



General Assembly

**Amendment**

**June Special Session, 2021**

**LCO No. 10988**



Offered by:  
REP. STEINBERG, 136<sup>th</sup> Dist.

To: Senate Bill No. 1201

File No.

Cal. No.

**"AN ACT CONCERNING RESPONSIBLE AND EQUITABLE  
REGULATION OF ADULT-USE CANNABIS."**

1 Strike subsection (a) of section 3 in its entirety and substitute the  
2 following in lieu thereof:

3 "(a) Any person [who possesses or has under his control less than  
4 one-half ounce of a cannabis-type substance, as defined in section 21a-  
5 240, except as authorized in this chapter, shall (1) for a first offense, be  
6 fined one hundred fifty dollars, and (2) for a subsequent offense, be  
7 fined not less than two hundred dollars or more than five hundred  
8 dollars.] twenty-one years of age or older may possess, use and  
9 otherwise consume cannabis, provided the amount of all such cannabis  
10 does not exceed such person's possession limit of (1) one and one-half  
11 ounces of cannabis plant material and five ounces of cannabis plant  
12 material in a locked container at such person's residence or a locked  
13 glove box or trunk of such person's motor vehicle, (2) an equivalent  
14 amount of cannabis products, as provided in subsection (i) of this  
15 section, or (3) an equivalent amount of a combination of cannabis and

16 cannabis products, as provided in subsection (i) of this section."

17 Strike subdivisions (1) and (2) of subsection (a) of section 8 in their  
18 entirety and substitute the following in lieu thereof:

19 "(a) (1) Any person who has been convicted in any court in this state  
20 (A) (i) on October 1, 2015, or thereafter, and prior to July 1, 2021, or (ii)  
21 prior to January 1, 2000, of a violation of section 21a-279 of the general  
22 statutes, for possession of a cannabis-type substance and the amount  
23 possessed was less than or equal to four ounces of such substance, (B)  
24 prior to July 1, 2021, of a violation of subsection (a) of section 21a-267,  
25 for use or possession with intent to use of drug paraphernalia to store,  
26 contain or conceal, or to ingest, inhale or otherwise introduce into the  
27 human body cannabis, or (C) prior to July 1, 2021, of a violation of  
28 subsection (b) of section 21a-277 of the general statutes, for  
29 manufacturing, distributing, selling, prescribing, compounding,  
30 transporting with the intent to sell or dispense, possessing with the  
31 intent to sell or dispense, offering, giving or administering to another  
32 person a cannabis-type substance and the amount involved was less  
33 than or equal to four ounces may file a petition with the Superior Court  
34 at the location in which such conviction was effected, or with the  
35 Superior Court at the location having custody of the records of such  
36 conviction or if such conviction was in the Court of Common Pleas,  
37 Circuit Court, municipal court or by a trial justice, in the Superior Court  
38 where venue would currently exist for criminal prosecution, for an  
39 order of erasure.

40 (2) As part of such petition, such person shall include a copy of the  
41 arrest record or an affidavit supporting such person's petition that, in  
42 the case of a violation of section 21a-279 of the general statutes, such  
43 person possessed four ounces or less of a cannabis-type substance for  
44 which such person was convicted, in the case of a violation of subsection  
45 (a) of section 21a-267 of the general statutes, such person used or  
46 possessed with intent to use such drug paraphernalia only to store,  
47 contain or conceal, or to ingest, inhale or otherwise introduce into the  
48 human body cannabis or in the case of a violation of subsection (b) of

49 section 21a-277 of the general statutes, such person manufactured,  
50 distributed, sold, prescribed, compounded, transported with the intent  
51 to sell or dispense, possessed with the intent to sell or dispense, offered,  
52 gave or administered to another person less than or equal to four ounces  
53 of a cannabis-type substance."

54 Strike subsection (d) of section 13 in its entirety and substitute the  
55 following in lieu thereof:

56 "(d) Any person eighteen years of age or older who violates  
57 subsection (a) of this section by growing cannabis plants in such  
58 person's own residence for personal use (1) for a first offense, shall be  
59 issued a written warning, (2) for a second offense, shall be fined not  
60 more than five hundred dollars, and (3) for any subsequent offense,  
61 shall be guilty of a class D misdemeanor. If evidence of a violation of  
62 this subsection is found in the course of any law enforcement activity  
63 other than investigation of a violation of this subsection or section 21a-  
64 278 or 21a-279a of the general statutes, such evidence shall not be  
65 admissible in any criminal proceeding."

66 Strike subsection (a) of section 67 in its entirety and substitute the  
67 following in lieu thereof:

68 "(a) A qualifying patient shall register with the Department of  
69 Consumer Protection pursuant to section 21a-408d prior to engaging in  
70 the palliative use of marijuana. A qualifying patient who has a valid  
71 registration certificate from the Department of Consumer Protection  
72 pursuant to subsection (a) of section 21a-408d and complies with the  
73 requirements of sections 21a-408 to [21a-408n] 21a-408m, inclusive, shall  
74 not be subject to arrest or prosecution, penalized in any manner,  
75 including, but not limited to, being subject to any civil penalty, or denied  
76 any right or privilege, including, but not limited to, being subject to any  
77 disciplinary action by a professional licensing board, for the palliative  
78 use of marijuana if:

79 (1) The qualifying patient's physician or advanced practice registered  
80 nurse has issued a written certification to the qualifying patient for the

81 palliative use of marijuana after the physician or advanced practice  
82 registered nurse has prescribed, or determined it is not in the best  
83 interest of the patient to prescribe, prescription drugs to address the  
84 symptoms or effects for which the certification is being issued;

85 (2) The combined amount of marijuana possessed by the qualifying  
86 patient and the [primary] caregiver for palliative use does not exceed  
87 [an amount of usable marijuana reasonably necessary to ensure  
88 uninterrupted availability for a period of one month, as determined by  
89 the Department of Consumer Protection pursuant to regulations  
90 adopted under section 21a-408m; and] five ounces; and

91 (3) The qualifying patient has not more than one [primary] caregiver  
92 at any time."

93 Strike section 70 in its entirety and substitute the following in its  
94 entirety:

95 "Sec. 70. Section 21a-408d of the general statutes is repealed and the  
96 following is substituted in lieu thereof (*Effective October 1, 2021*):

97 (a) Each qualifying patient who is issued a written certification for the  
98 palliative use of marijuana under subdivision (1) of subsection (a) of  
99 section 21a-408a, and the [primary] caregiver of such qualifying patient,  
100 shall register with the Department of Consumer Protection. Such  
101 registration shall be effective from the date the Department of  
102 Consumer Protection issues a certificate of registration until the  
103 expiration of the written certification issued by the physician or  
104 advanced practice registered nurse. The qualifying patient and the  
105 [primary] caregiver shall provide sufficient identifying information, as  
106 determined by the department, to establish the personal identity of the  
107 qualifying patient and the [primary] caregiver. If the qualifying patient  
108 is under eighteen years of age and not an emancipated minor, the  
109 custodial parent, guardian or other person having legal custody of the  
110 qualifying patient shall also provide a letter from both the qualifying  
111 patient's [primary] care provider and a physician who is board certified  
112 in an area of medicine involved in the treatment of the debilitating

113 condition for which the qualifying patient was certified that confirms  
114 that the palliative use of marijuana is in the best interest of the qualifying  
115 patient. A physician may issue a written certification for the palliative  
116 use of marijuana by a qualifying patient who is under eighteen years of  
117 age, provided such written certification shall not be for marijuana in a  
118 dosage form that requires that the marijuana be smoked, inhaled or  
119 vaporized. The qualifying patient or the [primary] caregiver shall report  
120 any change in the identifying information to the department not later  
121 than five business days after such change. The department shall issue a  
122 registration certificate to the qualifying patient and to the [primary]  
123 caregiver and may charge a reasonable fee, not to exceed twenty-five  
124 dollars, for each registration certificate issued under this subsection.  
125 Any registration fees collected by the department under this subsection  
126 shall be paid to the State Treasurer and credited to the General Fund.

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

144 [(c)] (b) A dispensary shall not dispense any marijuana products in a  
145 smokable, inhalable or vaporizable form to a qualifying patient who is  
146 under eighteen years of age or such qualifying patient's caregiver.

147        [(d)] (c) Information obtained under this section shall be confidential  
148 and shall not be subject to disclosure under the Freedom of Information  
149 Act, as defined in section 1-200, except that reasonable access to registry  
150 information obtained under this section [and temporary registration  
151 information obtained under section 21a-408n] shall be provided to: (1)  
152 State agencies, federal agencies and local law enforcement agencies for  
153 the purpose of investigating or prosecuting a violation of law; (2)  
154 physicians, advanced practice registered nurses and pharmacists for the  
155 purpose of providing patient care and drug therapy management and  
156 monitoring controlled substances obtained by the qualifying patient; (3)  
157 public or private entities for research or educational purposes, provided  
158 no individually identifiable health information may be disclosed; (4) a  
159 licensed dispensary for the purpose of complying with sections 21a-408  
160 to [21a-408n] 21a-408m, inclusive; (5) a qualifying patient, but only with  
161 respect to information related to such qualifying patient or such  
162 qualifying patient's [primary] caregiver; or (6) a [primary] caregiver, but  
163 only with respect to information related to such [primary] caregiver's  
164 qualifying patient.

165        Strike subsection (c) of section 75 in its entirety and substitute the  
166 following in lieu thereof:

167        "(c) The Commissioner of Consumer Protection shall adopt  
168 [regulations, in accordance with chapter 54, to implement the provisions  
169 of sections 21a-408 to 21a-408g, inclusive, and section 21a-408l. At a  
170 minimum, such regulations shall] or amend regulations, as applicable,  
171 in accordance with chapter 54, to implement the provisions of sections  
172 21a-408 to 21a-408g, inclusive, and section 21a-408l. Notwithstanding  
173 the requirements of sections 4-168 to 4-172, inclusive, in order to  
174 effectuate the purposes of sections 21a-408 to 21a-408g, inclusive, and  
175 section 21a-408l, and protect public health and safety, prior to adopting  
176 or amending such regulations the commissioner shall adopt policies and  
177 procedures to implement the provisions of sections 21a-408 to 21a-408g,  
178 inclusive, and section 21a-408 that shall have the force and effect of law.  
179 The commissioner shall post all policies and procedures on the  
180 department's Internet web site, and submit such policies and

181 procedures to the Secretary of the State for posting on the eRegulations  
182 System, at least fifteen days prior to the effective date of any policy or  
183 procedure. Any such policy or procedure shall no longer be effective  
184 upon the earlier of either adoption of such policies or procedures as a  
185 final regulation pursuant to section 4-172 or forty-eight months from  
186 October 1, 2021, if such policies or procedures have not been submitted  
187 to the legislative regulation review committee for consideration under  
188 section 4-170. Such policies and procedures and regulations shall  
189 include, but not be limited to, how the department shall:

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

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

198 [(3)] (2) Establish criteria for adding medical conditions, medical  
199 treatments or diseases to the list of debilitating medical conditions that  
200 qualify for the palliative use of marijuana;

201 [(4)] (3) Establish a petition process under which members of the  
202 public may submit petitions, [in such manner and in such form as  
203 prescribed in the regulations,] regarding the addition of medical  
204 conditions, medical treatments or diseases to the list of debilitating  
205 medical conditions;

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

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

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212 palliative use of marijuana as recommended by the board; and]

213        ~~[(7)]~~ (4) Develop a distribution system for marijuana for palliative use  
214 that provides for:

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

217        ~~(B) The transfer of marijuana between dispensary facilities; and~~

218        ~~[(B)]~~ (C) Distribution of marijuana for palliative use to qualifying  
219 patients or their ~~[primary]~~ caregivers by ~~[licensed dispensaries.]~~  
220 dispensary facilities, hybrid retailers and delivery services, as such  
221 terms are defined in section 1 of this act; and

222        (5) Ensure an adequate supply and variety of marijuana to dispensary  
223 facilities and hybrid retailers to ensure uninterrupted availability for  
224 qualifying patients, based on historical marijuana purchase patterns by  
225 qualifying patients."

226        Strike section 162 in its entirety and renumber the remaining sections  
227 and internal references accordingly