



General Assembly

January Session, 2021

**Raised Bill No. 5313**

LCO No. 1098



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

**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. 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2 repealed and the following is substituted in lieu thereof (*Effective October*  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, 2021*):

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 every 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30 repealed and the following is substituted in lieu thereof (*Effective October*  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, 2021*):

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. For  
36 purposes of this section, not more than two primary caregivers may  
37 register with the department for each qualifying patient. Such  
38 registration shall be effective from the date the Department of  
39 Consumer Protection issues a certificate of registration until the  
40 expiration of the written certification issued by the physician or  
41 advanced practice registered nurse. The qualifying patient and the  
42 primary caregiver shall provide sufficient identifying information, as  
43 determined by the department, to establish the personal identity of the  
44 qualifying patient and the primary caregiver. If the qualifying patient is  
45 under eighteen years of age and not an emancipated minor, the  
46 custodial parent, guardian or other person having legal custody of the  
47 qualifying patient shall also provide a letter from both the qualifying  
48 patient's primary care provider and a physician who is board certified

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

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

73       Sec. 4. Section 21a-408m of the general statutes is repealed and the  
74 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

82 Physicians established in section 21a-408l.

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

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

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

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

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

111 (4) Establish a petition process under which members of the public  
112 may submit petitions, in such manner and in such form as prescribed in

113 the regulations, regarding the addition of medical conditions, medical  
114 treatments or diseases to the list of debilitating medical conditions;

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

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

122 (7) Develop a distribution system for marijuana for palliative use that  
123 provides for:

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

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

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

131 Sec. 5. (NEW) (*Effective October 1, 2021*) No producer licensed  
132 pursuant to section 21a-408i of the general statutes, or any agent of such  
133 producer, shall offer or give to a dispensary licensed pursuant to section  
134 21a-408h of the general statutes, or any employee of such dispensary,  
135 anything of value, including, but not limited to, a gift or reward, unless  
136 authorized by law.

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

Sec. 5	October 1, 2021	New section
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**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.]*