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## **OLR Bill Analysis**

### **sHB 5313**

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

#### **SUMMARY**

This bill makes various changes to the medical marijuana laws, including allowing patients and primary caregivers to purchase medical marijuana at dispensaries other than their pre-selected location, allowing each patient to have a second registered caregiver, eliminating certain fees, and prohibiting certain gifts.

The bill requires dispensaries to integrate their records with the electronic Prescription Drug Monitoring Program (PMP) and transmit the dispensing information immediately or within one hour after the transaction. The bill allows the Department of Consumer Protection (DCP) to discipline dispensaries that fail to comply with these requirements. By law, under the PMP, DCP collects information on controlled substance prescriptions to prevent improper or illegal drug use or improper prescribing.

Under the bill, each qualifying medical marijuana patient may have a second registered primary caregiver. By law, a primary caregiver is someone at least age 18, other than the patient or the patient's physician, who is responsible for managing the patient's well-being with respect to medical marijuana use (CGS § 21a-408).

The bill also eliminates the fees for (1) renewing a patient or caregiver registration (currently \$25) and (2) administrative costs associated with issuing or renewing registrations (currently \$75 for qualifying patients) or any other fee in addition to the registration fee.

Finally, the bill generally prohibits medical marijuana producers or their agents from offering or giving dispensary licensees or their employees anything of value unless authorized by law.

The bill also makes conforming and technical changes.

EFFECTIVE DATE: January 1, 2022, except the PMP integration and DCP discipline provisions are effective October 1, 2021.

### **PURCHASING AT ADDITIONAL DISPENSARIES**

Under existing law, medical marijuana patients (or parents or guardians of patients who are minors) must select a dispensary when registering for the program. The bill allows qualifying patients and their primary caregivers to purchase medical marijuana from any licensed in-state dispensary, not just their selected location as is required under current law.

### ***PMP Integration of Records***

Under the bill, on or before January 1, 2022, each licensed dispensary must integrate its records on dispensing medical marijuana with the PMP. Licensed pharmacists the dispensary employs must transmit dispensing information using the PMP, in a manner the DCP commissioner prescribes, on any medical marijuana sold to a patient or caregiver. Pharmacists must generally submit the information in real time or immediately after the transaction is complete, but if it is not reasonably feasible for a specific transaction, it must be done within one hour after the transaction.

### ***Discipline***

On and after January 1, 2022, the bill allows the DCP commissioner to suspend, revoke, refuse to grant or renew, place on probation, or place conditions on any dispensary that (1) fails to integrate its records with the PMP by January 1, 2022, or (2) employs a licensed pharmacist that fails to transmit the dispensing information as the bill requires.

Under the bill, before suspending or revoking such a license, DCP must give the license holder notice and an opportunity for a hearing, as provided by regulations the DCP commissioner adopts. The commissioner may accept a monetary payment as an offer in compromise in lieu of a suspension, revocation, refusal, or condition or to reduce the suspension term.

**PROHIBITED GIFTS**

The bill prohibits medical marijuana producers or their agents from offering or giving a licensed dispensary or its employees anything of value, including a gift or reward, unless allowed by law. The bill specifies that it does not prohibit producers from giving them nonmedical items to distribute to qualified patients or caregivers, if the item is worth \$10 or less.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/09/2021)