



General Assembly

Substitute Bill No. 5450

February Session, 2016

* _____HB05450PH_____032216_____*

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 Section 21a-408 of the general statutes is repealed and the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 and section 10 of this act;

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 certificate 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. Any person with a valid registration certificate who is
160 found to be in possession of marijuana that did not originate from the
161 selected dispensary may be subject to a hearing before the
162 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 shall not dispense any marijuana product in a
168 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, or, if the qualifying patient is under
253 eighteen years of age, the custodial parent, guardian or other person
254 having legal custody of the qualifying patient, shall select a licensed,
255 in-state dispensary to obtain the palliative marijuana products at the
256 time of registration. Upon the issuance of the certificate of registration
257 by the department, the qualifying patient, or the qualifying patient's
258 custodial parent, guardian or other person having legal custody of the
259 qualifying patient, shall purchase such palliative marijuana products
260 from such dispensary, except that the qualifying patient, or the
261 qualifying patient's custodial parent, guardian or other person having
262 legal custody of the qualifying patient, may change such dispensary in
263 accordance with regulations adopted by the department. Any person
264 with a valid registration certificate who is found to be in possession of
265 marijuana that did not originate from the selected dispensary may be
266 subject to hearing before the commissioner for possible enforcement
267 action concerning the registration certificate issued by the department.

268 (c) A dispensary shall not dispense any marijuana products in a
269 smokable, inhalable or vaporizable form to a qualifying patient who is
270 under eighteen years of age.

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

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

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

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

302 (a) No licensed dispensary or employee of the dispensary may: (1)

303 Acquire marijuana from a person other than a licensed producer; (2)
304 distribute or dispense marijuana to a person who is not (A) a
305 qualifying patient registered under section 21a-408d, as amended by
306 this act, or 21a-408n, as amended by this act; [or] (B) a primary
307 caregiver of such qualifying patient; ~~(C) a hospice or other inpatient~~
308 care facility licensed by the Department of Public Health pursuant to
309 chapter 368v that has protocol for the handling and distribution of
310 marijuana that has been approved by the Department of Consumer
311 Protection; (D) a laboratory; and (E) an organization engaged in a
312 research program; or (3) obtain or transport marijuana outside of this
313 state in violation of state or federal law.

314 Sec. 8. Subsection (a) of section 21a-408k of the general statutes is
315 repealed and the following is substituted in lieu thereof (*Effective*
316 *October 1, 2016*):

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

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

324 (a) The Commissioner of Consumer Protection shall establish a
325 Board of Physicians consisting of eight physicians or surgeons who are
326 knowledgeable about the palliative use of marijuana and certified by
327 the appropriate American board [in one of the following specialties:
328 Neurology, pain medicine, pain management, medical oncology,
329 psychiatry, infectious disease, family medicine or gynecology] in the
330 medical specialty in which they practice, at least one of whom shall be
331 a board certified pediatrician appointed in consultation with the
332 Connecticut Chapter of the American Academy of Pediatrics. Four of
333 the members of the board first appointed shall serve for a term of three
334 years and four of the members of the board first appointed shall serve

335 for a term of four years. Thereafter, members of the board shall serve
336 for a term of four years and shall be eligible for reappointment. Any
337 member of the board may serve until a successor is appointed. The
338 Commissioner of Consumer Protection shall serve as an ex-officio
339 member of the board, and shall select a chairperson from among the
340 members of the board.

341 (b) A quorum of the Board of Physicians shall consist of [~~three~~] four
342 members.

343 (c) The Board of Physicians shall:

344 (1) Review and recommend to the Department of Consumer
345 Protection for approval the debilitating medical conditions, medical
346 treatments or diseases to be added to the list of debilitating medical
347 conditions that qualify for the palliative use of marijuana for
348 qualifying patients eighteen years of age or older;

349 (2) Review and recommend to the Department of Consumer
350 Protection for approval any illnesses that are severely debilitating, as
351 defined in 21 CFR 312.81(b), to be added to the list of debilitating
352 medical conditions that qualify for the palliative use of marijuana for
353 qualifying patients under eighteen years of age, taking into account,
354 among other things, the effect of the palliative use of marijuana on the
355 brain development of such patients;

356 ~~[(2)]~~ (3) Accept and review petitions to add medical conditions,
357 medical treatments or diseases to the list of debilitating medical
358 conditions that qualify for the palliative use of marijuana;

359 ~~[(3)]~~ (4) Convene at least twice per year to conduct public hearings
360 and to evaluate petitions, which shall be maintained as confidential
361 pursuant to subsection (d) of this section, for the purpose of adding
362 medical conditions, medical treatments or diseases to the list of
363 debilitating medical conditions that qualify for the palliative use of
364 marijuana;

365 [(4)] (5) Review and recommend to the Department of Consumer
366 Protection protocols for determining the amounts of marijuana that
367 may be reasonably necessary to ensure uninterrupted availability for a
368 period of one month for qualifying patients, including amounts for
369 topical treatments; and

370 [(5)] (6) Perform other duties related to the palliative use of
371 marijuana upon the request of the Commissioner of Consumer
372 Protection.

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

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

382 (b) Prior to the effective date of regulations adopted under this
383 section, the Commissioner of Consumer Protection may issue a
384 temporary certificate of registration to a laboratory employee. The
385 commissioner shall prescribe the standards, procedures and fees for
386 obtaining a temporary certificate of registration as a laboratory
387 employee.

388 (c) The Commissioner of Consumer Protection shall adopt
389 regulations, in accordance with chapter 54 of the general statutes, to (1)
390 provide for the licensure of laboratories and laboratory employees, (2)
391 establish standards and procedures for the revocation, suspension,
392 summary suspension and nonrenewal of laboratory and laboratory
393 employee licenses, provided such standards and procedures are
394 consistent with the provisions of subsection (c) of section 4-182 of the
395 general statutes, (3) establish a license and renewal fee for each

396 licensed laboratory and licensed laboratory employee, provided the
397 aggregate amount of such license and renewal fees shall not be less
398 than the amount necessary to cover the direct and indirect cost of
399 licensing and regulating laboratories and laboratory employees in
400 accordance with the provisions of chapter 420f of the general statutes,
401 and (4) establish other licensing, renewal and operational standards
402 deemed necessary by the commissioner.

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

406 Sec. 11. (NEW) (*Effective October 1, 2016*) (a) No laboratory employee
407 may (1) acquire marijuana from a person other than a licensed
408 producer, licensed dispensary or organization engaged in a research
409 program, (2) deliver, transport or distribute marijuana to (A) a person
410 who is not a licensed dispensary, (B) a person who is not a licensed
411 producer, or (C) an organization not engaged in a research program, or
412 (3) obtain or transport marijuana outside of this state in violation of
413 state or federal law.

414 (b) (1) No laboratory employee acting within the scope of his or her
415 employment shall be subject to arrest or prosecution, penalized in any
416 manner, including, but not limited to, being subject to any civil
417 penalty, or denied any right or privilege, including, but not limited to,
418 being subject to any disciplinary action by a professional licensing
419 board, for acquiring, possessing, delivering, transporting or
420 distributing marijuana to a licensed dispensary, a licensed producer or
421 an organization engaged in an approved research program under the
422 provisions of chapter 420f of the general statutes.

423 (2) No laboratory shall be subject to prosecution, penalized in any
424 manner, including, but not limited to, being subject to any civil penalty
425 or denied any right or privilege, for acquiring, possessing, delivering,
426 transporting or distributing marijuana to a licensed dispensary, a
427 licensed producer or an organization engaged in an approved research

428 program under the provisions of chapter 420f of the general statutes.

429 Sec. 12. (NEW) (*Effective October 1, 2016*) (a) The Commissioner of
430 Consumer Protection may approve a research program if such research
431 program will (1) be administered or overseen by (A) a hospital or
432 health care facility licensed by the Connecticut Department of Public
433 Health pursuant to chapter 368v of the general statutes, (B) an
434 institution of higher education, as defined in section 10a-55 of the
435 general statutes, (C) a licensed producer, or (D) a licensed dispensary,
436 and (2) have institutional review board oversight and, if the research
437 program involves the use of animals, have an institutional animal care
438 and use committee.

439 (b) Except as provided in subsection (c) of this section, no person
440 may act as a research program employee or represent that such person
441 is a licensed research program employee unless such person has
442 obtained a license from the Commissioner of Consumer Protection
443 pursuant to this section.

444 (c) Prior to the effective date of regulations adopted under this
445 section, the Commissioner of Consumer Protection may issue a
446 temporary certificate of registration to a research program employee.
447 The commissioner shall prescribe the standards, procedures and fees
448 for obtaining a temporary certificate of registration as a research
449 program employee.

450 (d) The Commissioner of Consumer Protection shall adopt
451 regulations, in accordance with chapter 54 of the general statutes, to (1)
452 provide for the approval of research programs and licensure of
453 research program employees, (2) establish standards and procedures
454 for the termination or suspension of a research program, (3) establish
455 standards and procedures for the revocation, suspension, summary
456 suspension and nonrenewal of a research program employee license,
457 provided such standards and procedures are consistent with the
458 provisions of subsection (c) of section 4-182 of the general statutes, (4)
459 establish a (A) fee for research program review and approval, and (B)

460 license and renewal fee for each research program employee, provided
461 the aggregate amount of such fees shall not be less than the amount
462 necessary to cover the direct and indirect cost of approving research
463 programs and licensing and regulating research program employees
464 pursuant to the provisions of chapter 420f of the general statutes, and
465 (5) establish other licensing, renewal and operational standards
466 deemed necessary by the commissioner.

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

470 Sec. 13. (NEW) (*Effective October 1, 2016*) (a) No research program or
471 research program employee may (1) acquire marijuana from a person
472 other than a licensed producer, licensed dispensary or laboratory, (2)
473 deliver, transport or distribute marijuana to a person who is not (A) a
474 licensed dispensary, (B) a licensed producer, or (C) a research program
475 subject, (3) distribute or administer marijuana to an animal unless such
476 animal is an animal research subject, or (4) obtain or transport
477 marijuana outside of this state in violation of state or federal law.

478 (b) No research program employee acting within the scope of his or
479 her employment shall be subject to arrest or prosecution, penalized in
480 any manner, including, but not limited to, being subject to any civil
481 penalty, or denied any right or privilege, including, but not limited to,
482 being subject to any disciplinary action by a professional licensing
483 board, for acquiring, possessing, delivering, transporting or
484 distributing marijuana to a licensed dispensary, a licensed producer or
485 a research program subject or distributing or administering marijuana
486 to an animal research subject under the provisions of chapter 420f of
487 the general statutes.

488 Sec. 14. (NEW) (*Effective October 1, 2016*) (a) Any person seeking to
489 participate as a research program subject shall register with the
490 Department of Consumer Protection prior to participating in an
491 approved research program. The Commissioner of Consumer

492 Protection shall prescribe the standards and procedures for obtaining a
493 certificate of registration as a research program subject.

494 (b) A research program subject who has a valid registration
495 certificate from the Department of Consumer Protection and is acting
496 within the scope of his or her involvement in an approved research
497 program shall not be subject to arrest or prosecution, penalized in any
498 manner, including, but not limited to, being subject to any civil penalty
499 or denied any right or privilege, including, but not limited to, being
500 subject to any disciplinary action by a professional licensing board, for
501 the use of marijuana.

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

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

506 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
507 in any other moving vehicle, (B) in the workplace, (C) on any school
508 grounds or any public or private school, dormitory, college or
509 university property unless such college or university is participating in
510 a research program and such use is pursuant to the terms of the
511 research program, (D) in any public place, or (E) in the presence of a
512 person under eighteen years of age unless such person is a qualifying
513 patient or research program subject. For purposes of this subdivision,
514 (i) "presence" means within the direct line of sight of the palliative use
515 of marijuana or exposure to second-hand marijuana smoke, or both; (ii)
516 "public place" means any area that is used or held out for use by the
517 public, whether owned or operated by public or private interests; (iii)
518 "vehicle" means a vehicle, as defined in section 14-1 of the general
519 statutes; (iv) "motor bus" means a motor bus, as defined in section 14-1
520 of the general statutes; and (v) "school bus" means a school bus, as
521 defined in section 14-1 of the general statutes.

522 (d) Information obtained under this section shall be confidential and

523 shall not be subject to disclosure under the Freedom of Information
524 Act, as defined in section 1-200 of the general statutes, except that
525 reasonable access to registry information obtained under this section
526 shall be provided to (1) state agencies, federal agencies and local law
527 enforcement agencies for the purpose of investigating or prosecuting a
528 violation of law, (2) physicians and pharmacists for the purpose of
529 providing patient care and drug therapy management and monitoring
530 controlled substances obtained by the research program subject, (3)
531 public or private entities for research or educational purposes,
532 provided no individually identifiable health information may be
533 disclosed, (4) a licensed dispensary for the purpose of complying with
534 sections 21a-408 to 21a-408n, inclusive, of the general statutes, as
535 amended by this act, or (5) a research program subject, but only with
536 respect to information related to such research program subject.

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

540 (a) During the period beginning on October 1, 2012, and ending
541 thirty calendar days after the effective date of regulations adopted
542 pursuant to section 21a-408m, a qualifying patient who would be
543 determined to be eligible for a registration certificate pursuant to
544 subsection (a) of section 21a-408d, as amended by this act, except for
545 the lack of effective regulations concerning licensed dispensaries,
546 licensed producers, distribution systems and amounts of marijuana,
547 may obtain a written certification from a physician and upon
548 presenting the written certification to the Department of Consumer
549 Protection, the department shall issue a temporary registration
550 certificate for the palliative use of marijuana. The department shall
551 indicate on such temporary registration certificate the amount of
552 usable marijuana that constitutes a one month supply which may be
553 possessed pursuant to such temporary registration certificate. The
554 department shall maintain a list of all temporary registration
555 certificates issued pursuant to this section and the information on such

556 list shall be confidential and shall not be subject to disclosure under the
 557 Freedom of Information Act, as defined in section 1-200, except that
 558 such information may be disclosed in the manner set forth in
 559 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	October 1, 2016	21a-408
Sec. 2	October 1, 2016	21a-408a(b)
Sec. 3	October 1, 2016	21a-408b
Sec. 4	October 1, 2016	21a-408c
Sec. 5	October 1, 2016	21a-408d
Sec. 6	October 1, 2016	21a-408h
Sec. 7	October 1, 2016	21a-408j(a)
Sec. 8	October 1, 2016	21a-408k(a)
Sec. 9	October 1, 2016	21a-408l
Sec. 10	October 1, 2016	New section
Sec. 11	October 1, 2016	New section
Sec. 12	October 1, 2016	New section
Sec. 13	October 1, 2016	New section
Sec. 14	October 1, 2016	New section
Sec. 15	October 1, 2016	21a-408n(a)

Statement of Legislative Commissioners:

In Sections 3(b) and (c) and 5(b) and (c), "facility" was deleted after "dispensary" for consistency with the defined term in Section 1; in Sections 5(b) and 9(c), "qualifying" was inserted before "patient" for consistency with other provisions of the section and the defined term in Section 1; and Section 11(b) was divided into two subdivisions for clarity and accuracy.

PH *Joint Favorable Subst.*