



General Assembly

February Session, 2016

Raised Bill No. 5450

LCO No. 1875



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-408 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 As used in [sections 21a-408] this section, sections 21a-408a to 21a-
4 408o, inclusive, as amended by this act, and sections 10 to 14, inclusive,
5 of this act, unless the context otherwise requires:

6 (1) "Cultivation" includes planting, propagating, cultivating,
7 growing and harvesting;

8 (2) "Debilitating medical condition" means (A) cancer, glaucoma,
9 positive status for human immunodeficiency virus or acquired
10 immune deficiency syndrome, Parkinson's disease, multiple sclerosis,
11 damage to the nervous tissue of the spinal cord with objective
12 neurological indication of intractable spasticity, epilepsy or
13 uncontrolled intractable seizure disorder, cachexia, wasting syndrome,
14 Crohn's disease, posttraumatic stress disorder, irreversible spinal cord

15 injury with objective neurological indication of intractable spasticity,
16 cerebral palsy, cystic fibrosis or terminal illness requiring end-of-life
17 care, except, if the qualifying patient is under eighteen years of age,
18 "debilitating medical condition" means terminal illness requiring end-
19 of-life care, irreversible spinal cord injury with objective neurological
20 indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe
21 epilepsy or uncontrolled intractable seizure disorder, or (B) any
22 medical condition, medical treatment or disease approved for
23 qualifying patients by the Department of Consumer Protection
24 pursuant to regulations adopted under section 21a-408m;

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

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

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

36 (6) "Laboratory employee" means a person who is (A) licensed as a
37 laboratory employee pursuant to section 10 of this act, or (B) holds a
38 temporary certificate of registration issued pursuant to section 10 of
39 this act;

40 [(3)] (7) "Licensed dispensary" or "dispensary" means a person who
41 is licensed as a dispensary pursuant to section 21a-408h, as amended
42 by this act;

43 [(4)] (8) "Licensed producer" or "producer" means a person who is
44 licensed as a producer pursuant to section 21a-408i;

45 [(5)] (9) "Marijuana" means marijuana, as defined in section 21a-240;

46 (10) "Nurse" means a person who is licensed as a nurse under
47 chapter 378;

48 [(6)] (11) "Palliative use" means the acquisition, distribution,
49 transfer, possession, use or transportation of marijuana or
50 paraphernalia relating to marijuana, including the transfer of
51 marijuana and paraphernalia relating to marijuana from the patient's
52 primary caregiver to the qualifying patient, to alleviate a qualifying
53 patient's symptoms of a debilitating medical condition or the effects of
54 such symptoms, but does not include any such use of marijuana by
55 any person other than the qualifying patient;

56 [(7)] (12) "Paraphernalia" means drug paraphernalia, as defined in
57 section 21a-240;

58 [(8)] (13) "Physician" means a person who is licensed as a physician
59 under chapter 370, but does not include a physician assistant, as
60 defined in section 20-12a;

61 [(9)] (14) "Primary caregiver" means a person, other than the
62 qualifying patient and the qualifying patient's physician, who is
63 eighteen years of age or older and has agreed to undertake
64 responsibility for managing the well-being of the qualifying patient
65 with respect to the palliative use of marijuana, provided (A) in the case
66 of a qualifying patient under eighteen years of age or otherwise
67 lacking legal capacity, such person shall be a parent, guardian or
68 person having legal custody of such qualifying patient, and (B) in the
69 case of a qualifying patient eighteen years of age or older lacking legal
70 capacity, the need for such person shall be evaluated by the qualifying
71 patient's physician and such need shall be documented in the written
72 certification;

73 [(10)] (15) "Qualifying patient" means a person who: [is eighteen
74 years of age or older, is] (A) Is a resident of Connecticut, [and] (B) has

75 been diagnosed by a physician as having a debilitating medical
76 condition, and (C) (i) is eighteen years of age or older, or (ii) has
77 written consent from a custodial parent, guardian or other person
78 having legal custody of such person that indicates that such person has
79 permission from such parent, guardian or other person for the
80 palliative use of marijuana for a debilitating medical condition and
81 that such parent, guardian or other person will (I) serve as a primary
82 caregiver for the qualifying patient, and (II) control the acquisition and
83 possession of marijuana and any related paraphernalia for palliative
84 use on behalf of such person. "Qualifying patient" does not include an
85 inmate confined in a correctional institution or facility under the
86 supervision of the Department of Correction;

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

93 (17) "Research program employee" means a person who (A) is
94 licensed as a research program employee under section 12 of this act,
95 or (B) holds a temporary certificated of registration issued pursuant to
96 section 12 of this act;

97 (18) "Research program subject" means a person registered as a
98 research program subject pursuant to section 14 of this act;

99 ~~[(11)]~~ (19) "Usable marijuana" means the dried leaves and flowers of
100 the marijuana plant, and any mixtures or preparations of such leaves
101 and flowers, that are appropriate for the palliative use of marijuana,
102 but does not include the seeds, stalks and roots of the marijuana plant;
103 and

104 ~~[(12)]~~ (20) "Written certification" means a written certification issued
105 by a physician pursuant to section 21a-408c, as amended by this act.

106 Sec. 2. Subsection (b) of section 21a-408a of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective*
108 *October 1, 2016*):

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

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

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

128 Sec. 3. Section 21a-408b of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective October 1, 2016*):

130 (a) No person may serve as a primary caregiver for a qualifying
131 patient (1) unless such qualifying patient has a valid registration
132 certificate from the Department of Consumer Protection pursuant to
133 subsection (a) of section 21a-408d, as amended by this act, and (2) if
134 such person has been convicted of a violation of any law pertaining to
135 the illegal manufacture, sale or distribution of a controlled substance.
136 A primary caregiver may not be responsible for the care of more than

137 one qualifying patient at any time, except that a primary caregiver may
138 be responsible for the care of more than one qualifying patient if the
139 primary caregiver and each qualifying patient have a parental,
140 guardianship, conservatorship or sibling relationship.

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

167 (c) A dispensary facility shall not dispense any marijuana product in
168 a smokable, inhalable or vaporizable form to a primary caregiver for a
169 qualifying patient who is under eighteen years of age.

170 Sec. 4. Section 21a-408c of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

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

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

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

199 (2) The physician has explained the potential risks and benefits of
200 the palliative use of marijuana to the qualifying patient and, if the

201 qualifying patient lacks legal capacity, to a parent, guardian or person
202 having legal custody of the qualifying patient;

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

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

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

219 Sec. 5. Section 21a-408d of the 2016 supplement to the general
220 statutes is repealed and the following is substituted in lieu thereof
221 (*Effective October 1, 2016*):

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

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

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

263 (c) A dispensary facility shall not dispense any marijuana products
264 in a smokable, inhalable or vaporizable form to a qualifying patient

265 who is under eighteen years of age.

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

284 Sec. 6. Section 21a-408h of the 2016 supplement to the general
285 statutes is amended by adding subsection (d) as follows (*Effective*
286 *October 1, 2016*):

287 (NEW) (d) On or before January 1, 2017, and annually thereafter,
288 each licensed dispensary shall report data to the Department of
289 Consumer Protection relating to the types, mixtures and dosages of
290 palliative marijuana dispensed by such dispensary. A report prepared
291 pursuant to this subsection shall be in such form as may be prescribed
292 by the Commissioner of Consumer Protection.

293 Sec. 7. Subsection (a) of section 21a-408j of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective*
295 *October 1, 2016*):

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
303 protocol for the handling and distribution of marijuana that has been
304 approved by the Department of Consumer Protection; (D) a laboratory;
305 and (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 Sec. 8. Subsection (a) of section 21a-408k of the general statutes is
309 repealed and the following is substituted in lieu thereof (*Effective*
310 *October 1, 2016*):

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

316 Sec. 9. Section 21a-408l of the general statutes is repealed and the
317 following is substituted in lieu thereof (*Effective October 1, 2016*):

318 (a) The Commissioner of Consumer Protection shall establish a
319 Board of Physicians consisting of eight physicians or surgeons who are
320 knowledgeable about the palliative use of marijuana, [and certified by
321 the appropriate American board in one of the following specialties:
322 Neurology, pain medicine, pain management, medical oncology,
323 psychiatry, infectious disease, family medicine or gynecology.] at least
324 one of whom shall be a board certified pediatrician appointed in
325 consultation with the Connecticut Chapter of the American Academy
326 of Pediatrics. Four of the members of the board first appointed shall

327 serve for a term of three years and four of the members of the board
328 first appointed shall serve for a term of four years. Thereafter,
329 members of the board shall serve for a term of four years and shall be
330 eligible for reappointment. Any member of the board may serve until a
331 successor is appointed. The Commissioner of Consumer Protection
332 shall serve as an ex-officio member of the board, and shall select a
333 chairperson from among the members of the board.

334 (b) A quorum of the Board of Physicians shall consist of three
335 members.

336 (c) The Board of Physicians shall:

337 (1) Review and recommend to the Department of Consumer
338 Protection for approval the debilitating medical conditions, medical
339 treatments or diseases to be added to the list of debilitating medical
340 conditions that qualify for the palliative use of marijuana for patients
341 eighteen years of age or older;

342 (2) Review and recommend to the Department of Consumer
343 Protection for approval any illnesses that are severely debilitating, as
344 defined in 21 CFR 312.81(b), to be added to the list of debilitating
345 medical conditions that qualify for the palliative use of marijuana for
346 patients under eighteen years of age, taking into account, among other
347 things, the effect of the palliative use of marijuana on the brain
348 development of such patients;

349 ~~[(2)]~~ (3) Accept and review petitions to add medical conditions,
350 medical treatments or diseases to the list of debilitating medical
351 conditions that qualify for the palliative use of marijuana;

352 ~~[(3)]~~ (4) Convene at least twice per year to conduct public hearings
353 and to evaluate petitions, which shall be maintained as confidential
354 pursuant to subsection (d) of this section, for the purpose of adding
355 medical conditions, medical treatments or diseases to the list of
356 debilitating medical conditions that qualify for the palliative use of

357 marijuana;

358 [(4)] (5) Review and recommend to the Department of Consumer
359 Protection protocols for determining the amounts of marijuana that
360 may be reasonably necessary to ensure uninterrupted availability for a
361 period of one month for qualifying patients, including amounts for
362 topical treatments; and

363 [(5)] (6) Perform other duties related to the palliative use of
364 marijuana upon the request of the Commissioner of Consumer
365 Protection.

366 (d) Any individually identifiable health information contained in a
367 petition received under this section shall be confidential and shall not
368 be subject to disclosure under the Freedom of Information Act, as
369 defined in section 1-200.

370 Sec. 10. (NEW) (*Effective October 1, 2016*) (a) Except as provided in
371 subsection (b) of this section, no person may act as a laboratory
372 employee or represent that such person is a licensed laboratory
373 employee unless such person has obtained a license from the
374 Commissioner of Consumer Protection pursuant to this section.

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

381 (c) The Commissioner of Consumer Protection shall adopt
382 regulations, in accordance with chapter 54 of the general statutes, to (1)
383 provide for the licensure of laboratories and laboratory employees, (2)
384 establish standards and procedures for the revocation, suspension,
385 summary suspension and nonrenewal of laboratory and laboratory
386 employee licenses, provided such standards and procedures are

387 consistent with the provisions of subsection (c) of section 4-182 of the
388 general statutes, (3) establish a license and renewal fee for each
389 licensed laboratory and licensed laboratory employee, provided the
390 aggregate amount of such license and renewal fees shall not be less
391 than the amount necessary to cover the direct and indirect cost of
392 licensing and regulating laboratories and laboratory employees in
393 accordance with the provisions of chapter 420f of the general statutes,
394 and (4) establish other licensing, renewal and operational standards
395 deemed necessary by the commissioner.

396 (d) Any fees collected by the Department of Consumer Protection
397 under this section shall be paid to the State Treasurer and credited to
398 the General Fund.

399 Sec. 11. (NEW) (*Effective October 1, 2016*) (a) No laboratory employee
400 may (1) acquire marijuana from a person other than a licensed
401 producer, licensed dispensary or organization engaged in a research
402 program, (2) deliver, transport or distribute marijuana to (A) a person
403 who is not a licensed dispensary, (B) a person who is not a licensed
404 producer, or (C) an organization not engaged in a research program, or
405 (3) obtain or transport marijuana outside of this state in violation of
406 state or federal law.

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

416 Sec. 12. (NEW) (*Effective October 1, 2016*) (a) The Commissioner of
417 Consumer Protection may approve a research program if such research

418 program will (1) be administered or overseen by (A) a hospital or
419 health care facility licensed by the Connecticut Department of Public
420 Health pursuant to chapter 368v of the general statutes, (B) an
421 institution of higher education, as defined in section 10a-55 of the
422 general statutes, (C) a licensed producer, or (D) a licensed dispensary,
423 and (2) have institutional review board oversight and, if the research
424 program involves the use of animals, have an institutional animal care
425 and use committee.

426 (b) Except as provided in subsection (c) of this section, no person
427 may act as a research program employee or represent that such person
428 is a licensed research program employee unless such person has
429 obtained a license from the Commissioner of Consumer Protection
430 pursuant to this section.

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

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

450 programs and licensing and regulating research program employees
451 pursuant to the provisions of chapter 420f of the general statutes, and
452 (5) establish other licensing, renewal and operational standards
453 deemed necessary by the commissioner.

454 (e) Any fees collected by the Department of Consumer Protection
455 under this section shall be paid to the State Treasurer and credited to
456 the General Fund.

457 Sec. 13. (NEW) (*Effective October 1, 2016*) (a) No research program or
458 research program employee may (1) acquire marijuana from a person
459 other than a licensed producer, licensed dispensary or laboratory, (2)
460 deliver, transport or distribute marijuana to a person who is not (A) a
461 licensed dispensary, (B) a licensed producer, or (C) a research program
462 subject, (3) distribute or administer marijuana to an animal unless such
463 animal is an animal research subject, or (4) obtain or transport
464 marijuana outside of this state in violation of state or federal law.

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

475 Sec. 14. (NEW) (*Effective October 1, 2016*) (a) Any person seeking to
476 participate as a research program subject shall register with the
477 Department of Consumer Protection prior to participating in an
478 approved research program. The Commissioner of Consumer
479 Protection shall prescribe the standards and procedures for obtaining a
480 certificate of registration as a research program subject.

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

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

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

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

509 (d) Information obtained under this section shall be confidential and
510 shall not be subject to disclosure under the Freedom of Information
511 Act, as defined in section 1-200 of the general statutes, except that

512 reasonable access to registry information obtained under this section
513 shall be provided to (1) state agencies, federal agencies and local law
514 enforcement agencies for the purpose of investigating or prosecuting a
515 violation of law, (2) physicians and pharmacists for the purpose of
516 providing patient care and drug therapy management and monitoring
517 controlled substances obtained by the research program subject, (3)
518 public or private entities for research or educational purposes,
519 provided no individually identifiable health information may be
520 disclosed, (4) a licensed dispensary for the purpose of complying with
521 sections 21a-408 to 21a-408n, inclusive, of the general statutes, as
522 amended by this act, or (5) a research program subject, but only with
523 respect to information related to such research program subject.

524 Sec. 15. Subsection (a) of section 21a-408n of the general statutes is
525 repealed and the following is substituted in lieu thereof (*Effective*
526 *October 1, 2016*):

527 (a) During the period beginning on October 1, 2012, and ending
528 thirty calendar days after the effective date of regulations adopted
529 pursuant to section 21a-408m, a qualifying patient who would be
530 determined to be eligible for a registration certificate pursuant to
531 subsection (a) of section 21a-408d, as amended by this act, except for
532 the lack of effective regulations concerning licensed dispensaries,
533 licensed producers, distribution systems and amounts of marijuana,
534 may obtain a written certification from a physician and upon
535 presenting the written certification to the Department of Consumer
536 Protection, the department shall issue a temporary registration
537 certificate for the palliative use of marijuana. The department shall
538 indicate on such temporary registration certificate the amount of
539 usable marijuana that constitutes a one month supply which may be
540 possessed pursuant to such temporary registration certificate. The
541 department shall maintain a list of all temporary registration
542 certificates issued pursuant to this section and the information on such
543 list shall be confidential and shall not be subject to disclosure under the
544 Freedom of Information Act, as defined in section 1-200, except that

545 such information may be disclosed in the manner set forth in
546 subsection [(b)] (d) of section 21a-408d, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	21a-408
Sec. 2	<i>October 1, 2016</i>	21a-408a(b)
Sec. 3	<i>October 1, 2016</i>	21a-408b
Sec. 4	<i>October 1, 2016</i>	21a-408c
Sec. 5	<i>October 1, 2016</i>	21a-408d
Sec. 6	<i>October 1, 2016</i>	21a-408h
Sec. 7	<i>October 1, 2016</i>	21a-408j(a)
Sec. 8	<i>October 1, 2016</i>	21a-408k(a)
Sec. 9	<i>October 1, 2016</i>	21a-408l
Sec. 10	<i>October 1, 2016</i>	New section
Sec. 11	<i>October 1, 2016</i>	New section
Sec. 12	<i>October 1, 2016</i>	New section
Sec. 13	<i>October 1, 2016</i>	New section
Sec. 14	<i>October 1, 2016</i>	New section
Sec. 15	<i>October 1, 2016</i>	21a-408n(a)

Statement of Purpose:

To make revisions to the statutes concerning the palliative use of marijuana.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]