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## **OLR BILL ANALYSIS**

### **SB 1015**

#### ***AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA***

##### **SUMMARY:**

This bill allows the palliative use, acquisition, distribution, possession, cultivation, and transportation of marijuana or related paraphernalia (collectively, "palliative use") by adults who have been diagnosed by a physician with specified debilitating medical conditions. Such conditions include cancer, HIV, AIDS, Parkinson's disease, and MS.

The bill protects patients, as well as their physicians and primary caregivers, from criminal or civil penalties or the denial of any right or privilege (including disciplinary action by professional licensing boards) for the patient's palliative use of marijuana.

These protections are subject to various conditions and limitations. For example, patients lose these protections if their palliative use endangers another's health or occurs in various settings, such as any place open to the public or in a minor's presence. The protections also do not apply if the combined amount of marijuana possessed by the patient and primary caregiver exceeds four plants (each no more than four feet tall) or one ounce of usable marijuana.

Qualifying patients and their primary caregivers that comply with the bill's requirements may assert the palliative use of marijuana as an affirmative defense to a prosecution involving marijuana or related paraphernalia. The bill also specifies that it is not a crime to be in the vicinity of the palliative use of marijuana as permitted by the bill.

Qualifying patients and their primary caregivers must register with the Department of Consumer Protection and pay certain fees, which are deposited in a General Fund account established by the bill to

administer its provisions. Registry information is available for law enforcement purposes but is otherwise confidential.

Before registering, patients must obtain a written certification from a physician stating that, in the physician's opinion, the patient has a qualifying condition and the potential benefits of the marijuana use would likely outweigh the health risks. Before issuing the certification, the physician must have prescribed, or determined it is not in the patient's best interest to prescribe, prescription drugs to address the relevant symptoms or effects.

The bill also:

1. places conditions on who can be a patient's primary caregiver (§§ 1, 2);
2. specifies that health insurance plans need not cover the palliative use of marijuana (§ 5);
3. provides for the return of seized marijuana and related paraphernalia from patients or caregivers entitled to palliative use (§ 8); and
4. establishes misdemeanor penalties for fraudulent representations related to palliative use or written certifications (§ 9).

EFFECTIVE DATE: October 1, 2011, except the provision establishing a General Fund account is effective July 1, 2011