

**Proposed Substitute
Bill No. 5313**

LCO No. 4527

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

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

1 Section 1. Subsections (a) and (b) of section 21a-408d of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective January 1, 2022*):

4 (a) Each qualifying patient who is issued a written certification for the
5 palliative use of marijuana under subdivision (1) of subsection (a) of
6 section 21a-408a, and the primary caregiver of such qualifying patient,
7 shall register with the Department of Consumer Protection. On and after
8 January 1, 2022, an additional primary caregiver may register with the
9 department for a qualifying patient, provided not more than two
10 primary caregivers may register with the department for each
11 qualifying patient. Such registration shall be effective from the date the
12 Department of Consumer Protection issues a certificate of registration
13 until the expiration of the written certification issued by the physician
14 or advanced practice registered nurse. The qualifying patient and the
15 primary caregiver shall provide sufficient identifying information, as
16 determined by the department, to establish the personal identity of the
17 qualifying patient and the primary caregiver. If the qualifying patient is
18 under eighteen years of age and not an emancipated minor, the

19 custodial parent, guardian or other person having legal custody of the
20 qualifying patient shall also provide a letter from both the qualifying
21 patient's primary care provider and a physician who is board certified
22 in an area of medicine involved in the treatment of the debilitating
23 condition for which the qualifying patient was certified that confirms
24 that the palliative use of marijuana is in the best interest of the qualifying
25 patient. A physician may issue a written certification for the palliative
26 use of marijuana by a qualifying patient who is under eighteen years of
27 age, provided such written certification shall not be for marijuana in a
28 dosage form that requires that the marijuana be smoked, inhaled or
29 vaporized. The qualifying patient or [the] a primary caregiver shall
30 report any change in the identifying information to the department not
31 later than five business days after such change. The department shall
32 issue a registration certificate to the qualifying patient and to the
33 primary caregiver and may charge a reasonable fee, not to exceed
34 twenty-five dollars, for each registration certificate issued under this
35 subsection. There shall be no fee charged to renew any such registration
36 certificate. Any registration fees collected by the department under this
37 subsection shall be paid to the State Treasurer and credited to the
38 General Fund. On and after January 1, 2022, no qualifying patient or
39 primary caregiver shall pay any fee for the department's administrative
40 costs associated with issuing an initial or renewal of a registration
41 certificate under this section or any other fee in addition to the
42 registration fee authorized by this subsection.

43 (b) (1) The qualifying patient, or, if the qualifying patient is under
44 eighteen years of age and not an emancipated minor, the custodial
45 parent, guardian or other person having legal custody of the qualifying
46 patient, shall select a licensed, in-state dispensary to obtain the palliative
47 marijuana products at the time of registration. Upon the issuance of the
48 certificate of registration by the department, the qualifying patient, or
49 the qualifying patient's custodial parent, guardian or other person
50 having legal custody of the qualifying patient, shall purchase such
51 palliative marijuana products from such dispensary, except that the
52 qualifying patient, or the qualifying patient's custodial parent, guardian

53 or other person having legal custody of the qualifying patient, may
54 change such dispensary in accordance with regulations adopted by the
55 department or may use a dispensary described in subdivision (2) of this
56 subsection. Any person with a valid registration certificate who is found
57 to be in possession of marijuana that did not originate from the selected
58 dispensary or a dispensary described in subdivision (2) of this
59 subsection may be subject to a hearing before the commissioner for
60 possible enforcement action concerning the registration certificate
61 issued by the department.

62 (2) On and after January 1, 2022, the qualifying patient, or the
63 qualifying patient's primary caregiver who is registered with the
64 department, may choose to purchase such palliative marijuana from a
65 dispensary other than the selected dispensary, provided the dispensary
66 where such purchase is made is licensed under this chapter.

67 Sec. 2. Section 21a-408h of the general statutes is repealed and the
68 following is substituted in lieu thereof (*Effective October 1, 2021*):

69 (a) No person may act as a dispensary or represent that such person
70 is a licensed dispensary unless such person has obtained a license from
71 the Commissioner of Consumer Protection pursuant to this section.

72 (b) The Commissioner of Consumer Protection shall determine the
73 number of dispensaries appropriate to meet the needs of qualifying
74 patients in this state and shall adopt regulations, in accordance with
75 chapter 54, to provide for the licensure and standards for dispensaries
76 in this state and specify the maximum number of dispensaries that may
77 be licensed in this state. On and after the effective date of such
78 regulations, the commissioner may license any person who applies for
79 a license in accordance with such regulations, provided (1) the
80 commissioner deems such applicant qualified to acquire, possess,
81 distribute and dispense marijuana pursuant to sections 21a-408 to 21a-
82 408n, inclusive, (2) the applicant is a pharmacist licensed under chapter
83 400j, and (3) the number of dispensary licenses issued does not exceed
84 the number appropriate to meet the needs of qualifying patients in this

85 state, as determined by the commissioner pursuant to this subsection.

86 At a minimum, such regulations shall:

87 (A) Indicate the maximum number of dispensaries that may be
88 licensed in this state;

89 (B) Provide that only a pharmacist licensed under chapter 400j may
90 apply for and receive a dispensary license;

91 (C) Provide that no marijuana may be dispensed from, obtained from
92 or transferred to a location outside of this state;

93 (D) Establish a licensing fee and renewal fee for each licensed
94 dispensary, provided such fees shall not be less than the amount
95 necessary to cover the direct and indirect cost of licensing and
96 regulating dispensaries pursuant to sections 21a-408 to 21a-408n,
97 inclusive;

98 (E) Provide for renewal of such dispensary licenses at least every two
99 years;

100 (F) Describe areas in this state where licensed dispensaries may not
101 be located, after considering the criteria for the location of retail liquor
102 permit premises set forth in subsection (a) of section 30-46;

103 (G) Establish health, safety and security requirements for licensed
104 dispensaries, which may include, but need not be limited to: (i) The
105 ability to maintain adequate control against the diversion, theft and loss
106 of marijuana acquired or possessed by the licensed dispensary, and (ii)
107 the ability to maintain the knowledge, understanding, judgment,
108 procedures, security controls and ethics to ensure optimal safety and
109 accuracy in the distributing, dispensing and use of palliative marijuana;

110 (H) Establish standards and procedures for revocation, suspension,
111 summary suspension and nonrenewal of dispensary licenses, provided
112 such standards and procedures are consistent with the provisions of
113 subsection (c) of section 4-182 and subsection (f) of this section; and

114 (I) Establish other licensing, renewal and operational standards
115 deemed necessary by the commissioner.

116 (c) Any fees collected by the Department of Consumer Protection
117 under this section shall be paid to the State Treasurer and credited to the
118 General Fund.

119 (d) On or before January 1, 2017, and annually thereafter, each
120 licensed dispensary shall report data to the Department of Consumer
121 Protection relating to the types, mixtures and dosages of palliative
122 marijuana dispensed by such dispensary. A report prepared pursuant
123 to this subsection shall be in such form as may be prescribed by the
124 Commissioner of Consumer Protection.

125 (e) On or before January 1, 2022, each licensed dispensary shall
126 integrate its records concerning the dispensing of palliative marijuana
127 with the electronic prescription drug monitoring program established
128 pursuant to section 21a-254. Any licensed pharmacist working as an
129 employee at a licensed dispensary shall transmit dispensing
130 information using such electronic prescription drug monitoring
131 program, in a manner prescribed by the commissioner, on any palliative
132 marijuana sold to a qualifying patient or registered primary caregiver in
133 real time or immediately upon completion of the transaction, unless it is
134 not reasonably feasible for a specific transaction, but in no case more
135 than one hour after the completion of the transaction.

136 (f) On and after January 1 2022, the commissioner may suspend,
137 revoke, refuse to grant or renew, place on probation or place conditions
138 on the license of any dispensary that (1) fails to integrate its records
139 concerning the dispensing of palliative marijuana as required under
140 subsection (e) of this section by January 1, 2022, or (2) employs a licensed
141 pharmacist who fails to transmit dispensing information in accordance
142 with subsection (e) of this section. Before any such license is suspended
143 or revoked, the license holder shall be given notice and an opportunity
144 for hearing as provided in regulations adopted by the Commissioner of
145 Consumer Protection under this section. The commissioner may accept

146 a monetary payment as an offer in compromise in lieu of such
147 suspension, revocation, refusal or condition or to reduce the term of the
148 suspension of a license under this subsection.

149 Sec. 3. Section 21a-408m of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective January 1, 2022*):

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

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

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

176 (1) Govern the manner in which the department considers

177 applications for the issuance and renewal of registration certificates for
178 qualifying patients and primary caregivers, and establish any additional
179 information to be contained in such registration certificates;

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

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

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

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

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

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

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

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

204 [(d) The commissioner shall submit regulations pursuant to

205 subsections (b) and (c) of this section to the standing legislative
206 regulation review committee not later than July 1, 2013.]

207 Sec. 4. Section 21a-408i of the general statutes is amended by adding
208 subsection (d) as follows (*Effective January 1, 2022*):

209 (NEW) (d) No producer or any agent of such producer shall offer or
210 give to a dispensary licensed pursuant to section 21a-408h, as amended
211 by this act, or any employee of such dispensary, anything of value,
212 including, but not limited to, a gift or reward, unless authorized by law.
213 The provisions of this section shall not be construed to prohibit any such
214 producer from providing a dispensary with a nonmedical item for the
215 purpose of distributing such items to qualified patients or their primary
216 caregivers, provided any such item has a value of ten dollars or less.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2022</i>	21a-408d(a) and (b)
Sec. 2	<i>October 1, 2021</i>	21a-408h
Sec. 3	<i>January 1, 2022</i>	21a-408m
Sec. 4	<i>January 1, 2022</i>	21a-408i