

**AN ACT CONCERNING REVISIONS TO MEDICAL MARIJUANA
STATUTES.**

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

1 Section 1. Subsection (b) of section 21a-408d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2020*):

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

21 (2) The provisions of subdivision (1) of this subsection shall not apply
22 if the qualifying patient, or the qualifying patient's custodial parent,

23 guardian or other person having legal custody of the qualifying patient
24 chooses to purchase such palliative marijuana from a dispensary that
25 has more than one location, provided every dispensary at which the
26 purchase is made has real-time integration with the electronic
27 prescription drug monitoring program established pursuant to section
28 21a-254.

29 Sec. 2. Subsection (a) of section 21a-408d of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective October*
31 *1, 2020*):

32 (a) Each qualifying patient who is issued a written certification for the
33 palliative use of marijuana under subdivision (1) of subsection (a) of
34 section 21a-408a, and the primary caregiver of such qualifying patient,
35 shall register with the Department of Consumer Protection. For
36 purposes of this section, not more than two primary caregivers may
37 register with the department for each qualifying patient. Such
38 registration shall be effective from the date the Department of
39 Consumer Protection issues a certificate of registration until the
40 expiration of the written certification issued by the physician or
41 advanced practice registered nurse. The qualifying patient and the
42 primary caregiver shall provide sufficient identifying information, as
43 determined by the department, to establish the personal identity of the
44 qualifying patient and the primary caregiver. If the qualifying patient is
45 under eighteen years of age and not an emancipated minor, the
46 custodial parent, guardian or other person having legal custody of the
47 qualifying patient shall also provide a letter from both the qualifying
48 patient's primary care provider and a physician who is board certified
49 in an area of medicine involved in the treatment of the debilitating
50 condition for which the qualifying patient was certified that confirms
51 that the palliative use of marijuana is in the best interest of the qualifying
52 patient. A physician may issue a written certification for the palliative
53 use of marijuana by a qualifying patient who is under eighteen years of
54 age, provided such written certification shall not be for marijuana in a
55 dosage form that requires that the marijuana be smoked, inhaled or
56 vaporized. The qualifying patient or the primary caregiver shall report

57 any change in the identifying information to the department not later
58 than five business days after such change. The department shall issue a
59 registration certificate to the qualifying patient and to the primary
60 caregiver [and may charge a reasonable fee, not to exceed twenty-five
61 dollars,] for each registration certificate issued under this subsection at
62 no charge. [Any registration fees collected by the department under this
63 subsection shall be paid to the State Treasurer and credited to the
64 General Fund.]

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

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

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

83 [(b) The Commissioner of Consumer Protection shall adopt
84 regulations, in accordance with chapter 54, to establish a reasonable fee
85 to be collected from each qualifying patient to whom a written
86 certification for the palliative use of marijuana is issued under
87 subdivision (1) of subsection (a) of section 21a-408a, for the purpose of
88 offsetting the direct and indirect costs of administering the provisions
89 of sections 21a-408 to 21a-408n, inclusive. The commissioner shall collect

90 such fee at the time the qualifying patient registers with the Department
91 of Consumer Protection under subsection (a) of section 21a-408d. Such
92 fee shall be in addition to any registration fee that may be charged under
93 said subsection. The fees required to be collected by the commissioner
94 from qualifying patients under this subsection shall be paid to the State
95 Treasurer and credited to the General Fund.]

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

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

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

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

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

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

119 (6) Add additional medical conditions, medical treatments or
120 diseases to the list of debilitating medical conditions that qualify for the

121 palliative use of marijuana as recommended by the board; and

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

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

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

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

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

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

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

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

140 (3) "Debilitating medical condition" means (A) cancer, glaucoma,
141 positive status for human immunodeficiency virus or acquired immune
142 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
143 the nervous tissue of the spinal cord with objective neurological
144 indication of intractable spasticity, epilepsy or uncontrolled intractable
145 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
146 posttraumatic stress disorder, irreversible spinal cord injury with
147 objective neurological indication of intractable spasticity, cerebral palsy,
148 cystic fibrosis, [or] terminal illness requiring end-of-life care, chronic
149 pain of at least six months duration associated with a specified

150 underlying chronic condition refractory to other treatment intervention,
151 and Ehlers-Danlos syndrome associated with chronic pain, except, if the
152 qualifying patient is under eighteen years of age, "debilitating medical
153 condition" means terminal illness requiring end-of-life care, irreversible
154 spinal cord injury with objective neurological indication of intractable
155 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
156 intractable seizure disorder, or (B) any medical condition, medical
157 treatment or disease approved for qualifying patients by the
158 Department of Consumer Protection pursuant to regulations adopted
159 under section 21a-408m, as amended by this act;

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

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

168 (6) "Laboratory" means a laboratory located in the state that is
169 licensed to provide analysis of controlled substances pursuant to section
170 21a-246 and section 21a-408r;

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

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

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

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

179 (11) "Nurse" means a person who is licensed as a nurse under chapter

180 378;

181 (12) "Palliative use" means the acquisition, distribution, transfer,
182 possession, use or transportation of marijuana or paraphernalia relating
183 to marijuana, including the transfer of marijuana and paraphernalia
184 relating to marijuana from the patient's primary caregiver to the
185 qualifying patient, to alleviate a qualifying patient's symptoms of a
186 debilitating medical condition or the effects of such symptoms, but does
187 not include any such use of marijuana by any person other than the
188 qualifying patient;

189 (13) "Paraphernalia" means drug paraphernalia, as defined in section
190 21a-240;

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

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

207 (16) "Qualifying patient" means a person who: (A) Is a resident of
208 Connecticut, (B) has been diagnosed by a physician or an advanced
209 practice registered nurse as having a debilitating medical condition, and
210 (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or
211 (iii) has written consent from a custodial parent, guardian or other

212 person having legal custody of such person that indicates that such
213 person has permission from such parent, guardian or other person for
214 the palliative use of marijuana for a debilitating medical condition and
215 that such parent, guardian or other person will (I) serve as a primary
216 caregiver for the qualifying patient, and (II) control the acquisition and
217 possession of marijuana and any related paraphernalia for palliative use
218 on behalf of such person. "Qualifying patient" does not include an
219 inmate confined in a correctional institution or facility under the
220 supervision of the Department of Correction;

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

227 (18) "Research program employee" means a person who (A) is
228 licensed as a research program employee under section 21a-408t, or (B)
229 holds a temporary certificate of registration issued pursuant to section
230 21a-408t;

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

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

237 (21) "Written certification" means a written certification issued by a
238 physician or an advanced practice registered nurse pursuant to section
239 21a-408c.

240 Sec. 6. (NEW) (*Effective October 1, 2020*) No producer licensed
241 pursuant to section 21a-408i of the general statutes, or any agent of such
242 producer, shall offer or give to a dispensary licensed pursuant to section

243 21a-408h of the general statutes, or any employee of such dispensary,
244 anything of value, including, but not limited to, a gift or reward, unless
245 authorized by law.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2020</i>	21a-408d(b)
Sec. 2	<i>October 1, 2020</i>	21a-408d(a)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2020</i>	21a-408m
Sec. 5	<i>October 1, 2020</i>	21a-408
Sec. 6	<i>October 1, 2020</i>	New section