AN ACT CONCERNING REVISIONS TO MEDICAL MARIJUANA STATUTES.

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

Section 1. Subsection (b) of section 21a-408d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(b) (1) The qualifying patient, or, if the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient, shall select a licensed, in-state dispensary to obtain the palliative marijuana products at the time of registration. Upon the issuance of the certificate of registration by the department, the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, shall purchase such palliative marijuana products from such dispensary, except that the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, may change such dispensary in accordance with regulations adopted by the department. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department.

(2) The provisions of subdivision (1) of this subsection shall not apply if the qualifying patient, or the qualifying patient's custodial parent,
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guardian or other person having legal custody of the qualifying patient chooses to purchase such palliative marijuana from a dispensary that has more than one location, provided every dispensary at which the purchase is made has real-time integration with the electronic prescription drug monitoring program established pursuant to section 21a-254.

Sec. 2. Subsection (a) of section 21a-408d of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) Each qualifying patient who is issued a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a, and the primary caregiver of such qualifying patient, shall register with the Department of Consumer Protection. For purposes of this section, not more than two primary caregivers may register with the department for each qualifying patient. Such registration shall be effective from the date the Department of Consumer Protection issues a certificate of registration until the expiration of the written certification issued by the physician or advanced practice registered nurse. The qualifying patient and the primary caregiver shall provide sufficient identifying information, as determined by the department, to establish the personal identity of the qualifying patient and the primary caregiver. If the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient shall also provide a letter from both the qualifying patient's primary care provider and a physician who is board certified in an area of medicine involved in the treatment of the debilitating condition for which the qualifying patient was certified that confirms that the palliative use of marijuana is in the best interest of the qualifying patient. A physician may issue a written certification for the palliative use of marijuana by a qualifying patient who is under eighteen years of age, provided such written certification shall not be for marijuana in a dosage form that requires that the marijuana be smoked, inhaled or vaporized. The qualifying patient or the primary caregiver shall report
any change in the identifying information to the department not later
than five business days after such change. The department shall issue a
registration certificate to the qualifying patient and to the primary
caregiver [and may charge a reasonable fee, not to exceed twenty-five
dollars,] for each registration certificate issued under this subsection at
no charge. [Any registration fees collected by the department under this
subsection shall be paid to the State Treasurer and credited to the
General Fund.]

Sec. 3. (NEW) (Effective from passage) The Commissioner of Consumer
Protection shall cease charging the nonrefundable fee for administrative
costs for each qualifying patient and the nonrefundable application fee
for each qualifying patient and caregiver under chapter 420f of the
general statutes. The commissioner shall also cease charging the
renewal fee for each qualifying patient under chapter 420f of the general
statutes. The commissioner shall amend existing regulations to
eliminate such fees in accordance with the provisions of this section.

Sec. 4. Section 21a-408m of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2020):

(a) The Commissioner of Consumer Protection may adopt
regulations, in accordance with chapter 54, to establish (1) a standard
form for written certifications for the palliative use of marijuana issued
by physicians and advanced practice registered nurses under
subdivision (1) of subsection (a) of section 21a-408a, and (2) procedures
for registrations under section 21a-408d, as amended by this act. Such
regulations, if any, shall be adopted after consultation with the Board of
Physicians established in section 21a-408l.

[(b) The Commissioner of Consumer Protection shall adopt
regulations, in accordance with chapter 54, to establish a reasonable fee
to be collected from each qualifying patient to whom a written
certification for the palliative use of marijuana is issued under
subdivision (1) of subsection (a) of section 21a-408a, for the purpose of
offsetting the direct and indirect costs of administering the provisions
of sections 21a-408 to 21a-408n, inclusive. The commissioner shall collect]
such fee at the time the qualifying patient registers with the Department of Consumer Protection under subsection (a) of section 21a-408d. Such fee shall be in addition to any registration fee that may be charged under said subsection. The fees required to be collected by the commissioner from qualifying patients under this subsection shall be paid to the State Treasurer and credited to the General Fund.

[(c)] (b) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to implement the provisions of sections 21a-408 to 21a-408g, inclusive, as amended by this act, and section 21a-408l. At a minimum, such regulations shall:

(1) Govern the manner in which the department considers applications for the issuance and renewal of registration certificates for qualifying patients and primary caregivers, and establish any additional information to be contained in such registration certificates;

(2) Define the protocols for determining the amount of usable marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amounts for topical treatments;

(3) Establish criteria for adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

(4) Establish a petition process under which members of the public may submit petitions, in such manner and in such form as prescribed in the regulations, regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions;

(5) Establish a process for public comment and public hearings before the board regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions, medical treatments or diseases;

(6) Add additional medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the
palliative use of marijuana as recommended by the board; and

(7) Develop a distribution system for marijuana for palliative use that provides for:

(A) Marijuana production facilities within this state that are housed on secured grounds and operated by licensed producers; and

(B) Distribution of marijuana for palliative use to qualifying patients or their primary caregivers by licensed dispensaries.

[(d) The commissioner shall submit regulations pursuant to subsections (b) and (c) of this section to the standing legislative regulation review committee not later than July 1, 2013.]

Sec. 5. Section 21a-408 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

As used in this section, sections 21a-408a to 21a-408o, inclusive, and sections 21a-408r to 21a-408v, inclusive, unless the context otherwise requires:

(1) "Advanced practice registered nurse" means an advanced practice registered nurse licensed pursuant to chapter 378;

(2) "Cultivation" includes planting, propagating, cultivating, growing and harvesting;

(3) "Debilitating medical condition" means (A) cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy or uncontrolled intractable seizure disorder, cachexia, wasting syndrome, Crohn's disease, posttraumatic stress disorder, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, or terminal illness requiring end-of-life care, chronic pain of at least six months duration associated with a specified
underlying chronic condition refractory to other treatment intervention, and Ehlers-Danlos syndrome associated with chronic pain, except, if the qualifying patient is under eighteen years of age, "debilitating medical condition" means terminal illness requiring end-of-life care, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled intractable seizure disorder, or (B) any medical condition, medical treatment or disease approved for qualifying patients by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m, as amended by this act;

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

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

(6) "Laboratory" means a laboratory located in the state that is licensed to provide analysis of controlled substances pursuant to section 21a-246 and section 21a-408r;

(7) "Laboratory employee" means a person who is (A) licensed as a laboratory employee pursuant to section 21a-408r, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408r;

(8) "Licensed dispensary" or "dispensary" means a person who is licensed as a dispensary pursuant to section 21a-408h;

(9) "Licensed producer" or "producer" means a person who is licensed as a producer pursuant to section 21a-408i;

(10) "Marijuana" means marijuana, as defined in section 21a-240;

(11) "Nurse" means a person who is licensed as a nurse under chapter
(12) "Palliative use" means the acquisition, distribution, transfer, possession, use or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient;

(13) "Paraphernalia" means drug paraphernalia, as defined in section 21a-240;

(14) "Physician" means a person who is licensed as a physician under chapter 370, but does not include a physician assistant, as defined in section 20-12a;

(15) "Primary caregiver" means a person, other than the qualifying patient and the qualifying patient's physician or advanced practice registered nurse, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided (A) in the case of a qualifying patient (i) under eighteen years of age and not an emancipated minor, or (ii) otherwise lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient, and (B) in the case of a qualifying patient eighteen years of age or older or an emancipated minor, the need for such person shall be evaluated by the qualifying patient's physician or advanced practice registered nurse and such need shall be documented in the written certification;

(16) "Qualifying patient" means a person who: (A) Is a resident of Connecticut, (B) has been diagnosed by a physician or an advanced practice registered nurse as having a debilitating medical condition, and (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or (iii) has written consent from a custodial parent, guardian or other
person having legal custody of such person that indicates that such person has permission from such parent, guardian or other person for the palliative use of marijuana for a debilitating medical condition and that such parent, guardian or other person will (I) serve as a primary caregiver for the qualifying patient, and (II) control the acquisition and possession of marijuana and any related paraphernalia for palliative use on behalf of such person. "Qualifying patient" does not include an inmate confined in a correctional institution or facility under the supervision of the Department of Correction;

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

(18) "Research program employee" means a person who (A) is licensed as a research program employee under section 21a-408t, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408t;

(19) "Research program subject" means a person registered as a research program subject pursuant to section 21a-408v;

(20) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does not include the seeds, stalks and roots of the marijuana plant; and

(21) "Written certification" means a written certification issued by a physician or an advanced practice registered nurse pursuant to section 21a-408c.

Sec. 6. (NEW) (Effective October 1, 2020) No producer licensed pursuant to section 21a-408i of the general statutes, or any agent of such producer, shall offer or give to a dispensary licensed pursuant to section...
This act shall take effect as follows and shall amend the following sections:

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<th>Amendment</th>
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