



General Assembly

February Session, 2020

Raised Bill No. 5295

LCO No. 2145



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

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2 repealed and the following is substituted in lieu thereof (*Effective October*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 the 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30 repealed and the following is substituted in lieu thereof (*Effective October*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. Such
36 registration shall be effective from the date the Department of
37 Consumer Protection issues a certificate of registration until the
38 expiration of the written certification issued by the physician or
39 advanced practice registered nurse. The qualifying patient and the
40 primary caregiver shall provide sufficient identifying information, as
41 determined by the department, to establish the personal identity of the
42 qualifying patient and the primary caregiver. If the qualifying patient is
43 under eighteen years of age and not an emancipated minor, the
44 custodial parent, guardian or other person having legal custody of the
45 qualifying patient shall also provide a letter from both the qualifying
46 patient's primary care provider and a physician who is board certified
47 in an area of medicine involved in the treatment of the debilitating

48 condition for which the qualifying patient was certified that confirms
49 that the palliative use of marijuana is in the best interest of the qualifying
50 patient. A physician may issue a written certification for the palliative
51 use of marijuana by a qualifying patient who is under eighteen years of
52 age, provided such written certification shall not be for marijuana in a
53 dosage form that requires that the marijuana be smoked, inhaled or
54 vaporized. The qualifying patient or the primary caregiver shall report
55 any change in the identifying information to the department not later
56 than five business days after such change. The department shall issue a
57 registration certificate to the qualifying patient and to the primary
58 caregiver [and may charge a reasonable fee, not to exceed twenty-five
59 dollars,] for each registration certificate issued under this subsection at
60 no charge. [Any registration fees collected by the department under this
61 subsection shall be paid to the State Treasurer and credited to the
62 General Fund.]

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

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

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

80 Physicians established in section 21a-408l.

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

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

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

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

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

109 (4) Establish a petition process under which members of the public

110 may submit petitions, in such manner and in such form as prescribed in
111 the regulations, regarding the addition of medical conditions, medical
112 treatments or diseases to the list of debilitating medical conditions;

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

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

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

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

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

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

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

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

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

136 (2) "Cultivation" includes planting, propagating, cultivating, growing

137 and harvesting;

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

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

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

166 (6) "Laboratory" means a laboratory located in the state that is
167 licensed to provide analysis of controlled substances pursuant to section

168 21a-246 and section 21a-408r;

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

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

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

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

177 (11) "Nurse" means a person who is licensed as a nurse under chapter
178 378;

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

187 (13) "Paraphernalia" means drug paraphernalia, as defined in section
188 21a-240;

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

192 (15) "Primary caregiver" means a person, other than the qualifying
193 patient and the qualifying patient's physician or advanced practice
194 registered nurse, who is eighteen years of age or older and has agreed
195 to undertake responsibility for managing the well-being of the

196 qualifying patient with respect to the palliative use of marijuana,
197 provided (A) in the case of a qualifying patient (i) under eighteen years
198 of age and not an emancipated minor, or (ii) otherwise lacking legal
199 capacity, such person shall be a parent, guardian or person having legal
200 custody of such qualifying patient, and (B) in the case of a qualifying
201 patient eighteen years of age or older or an emancipated minor, the need
202 for such person shall be evaluated by the qualifying patient's physician
203 or advanced practice registered nurse and such need shall be
204 documented in the written certification;

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

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

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

228 21a-408t;

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

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

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

238 Sec. 6. (NEW) (*Effective October 1, 2020*) No producer licensed
 239 pursuant to section 21a-408i of the general statutes, or any agent of such
 240 producer, shall offer or give to a dispensary licensed pursuant to section
 241 21a-408h of the general statutes, or any employee of such dispensary,
 242 anything of value, including, but not limited to, a gift or reward, unless
 243 authorized by law.

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| 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 |

Statement of Purpose:

To make various revisions to the medical marijuana program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]