer Protection pursuant to  
135 subsection (a) of section 21a-408d, as amended by this act, and (2) if  
136 such person has been convicted of a violation of any law pertaining to

137 the illegal manufacture, sale or distribution of a controlled substance.  
138 A primary caregiver may not be responsible for the care of more than  
139 one qualifying patient at any time, except that a primary caregiver may  
140 be responsible for the care of more than one qualifying patient if the  
141 primary caregiver and each qualifying patient have a parental,  
142 guardianship, conservatorship or sibling relationship.

143 (b) A primary caregiver who has a valid registration certificate from  
144 the Department of Consumer Protection pursuant to subsection (a) of  
145 section 21a-408d, as amended by this act, and complies with the  
146 requirements of sections 21a-408 to 21a-408n, inclusive, as amended by  
147 this act, shall not be subject to arrest or prosecution, penalized in any  
148 manner, including, but not limited to, being subject to any civil  
149 penalty, or denied any right or privilege, including, but not limited to,  
150 being subject to any disciplinary action by a professional licensing  
151 board, for the acquisition, distribution, possession or transportation of  
152 marijuana or paraphernalia related to marijuana on behalf of such  
153 primary caregiver's qualifying patient, provided (1) the amount of any  
154 marijuana so acquired, distributed, possessed or transported, together  
155 with the combined amount of usable marijuana possessed by the  
156 qualifying patient and the primary caregiver, does not exceed an  
157 amount reasonably necessary to ensure uninterrupted availability for a  
158 period of one month, as determined by the Department of Consumer  
159 Protection pursuant to regulations adopted under section 21a-408m,  
160 and (2) such amount is obtained solely within this state from a licensed  
161 dispensary facility. Any person with a valid registration certificate  
162 who is found to be in possession of marijuana that did not originate  
163 from the selected dispensary facility may be subject to a hearing before  
164 the commissioner for possible enforcement action concerning the  
165 registration certificate issued by the department. For the purposes of  
166 this subsection, "distribution" or "distributed" means the transfer of  
167 marijuana and paraphernalia related to marijuana from the primary  
168 caregiver to the qualifying patient.

169 (c) A dispensary facility shall not dispense any marijuana product in

170 a smokable, inhalable or vaporizable form to a primary caregiver for a  
171 qualifying patient who is under eighteen years of age.

172 Sec. 4. Section 21a-408c of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective from passage*):

174 (a) A physician may issue a written certification to a qualifying  
175 patient that authorizes the palliative use of marijuana by the qualifying  
176 patient. Such written certification shall be in the form prescribed by the  
177 Department of Consumer Protection and shall include a statement  
178 signed and dated by the qualifying patient's physician stating that, in  
179 such physician's professional opinion, the qualifying patient has a  
180 debilitating medical condition and the potential benefits of the  
181 palliative use of marijuana would likely outweigh the health risks of  
182 such use to the qualifying patient.

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

192 (c) A physician shall not be subject to arrest or prosecution,  
193 penalized in any manner, including, but not limited to, being subject to  
194 any civil penalty, or denied any right or privilege, including, but not  
195 limited to, being subject to any disciplinary action by the Connecticut  
196 Medical Examining Board or other professional licensing board, for  
197 providing a written certification for the palliative use of marijuana  
198 under subdivision (1) of subsection (a) of section 21a-408a if:

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

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

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

210 (4) The physician has no financial interest in a dispensary licensed  
211 under section 21a-408h, as amended by this act, or a producer licensed  
212 under section 21a-408i.

213 (d) A nurse shall not be subject to arrest or prosecution, penalized in  
214 any manner, including, but not limited to, being subject to any civil  
215 penalty, or denied any right or privilege, including, but not limited to,  
216 being subject to any disciplinary action by the Board of Examiners for  
217 Nursing or other professional licensing board, for administering  
218 marijuana to a qualifying patient or research program subject in a  
219 hospital or health care facility licensed by the Department of Public  
220 Health.

221 Sec. 5. Section 21a-408d of the general statutes is repealed and the  
222 following is substituted in lieu thereof (*Effective from passage*):

223 (a) Each qualifying patient who is issued a written certification for  
224 the palliative use of marijuana under subdivision (1) of subsection (a)  
225 of section 21a-408a, and the primary caregiver of such qualifying  
226 patient, shall register with the Department of Consumer Protection.  
227 Such registration shall be effective from the date the Department of  
228 Consumer Protection issues a certificate of registration until the  
229 expiration of the written certification issued by the physician. The  
230 qualifying patient and the primary caregiver shall provide sufficient  
231 identifying information, as determined by the department, to establish

232 the personal identity of the qualifying patient and the primary  
233 caregiver. If the qualifying patient is under eighteen years of age, the  
234 custodial parent, guardian or other person having legal custody of the  
235 qualifying patient shall also provide a letter from both the qualifying  
236 patient's pediatrician and a physician who is board certified in an area  
237 of medicine involved in the treatment of the debilitating condition for  
238 which the qualifying patient was certified, confirming that the  
239 palliative use of marijuana is in the qualifying patient's best interest. A  
240 physician may issue a written certification for the palliative use of  
241 marijuana by a qualifying patient who is under eighteen years of age,  
242 provided such written certification shall not be for marijuana in a  
243 dosage form that requires that the marijuana be smoked or vaporized.  
244 The qualifying patient or the primary caregiver shall report any  
245 change in [such] the identifying information to the department not  
246 later than five business days after such change. The department shall  
247 issue a registration certificate to the qualifying patient and to the  
248 primary caregiver and may charge a reasonable fee, not to exceed  
249 twenty-five dollars, for each registration certificate issued under this  
250 subsection. Any registration fees collected by the department under  
251 this subsection shall be paid to the State Treasurer and credited to the  
252 account established pursuant to section 21a-408q, as amended by this  
253 act.

254 (b) The qualifying patient shall select a licensed, in-state dispensary  
255 facility to obtain his or her palliative marijuana at the time of  
256 registration. Upon the issuance of the certificate of registration by the  
257 department, the patient shall purchase such palliative marijuana  
258 products from the dispensary facility selected, except that the patient  
259 may change dispensary facilities in accordance with regulations  
260 adopted by the department. Any person with a valid registration  
261 certificate who is found to be in possession of marijuana that did not  
262 originate from the selected licensed dispensary facility may be subject  
263 to a hearing before the commissioner, for possible enforcement action  
264 concerning the registration certificate issued by the department.

265 (c) A dispensary facility shall not dispense any marijuana product in  
266 a smokable, inhalable or vaporizable form to a qualifying patient who  
267 is under eighteen years of age.

268 ~~[(b)]~~ (d) Information obtained under this section shall be  
269 confidential and shall not be subject to disclosure under the Freedom  
270 of Information Act, as defined in section 1-200, except that reasonable  
271 access to registry information obtained under this section and  
272 temporary registration information obtained under section 21a-408n  
273 shall be provided to: (1) State agencies, federal agencies and local law  
274 enforcement agencies for the purpose of investigating or prosecuting a  
275 violation of law; (2) physicians and pharmacists for the purpose of  
276 providing patient care and drug therapy management and monitoring  
277 controlled substances obtained by the qualifying patient; (3) public or  
278 private entities for research or educational purposes, provided no  
279 individually identifiable health information may be disclosed; (4) a  
280 licensed dispensary for the purpose of complying with sections 21a-  
281 408 to 21a-408n, inclusive, as amended by this act; (5) a qualifying  
282 patient, but only with respect to information related to such qualifying  
283 patient or such qualifying patient's primary caregiver; or (6) a primary  
284 caregiver, but only with respect to information related to such primary  
285 caregiver's qualifying patient.

286 Sec. 6. Section 21a-408h of the general statutes is amended by  
287 adding subsection (d) as follows (*Effective from passage*):

288 (NEW) (d) On or before January 1, 2016, and annually thereafter,  
289 each licensed dispensary shall report data to the Department of  
290 Consumer Protection relating to the types, mixtures and dosages of  
291 palliative marijuana dispensed by such dispensary. A report prepared  
292 pursuant to this subsection shall be in such form as may be prescribed  
293 by the Commissioner of Consumer Protection.

294 Sec. 7. Section 21a-408j of the general statutes is repealed and the  
295 following is substituted in lieu thereof (*Effective from passage*):

296 (a) No licensed dispensary or employee of the dispensary may: (1)  
297 Acquire marijuana from a person other than a licensed producer; (2)  
298 distribute or dispense marijuana to a person who is not (A) a  
299 qualifying patient registered under section 21a-408d, as amended by  
300 this act, or 21a-408n; [ or] (B) a primary caregiver of such qualifying  
301 patient; ~~(C) a hospice or other inpatient care facility licensed by the~~  
302 Department of Public Health pursuant to chapter 368v that has a  
303 protocol for the handling and distribution of marijuana that has been  
304 approved by the Department of Consumer Protection; (D) a laboratory;  
305 or (E) an organization engaged in a research program; or (3) obtain or  
306 transport marijuana outside of this state in violation of state or federal  
307 law.

308 (b) No licensed dispensary or employee of the dispensary acting  
309 within the scope of his or her employment shall be subject to arrest or  
310 prosecution, penalized in any manner, including, but not limited to,  
311 being subject to any civil penalty, or denied any right or privilege,  
312 including, but not limited to, being subject to any disciplinary action  
313 by a professional licensing board, for acquiring, possessing,  
314 distributing or dispensing marijuana pursuant to sections 21a-408 to  
315 21a-408n, as amended by this act, inclusive.

316 Sec. 8. Section 21a-408k of the general statutes is repealed and the  
317 following is substituted in lieu thereof (*Effective from passage*):

318 (a) No licensed producer or employee of the producer may: (1) Sell,  
319 deliver, transport or distribute marijuana to a person who is not ~~(A)~~ a  
320 licensed dispensary, ~~(B) a laboratory,~~ or ~~(C) an organization engaged in~~  
321 a research program, or (2) obtain or transport marijuana outside of this  
322 state in violation of state or federal law.

323 (b) No licensed producer or employee of the producer acting within  
324 the scope of his or her employment shall be subject to arrest or  
325 prosecution, penalized in any manner, including, but not limited to,  
326 being subject to any civil penalty, or denied any right or privilege,  
327 including, but not limited to, being subject to any disciplinary action

328 by a professional licensing board, for cultivating marijuana or selling,  
329 delivering, transporting or distributing marijuana to licensed  
330 dispensaries under sections 21a-408 to 21a-408n, inclusive, as amended  
331 by this act.

332 Sec. 9. Subsection (a) of section 21a-408l of the general statutes is  
333 repealed and the following is substituted in lieu thereof (*Effective from*  
334 *passage*):

335 (a) The Commissioner of Consumer Protection shall establish a  
336 Board of Physicians consisting of eight physicians or surgeons who are  
337 knowledgeable about the palliative use of marijuana, [and certified by  
338 the appropriate American board in one of the following specialties:  
339 Neurology, pain medicine, pain management, medical oncology,  
340 psychiatry, infectious disease, family medicine or gynecology.] Four of  
341 the members of the board first appointed shall serve for a term of three  
342 years and four of the members of the board first appointed shall serve  
343 for a term of four years. Thereafter, members of the board shall serve  
344 for a term of four years and shall be eligible for reappointment. Any  
345 member of the board may serve until a successor is appointed. The  
346 Commissioner of Consumer Protection shall serve as an ex-officio  
347 member of the board, and shall select a chairperson from among the  
348 members of the board.

349 Sec. 10. Section 21a-408q of the general statutes is repealed and the  
350 following is substituted in lieu thereof (*Effective from passage*):

351 There is established a palliative marijuana administration account  
352 which shall be a separate, nonlapsing account within the General  
353 Fund. The account shall contain any fees collected pursuant to  
354 subsection (a) of section 21a-408d, as amended by this act, any fees  
355 collected pursuant to sections 21a-408h, as amended by this act, and  
356 21a-408i, any fees collected pursuant to subsection (b) of section 21a-  
357 408m, and any other moneys required by law to be deposited in the  
358 account, and shall be held in trust separate and apart from all other  
359 moneys, funds and accounts. Any balance remaining in the account at

360 the end of any fiscal year shall be carried forward in the account for  
361 the fiscal year next succeeding. Investment earnings credited to the  
362 account shall become part of the account. Amounts in the account shall  
363 be expended only for the purpose of providing funds to the  
364 Department of Consumer Protection for administering the provisions  
365 of [sections 21a-408 to 21a-408o, inclusive] this chapter.

366 Sec. 11. (NEW) (*Effective from passage*) (a) Except as provided in  
367 subsection (b) of this section, no person may act as a laboratory  
368 employee or represent that such person is a licensed laboratory  
369 employee unless such person has obtained a license from the  
370 Commissioner of Consumer Protection pursuant to this section.

371 (b) Prior to the effective date of regulations adopted under this  
372 section, the Commissioner of Consumer Protection may issue a  
373 temporary certificate of registration to a laboratory employee. The  
374 commissioner shall prescribe the standards, procedures and fees for  
375 obtaining a temporary certificate of registration as a laboratory  
376 employee.

377 (c) The Commissioner of Consumer Protection shall adopt  
378 regulations, in accordance with chapter 54 of the general statutes, to (1)  
379 provide for the licensure of laboratories and laboratory employees; (2)  
380 establish standards and procedures for the revocation, suspension,  
381 summary suspension and nonrenewal of laboratory and laboratory  
382 employee licenses, provided such standards and procedures are  
383 consistent with the provisions of subsection (c) of section 4-182 of the  
384 general statutes; (3) establish a license and renewal fee for each  
385 licensed laboratory and licensed laboratory employee, provided the  
386 aggregate amount of such license and renewal fees shall not be less  
387 than the amount necessary to cover the direct and indirect cost of  
388 licensing and regulating laboratories and laboratory employees in  
389 accordance with the provisions of chapter 420f of the general statutes;  
390 and (4) establish other licensing, renewal and operational standards  
391 deemed necessary by the commissioner.

392 (d) Any fees collected by the Department of Consumer Protection  
393 under this section shall be paid to the State Treasurer and credited to  
394 the account established pursuant to section 21a-408q of the general  
395 statutes, as amended by this act.

396 Sec. 12. (NEW) (*Effective from passage*) (a) No laboratory employee  
397 may: (1) Acquire marijuana from a person other than a licensed  
398 producer, licensed dispensary or organization engaged in a research  
399 program; (2) deliver, transport or distribute marijuana to: (A) A person  
400 who is not a licensed dispensary; (B) a person who is not a licensed  
401 producer; or (C) an organization not engaged in a research program; or  
402 (3) obtain or transport marijuana outside of this state in violation of  
403 state or federal law.

404 (b) No laboratory or laboratory employee acting within the scope of  
405 his or her employment shall be subject to arrest or prosecution,  
406 penalized in any manner, including, but not limited to, being subject to  
407 any civil penalty, or denied any right or privilege, including, but not  
408 limited to, being subject to any disciplinary action by a professional  
409 licensing board, for acquiring, possessing, delivering, transporting or  
410 distributing marijuana to a licensed dispensary, a licensed producer or  
411 an organization engaged in an approved research program under the  
412 provisions of chapter 420f of the general statutes.

413 Sec. 13. (NEW) (*Effective from passage*) (a) The Commissioner of  
414 Consumer Protection may approve a research program if such research  
415 program (1) is to be administered or overseen by (A) a hospital or  
416 health care facility licensed by the Connecticut Department of Public  
417 Health pursuant to chapter 368v of the general statutes, (B) an  
418 institution of higher education, as defined in section 10a-55 of the  
419 general statutes, (C) a licensed producer, or (D) a licensed dispensary,  
420 and (2) will have institutional review board oversight and, if the  
421 research program involves the use of animals, will have an  
422 institutional animal care and use committee.

423 (b) Except as provided in subsection (c) of this section, no person

424 may act as a research program employee or represent that such person  
425 is a licensed research program employee unless such person has  
426 obtained a license from the Commissioner of Consumer Protection  
427 pursuant to this section.

428 (c) Prior to the effective date of regulations adopted under this  
429 section, the Commissioner of Consumer Protection may issue a  
430 temporary certificate of registration to a research program employee.  
431 The commissioner shall prescribe the standards, procedures and fees  
432 for obtaining a temporary certificate of registration as a research  
433 program employee.

434 (d) The Commissioner of Consumer Protection shall adopt  
435 regulations, in accordance with chapter 54 of the general statutes, to (1)  
436 provide for the approval of research programs and licensure of  
437 research program employees, (2) establish standards and procedures  
438 for the termination or suspension of a research program, (3) establish  
439 standards and procedures for the revocation, suspension, summary  
440 suspension and nonrenewal of a research program employee license,  
441 provided such standards and procedures are consistent with the  
442 provisions of subsection (c) of section 4-182 of the general statutes, (4)  
443 establish a (A) fee for research program review and approval, and (B)  
444 license and renewal fee for each research program employee, provided  
445 the aggregate amount of such fees shall not be less than the amount  
446 necessary to cover the direct and indirect cost of approving research  
447 programs and licensing and regulating research program employees  
448 pursuant to the provisions of chapter 420f of the general statutes, and  
449 (5) establish other licensing, renewal and operational standards  
450 deemed necessary by the commissioner.

451 (e) Any fees collected by the Department of Consumer Protection  
452 under this section shall be paid to the State Treasurer and credited to  
453 the account established pursuant to section 21a-408q of the general  
454 statutes, as amended by this act.

455 Sec. 14. (NEW) (*Effective from passage*) (a) No research program or

456 research program employee may: (1) Acquire marijuana from a person  
457 other than a licensed producer, licensed dispensary or laboratory; (2)  
458 deliver, transport or distribute marijuana to a person who is not: (A) A  
459 licensed dispensary; (B) a licensed producer; or (C) a research program  
460 subject; (3) distribute or administer marijuana to an animal unless such  
461 animal is an animal research subject; or (4) obtain or transport  
462 marijuana outside of this state in violation of state or federal law.

463 (b) No research program employee acting within the scope of his or  
464 her employment shall be subject to arrest or prosecution, penalized in  
465 any manner, including, but not limited to, being subject to any civil  
466 penalty, or denied any right or privilege, including, but not limited to,  
467 being subject to any disciplinary action by a professional licensing  
468 board, for acquiring, possessing, delivering, transporting or  
469 distributing marijuana to a licensed dispensary, a licensed producer or  
470 a research program subject or distributing or administering marijuana  
471 to an animal research subject under the provisions of chapter 420f of  
472 the general statutes.

473 Sec. 15. (NEW) (*Effective from passage*) (a) Any person seeking to  
474 participate as a research program subject shall register with the  
475 Department of Consumer Protection prior to participating in an  
476 approved research program. The Commissioner of Consumer  
477 Protection shall prescribe the standards and procedures for obtaining a  
478 certificate of registration as a research program subject.

479 (b) A research program subject who has a valid registration  
480 certificate from the Department of Consumer Protection and is acting  
481 within the scope of his or her involvement in an approved research  
482 program shall not be subject to arrest or prosecution, penalized in any  
483 manner, including, but not limited to, being subject to any civil penalty  
484 or denied any right or privilege, including, but not limited to, being  
485 subject to any disciplinary action by a professional licensing board, for  
486 the use of marijuana.

487 (c) The provisions of subsection (b) of this section do not apply to:

488 (1) Any use of marijuana that endangers the health or well-being of  
489 a person other than the research program subject or a research  
490 program employee; or

491 (2) The ingestion of marijuana (A) in a motor bus or a school bus or  
492 in any other moving vehicle, (B) in the workplace, (C) on any school  
493 grounds or any public or private school, dormitory, college or  
494 university property unless such college or university is participating in  
495 a research program and such use is pursuant to the terms of the  
496 research program, (D) in any public place, or (E) in the presence of a  
497 person under eighteen years of age unless such person is a qualifying  
498 patient or research program subject. For purposes of this subdivision,  
499 (i) "presence" means within the direct line of sight of the palliative use  
500 of marijuana or exposure to second-hand marijuana smoke, or both; (ii)  
501 "public place" means any area that is used or held out for use by the  
502 public whether owned or operated by public or private interests; (iii)  
503 "vehicle" means a vehicle, as defined in section 14-1 of the general  
504 statutes; (iv) "motor bus" means a motor bus, as defined in section 14-1  
505 of the general statutes; and (v) "school bus" means a school bus, as  
506 defined in section 14-1 of the general statutes.

507 (d) Information obtained under this section shall be confidential and  
508 shall not be subject to disclosure under the Freedom of Information  
509 Act, as defined in section 1-200 of the general statutes, except that  
510 reasonable access to registry information obtained under this section  
511 shall be provided to: (1) State agencies, federal agencies and local law  
512 enforcement agencies for the purpose of investigating or prosecuting a  
513 violation of law; (2) physicians and pharmacists for the purpose of  
514 providing patient care and drug therapy management and monitoring  
515 controlled substances obtained by the research program subject; (3)  
516 public or private entities for research or educational purposes,  
517 provided no individually identifiable health information may be  
518 disclosed; (4) a licensed dispensary for the purpose of complying with  
519 sections 21a-408 to 21a-408n, inclusive, of the general statutes, as  
520 amended by this act; or (5) a research program subject, but only with

521 respect to information related to such research program subject."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-408
Sec. 2	<i>from passage</i>	21a-408a(b)
Sec. 3	<i>from passage</i>	21a-408b
Sec. 4	<i>from passage</i>	21a-408c
Sec. 5	<i>from passage</i>	21a-408d
Sec. 6	<i>from passage</i>	21a-408h
Sec. 7	<i>from passage</i>	21a-408j
Sec. 8	<i>from passage</i>	21a-408k
Sec. 9	<i>from passage</i>	21a-408l(a)
Sec. 10	<i>from passage</i>	21a-408q
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section