



General Assembly

Amendment

February Session, 2022

LCO No. 4818



Offered by:

REP. D'AGOSTINO, 91st Dist.

SEN. MARONEY, 14th Dist.

To: Subst. House Bill No. 5329

File No. 202

Cal. No. 183

"AN ACT CONCERNING CANNABIS."

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- 1 Change the effective date of section 1 to "Effective from passage"
 - 2 In line 18, before "21a-408h" insert "as amended by this act,"
 - 3 In line 71, after "21a-408," insert "as amended by this act,"
 - 4 In line 181, after "21a-246" insert "as amended by this act"
 - 5 In line 219, after "21a-408" insert "as amended by this act"
 - 6 In line 221, after "21a-408" insert "as amended by this act"
 - 7 Strike section 2 in its entirety and substitute the following in lieu
 - 8 thereof:
 - 9 "Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any
 - 10 provision of the general statutes, no person shall gift, sell or transfer

11 cannabis to another person: (1) To induce, or in exchange for, any
12 donation for any purpose, including, but not limited to, any charitable
13 donation or any donation made to gain admission to any event; (2) at
14 any location, other than a dispensary facility, retailer or hybrid-retailer,
15 (A) where a consumer may purchase any item other than cannabis, a
16 cannabis product or services related to cannabis, or (B) that requires
17 consideration, including, but not limited to, membership in any club, in
18 order to gain admission to such location; or (3) as part of any giveaway
19 associated with attendance at any event, including, but not limited to,
20 any giveaway made by way of a door prize, goodie bag or swag bag.
21 The provisions of this subsection shall not be construed to prohibit any
22 gift of cannabis between individuals with a bona fide social relationship,
23 provided such gift is made without consideration and is not associated
24 with any commercial transaction.

25 (b) Any person who violates the provisions of subsection (a) of this
26 section shall, in addition to any other penalty provided by law: (1) Be
27 subject to a fine imposed by a municipality under section 3 of this act;
28 (2) be fined one thousand dollars per offense, in accordance with the
29 provisions of section 51-164n of the general statutes, as amended by this
30 act, by the Commissioner of Emergency Services and Public Protection;
31 and (3) be subject to an administrative hearing held by the
32 Commissioner of Revenue Services pursuant to chapter 54 of the general
33 statutes for failure to pay taxes, which may result in a civil penalty of
34 not more than one thousand dollars per violation. For the purposes of
35 this subsection, "per offense" and "per violation" mean either per
36 transaction or per day the violation continues, as determined by the
37 Commissioner of Emergency Services and Public Protection for the
38 purposes of subdivision (2) of this subsection or the Commissioner of
39 Revenue Services for the purposes of subdivision (3) of this subsection."

40 Strike section 3 in its entirety and substitute the following in lieu
41 thereof:

42 "Sec. 3. (NEW) (*Effective from passage*) Any municipality may
43 establish, by ordinance, a fine for violations of section 2 of this act,

44 provided the amount of any such fine shall not be greater than one
45 thousand dollars per violation. Any police officer or other person
46 authorized by the chief executive officer of the municipality may issue
47 a citation to any person who commits such a violation. Any municipality
48 that adopts an ordinance pursuant to this section shall also adopt a
49 citation hearing procedure pursuant to section 7-152c of the general
50 statutes. Any fine collected by a municipality pursuant to this section
51 shall be deposited into the general fund of the municipality or in any
52 special fund designated by the municipality."

53 Change the effective date of section 4 to "Effective from passage"

54 Strike section 9 in its entirety and substitute the following in lieu
55 thereof:

56 "Sec. 9. Section 21a-421bb of the 2022 supplement to the general
57 statutes is repealed and the following is substituted in lieu thereof
58 (*Effective from passage*):

59 (a) No person other than the holder of a cannabis establishment
60 license issued by this state shall advertise any cannabis or services
61 related to cannabis in this state.

62 [(a) Cannabis] (b) Except as provided in subsection (d) of this section,
63 cannabis establishments [and any person advertising any cannabis or
64 services related to cannabis] shall not:

65 (1) Advertise, including, but not limited to, through a business name
66 or logo, cannabis, cannabis paraphernalia or goods or services related to
67 cannabis; [in]

68 (A) In ways that target or are designed to appeal to individuals under
69 twenty-one years of age, including, but not limited to, spokespersons or
70 celebrities who appeal to individuals under the legal age to purchase
71 cannabis or cannabis products, depictions of a person under twenty-five
72 years of age consuming cannabis, or, the inclusion of objects, such as
73 toys, characters or cartoon characters, suggesting the presence of a

74 person under twenty-one years of age, or any other depiction designed
75 in any manner to be appealing to a person under twenty-one years of
76 age; or

77 (B) By using any image, or any other visual representation, of the
78 cannabis plant or any part of the cannabis plant, including, but not
79 limited to, the leaf of the cannabis plant;

80 (2) Engage in any advertising by means of an electronic or
81 illuminated billboard between the hours of six o'clock a.m. and eleven
82 o'clock p.m.;

83 ~~[(2)]~~ (3) Engage in advertising by means of any television, radio,
84 Internet, mobile [applications] application, social media [,] or other
85 electronic communication, billboard or other outdoor signage, or print
86 publication unless the [advertiser] cannabis establishment has reliable
87 evidence that at least ninety per cent of the audience for the
88 advertisement is reasonably expected to be twenty-one years of age or
89 older;

90 ~~[(3)]~~ (4) Engage in advertising or marketing directed toward location-
91 based devices, including, but not limited to, cellular phones, unless the
92 marketing is a mobile device application installed on the device by the
93 owner of the device who is twenty-one years of age or older and
94 includes a permanent and easy opt-out feature and warnings that the
95 use of cannabis is restricted to persons twenty-one years of age or older;

96 ~~[(4)]~~ (5) Advertise cannabis or cannabis products in a manner
97 claiming or implying, or permit any employee of the cannabis
98 establishment to claim or imply, that such products have curative or
99 therapeutic effects, or that any other medical claim is true, or allow any
100 employee to promote cannabis for a wellness purpose unless such
101 claims are substantiated as set forth in regulations adopted under
102 chapter 420f or verbally conveyed by a licensed pharmacist or other
103 licensed medical practitioner in the course of business in, or while
104 representing, a hybrid retail or dispensary facility;

105 [(5)] (6) Sponsor charitable, sports, musical, artistic, cultural, social or
106 other similar events or advertising at, or in connection with, such an
107 event unless the [sponsor or advertiser] cannabis establishment has
108 reliable evidence that (A) not more than ten per cent of the in-person
109 audience at the event is reasonably expected to be under the legal age to
110 purchase cannabis or cannabis products, and (B) not more than ten per
111 cent of the audience that will watch, listen or participate in the event is
112 expected to be under the legal age to purchase cannabis products;

113 [(6)] (7) Advertise cannabis, cannabis products or cannabis
114 paraphernalia in any physical form visible to the public within one
115 thousand five hundred feet of an elementary or secondary school
116 ground or a house of worship, recreation center or facility, child care
117 center, playground, public park or library;

118 [(7)] (8) Cultivate cannabis or manufacture cannabis products for
119 distribution outside of this state in violation of federal law, advertise in
120 any way that encourages the transportation of cannabis across state lines
121 or otherwise encourages illegal activity;

122 [(8)] (9) Except for dispensary facilities and hybrid retailers, exhibit
123 within or upon the outside of the facility used in the operation of a
124 cannabis establishment, or include in any advertisement, the word
125 "dispensary" or any variation of such term or any other words, displays
126 or symbols indicating that such store, shop or place of business is a
127 dispensary;

128 [(9)] (10) Exhibit within or upon the outside of the premises subject to
129 the cannabis establishment license, or include in any advertisement the
130 words "drug store", "pharmacy", "apothecary", "drug", "drugs" or
131 "medicine shop" or any combination of such terms or any other words,
132 displays or symbols indicating that such store, shop or place of business
133 is a pharmacy;

134 [(10)] (11) Advertise on or in public or private vehicles or at bus stops,
135 taxi stands, transportation waiting areas, train stations, airports or other
136 similar transportation venues including, but not limited to, vinyl-

137 wrapped vehicles or signs or logos on transportation vehicles not
138 owned by a cannabis establishment;

139 ~~[(11)] (12)~~ Display cannabis, ~~[or] cannabis products~~ or any image, or
140 any other visual representation, of the cannabis plant or any part of the
141 cannabis plant, including, but not limited to, the leaf of the cannabis
142 plant, so as to be clearly visible to a person from the exterior of the
143 facility used in the operation of a cannabis establishment, or display
144 signs or other printed material advertising any brand or any kind of
145 cannabis or cannabis product, or including any image, or any other
146 visual representation, of the cannabis plant or any part of the cannabis
147 plant, including, but not limited to, the leaf of the cannabis plant, on the
148 exterior of any facility used in the operation of a cannabis establishment;

149 ~~[(12)] (13)~~ Utilize radio or loudspeaker, in a vehicle or in or outside of
150 a facility used in the operation of a cannabis establishment, for the
151 purposes of advertising the sale of cannabis or cannabis products; or

152 ~~[(13)] (14)~~ Operate any web site advertising or depicting cannabis,
153 cannabis products or cannabis paraphernalia unless such web site
154 verifies that the entrants or users are twenty-one years of age or older.

155 ~~[(b) Any] (c)~~ Except as provided in subsection (d) of this section, any
156 advertisements from a cannabis establishment shall contain the
157 following warning: "Do not use cannabis if you are under twenty-one
158 years of age. Keep cannabis out of the reach of children." In a print or
159 visual medium, such warning shall be conspicuous, easily legible and
160 shall take up not less than ten per cent of the advertisement space. In an
161 audio medium, such warning shall be at the same speed as the rest of
162 the advertisement and be easily intelligible.

163 (d) Any outdoor signage, including, but not limited to, any
164 monument sign, pylon sign or wayfinding sign, shall be deemed to
165 satisfy the audience requirement established in subdivision (3) of
166 subsection (b) of this section, and shall not be required to contain the
167 warning required under subsection (c) of this section, if such outdoor
168 signage:

- 169 (1) Contains only the name and logo of the cannabis establishment;
- 170 (2) Does not include any image, or any other visual representation, of
171 the cannabis plant or any part of the cannabis plant, including, but not
172 limited to, the leaf of the cannabis plant;
- 173 (3) Is comprised of not more than three colors; and
- 174 (4) Is located:
- 175 (A) On the cannabis establishment's premises, regardless of whether
176 such cannabis establishment leases or owns such premises; or
- 177 (B) On any commercial property occupied by multiple tenants
178 including such cannabis establishment.
- 179 [(c)] (e) The department shall not register, and may require revision
180 of, any submitted or registered cannabis brand name that:
- 181 (1) Is identical to, or confusingly similar to, the name of an existing
182 non-cannabis product;
- 183 (2) Is identical to, or confusingly similar to, the name of an unlawful
184 product or substance;
- 185 (3) Is confusingly similar to the name of a previously approved
186 cannabis brand name;
- 187 (4) Is obscene or indecent; and
- 188 (5) Is customarily associated with persons under the age of twenty-
189 one.
- 190 [(d)] (f) A violation of the provisions of [subsection (a) or (b)]
191 subsections (a) to (c), inclusive, of this section shall be deemed to be an
192 unfair or deceptive trade practice under subsection (a) of section 42-
193 110b."
- 194 Strike section 11 in its entirety and substitute the following in lieu

195 thereof:

196 "Sec. 11. (*Effective from passage*) (a) Not later than September 1, 2022,
197 the chairpersons of the joint standing committee of the General
198 Assembly having cognizance of matters relating to general law shall
199 convene a working group to study:

200 (1) The regulation of hemp;

201 (2) The possibility of including hemp in this state's cannabis program;
202 and

203 (3) Any other topic that is relevant to hemp production and
204 regulation.

205 (b) The chairpersons of the joint standing committee of the General
206 Assembly having cognizance of matters relating to general law shall
207 serve as the chairpersons of the working group and shall jointly appoint
208 the members of the working group, which members shall include, but
209 need not be limited to:

210 (1) Representatives from the Department of Agriculture, the
211 Department of Consumer Protection, Connecticut Farm Bureau and
212 cannabis industry;

213 (2) Members of the General Assembly who represent rural districts in
214 this state; and

215 (3) A person who grows hemp in this state.

216 (c) The administrative staff of the joint standing committee of the
217 General Assembly having cognizance of matters relating to general law
218 shall serve as administrative staff of the working group.

219 (d) Not later than January 1, 2023, the working group shall submit a
220 report, in accordance with the provisions of section 11-4a of the general
221 statutes, on its findings and recommendations to the joint standing
222 committee of the General Assembly having cognizance of matters

223 relating to general law. The working group shall terminate on the date
224 that it submits such report or January 1, 2023, whichever is later."

225 After the last section, add the following and renumber sections and
226 internal references accordingly:

227 "Sec. 501. Section 21a-408 of the 2022 supplement to the general
228 statutes is repealed and the following is substituted in lieu thereof
229 (*Effective from passage*):

230 As used in this section, sections 21a-408a to 21a-408o, inclusive, as
231 amended by this act, and sections 21a-408r to 21a-408v, inclusive, unless
232 the context otherwise requires:

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

235 (2) "Cannabis establishment" has the same meaning as provided in
236 section 21a-420, as amended by this act;

237 (3) "Cultivation" includes planting, propagating, cultivating, growing
238 and harvesting;

239 (4) "Debilitating medical condition" means (A) cancer, glaucoma,
240 positive status for human immunodeficiency virus or acquired immune
241 deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to
242 the nervous tissue of the spinal cord with objective neurological
243 indication of intractable spasticity, epilepsy or uncontrolled intractable
244 seizure disorder, cachexia, wasting syndrome, Crohn's disease,
245 posttraumatic stress disorder, irreversible spinal cord injury with
246 objective neurological indication of intractable spasticity, cerebral palsy,
247 cystic fibrosis or terminal illness requiring end-of-life care, except, if the
248 qualifying patient is under eighteen years of age, "debilitating medical
249 condition" means terminal illness requiring end-of-life care, irreversible
250 spinal cord injury with objective neurological indication of intractable
251 spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled
252 intractable seizure disorder, or (B) any medical condition, medical

253 treatment or disease approved for qualifying patients by the
254 Department of Consumer Protection and posted online pursuant to
255 section 21a-408l;

256 (5) "Dispensary facility" means a place of business where marijuana
257 may be dispensed, sold or distributed in accordance with this chapter
258 and any regulations adopted thereunder to qualifying patients and
259 caregivers and for which the department has issued a dispensary facility
260 license pursuant to this chapter;

261 (6) "Employee" has the same meaning as provided in section 21a-420,
262 as amended by this act;

263 (7) "Institutional animal care and use committee" means a committee
264 that oversees an organization's animal program, facilities and
265 procedures to ensure compliance with federal policies, guidelines and
266 principles related to the care and use of animals in research;

267 (8) "Institutional review board" means a specifically constituted
268 review body established or designated by an organization to protect the
269 rights and welfare of persons recruited to participate in biomedical,
270 behavioral or social science research;

271 (9) "Laboratory" means a laboratory located in the state that is
272 licensed by the department to provide analysis of marijuana and that
273 meets the licensure requirements set forth in section 21a-246, as
274 amended by this act;

275 (10) "Laboratory employee" means a person who is registered as a
276 laboratory employee pursuant to section 21a-408r;

277 (11) "Licensed dispensary" or "dispensary" means an individual who
278 is a licensed pharmacist employed by a dispensary facility or hybrid
279 retailer;

280 (12) "Producer" means a person who is licensed as a producer
281 pursuant to section 21a-408i;

- 282 (13) "Marijuana" means marijuana, as defined in section 21a-240;
- 283 (14) "Nurse" means a person who is licensed as a nurse under chapter
284 378;
- 285 (15) "Palliative use" means the acquisition, distribution, transfer,
286 possession, use or transportation of marijuana or paraphernalia relating
287 to marijuana, including the transfer of marijuana and paraphernalia
288 relating to marijuana from the patient's caregiver to the qualifying
289 patient, to alleviate a qualifying patient's symptoms of a debilitating
290 medical condition or the effects of such symptoms, but does not include
291 any such use of marijuana by any person other than the qualifying
292 patient;
- 293 (16) "Paraphernalia" means drug paraphernalia, as defined in section
294 21a-240;
- 295 (17) "Physician" means a person who is licensed as a physician under
296 chapter 370; [but does not include a physician assistant, as defined in
297 section 20-12a;]
- 298 (18) "Physician assistant" means a person who is licensed as a
299 physician assistant under chapter 370;
- 300 ~~[(18)]~~ (19) "Caregiver" means a person, other than the qualifying
301 patient and the qualifying patient's physician, physician assistant or
302 advanced practice registered nurse, who is eighteen years of age or older
303 and has agreed to undertake responsibility for managing the well-being
304 of the qualifying patient with respect to the palliative use of marijuana,
305 provided (A) in the case of a qualifying patient (i) under eighteen years
306 of age and not an emancipated minor, or (ii) otherwise lacking legal
307 capacity, such person shall be a parent, guardian or person having legal
308 custody of such qualifying patient, and (B) in the case of a qualifying
309 patient eighteen years of age or older or an emancipated minor, the need
310 for such person shall be evaluated by the qualifying patient's physician,
311 physician assistant or advanced practice registered nurse and such need
312 shall be documented in the written certification;

313 [(19)] (20) "Qualifying patient" means a person who: (A) Is a resident
314 of Connecticut, (B) has been diagnosed by a physician, physician
315 assistant or [an] advanced practice registered nurse as having a
316 debilitating medical condition, and (C) (i) is eighteen years of age or
317 older, (ii) is an emancipated minor, or (iii) has written consent from a
318 custodial parent, guardian or other person having legal custody of such
319 person that indicates that such person has permission from such parent,
320 guardian or other person for the palliative use of marijuana for a
321 debilitating medical condition and that such parent, guardian or other
322 person will (I) serve as a caregiver for the qualifying patient, and (II)
323 control the acquisition and possession of marijuana and any related
324 paraphernalia for palliative use on behalf of such person. "Qualifying
325 patient" does not include an inmate confined in a correctional institution
326 or facility under the supervision of the Department of Correction;

327 [(20)] (21) "Research program" means a study approved by the
328 Department of Consumer Protection in accordance with this chapter
329 and undertaken to increase information or knowledge regarding the
330 growth or processing of marijuana, or the medical attributes, dosage
331 forms, administration or use of marijuana to treat or alleviate symptoms
332 of any medical conditions or the effects of such symptoms;

333 [(21)] (22) "Research program employee" means a person who (A) is
334 registered as a research program employee under section 21a-408t, or
335 (B) holds a temporary certificate of registration issued pursuant to
336 section 21a-408t;

337 [(22)] (23) "Research program subject" means a person registered as a
338 research program subject pursuant to section 21a-408v;

339 [(23)] (24) "Usable marijuana" means the dried leaves and flowers of
340 the marijuana plant, and any mixtures or preparations of such leaves
341 and flowers, that are appropriate for the palliative use of marijuana, but
342 does not include the seeds, stalks and roots of the marijuana plant; and

343 [(24)] (25) "Written certification" means a written certification issued
344 by a physician, physician assistant or [an] advanced practice registered

345 nurse pursuant to section 21a-408c, as amended by this act.

346 Sec. 502. Section 21a-408a of the 2022 supplement to the general
347 statutes is repealed and the following is substituted in lieu thereof
348 (*Effective from passage*):

349 (a) A qualifying patient shall register with the Department of
350 Consumer Protection pursuant to section 21a-408d, as amended by this
351 act, prior to engaging in the palliative use of marijuana. A qualifying
352 patient who has a valid registration certificate from the Department of
353 Consumer Protection pursuant to subsection (a) of section 21a-408d, as
354 amended by this act, and complies with the requirements of sections
355 21a-408 to 21a-408m, as amended by this act, inclusive, shall not be
356 subject to arrest or prosecution, penalized in any manner, including, but
357 not limited to, being subject to any civil penalty, or denied any right or
358 privilege, including, but not limited to, being subject to any disciplinary
359 action by a professional licensing board, for the palliative use of
360 marijuana if:

361 (1) The qualifying patient's physician, physician assistant or
362 advanced practice registered nurse has issued a written certification to
363 the qualifying patient for the palliative use of marijuana after the
364 physician, physician assistant or advanced practice registered nurse has
365 prescribed, or determined it is not in the best interest of the patient to
366 prescribe, prescription drugs to address the symptoms or effects for
367 which the certification is being issued;

368 (2) The combined amount of marijuana possessed by the qualifying
369 patient and the caregiver for palliative use does not exceed five ounces;

370 (3) The qualifying patient has not more than one caregiver at any
371 time; and

372 (4) Any cannabis plants grown by the qualifying patient in his or
373 home is in compliance with subsection (b) of section 21a-408d, as
374 amended by this act, and any applicable regulations.

375 (b) The provisions of subsection (a) of this section do not apply to:

376 (1) Any palliative use of marijuana that endangers the health or well-
377 being of a person other than the qualifying patient or the caregiver; or

378 (2) The ingestion of marijuana (A) in a motor bus or a school bus or
379 in any other moving vehicle, (B) in the workplace, (C) on any school
380 grounds or any public or private school, dormitory, college or university
381 property, unless such college or university is participating in a research
382 program and such use is pursuant to the terms of the research program,
383 (D) in any public place, or (E) in the presence of a person under the age
384 of eighteen, unless such person is a qualifying patient or research
385 program subject. For the purposes of this subdivision, (i) "presence"
386 means within the direct line of sight of the palliative use of marijuana or
387 exposure to second-hand marijuana smoke, or both; (ii) "public place"
388 means any area that is used or held out for use by the public whether
389 owned or operated by public or private interests; (iii) "vehicle" means a
390 vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus,
391 as defined in section 14-1; and (v) "school bus" means a school bus, as
392 defined in section 14-1.

393 Sec. 503. Section 21a-408c of the 2022 supplement to the general
394 statutes is repealed and the following is substituted in lieu thereof
395 (*Effective from passage*):

396 (a) A physician, physician assistant or [an] advanced practice
397 registered nurse may issue a written certification to a qualifying patient
398 that authorizes the palliative use of marijuana by the qualifying patient.
399 Such written certification shall be in the form prescribed by the
400 Department of Consumer Protection and shall include a statement
401 signed and dated by the qualifying patient's physician, physician
402 assistant or advanced practice registered nurse stating that, in such
403 physician's, physician assistant's or advanced practice registered nurse's
404 professional opinion, the qualifying patient has a debilitating medical
405 condition and the potential benefits of the palliative use of marijuana
406 would likely outweigh the health risks of such use to the qualifying

407 patient.

408 (b) Any written certification for the palliative use of marijuana issued
409 by a physician, physician assistant or [an] advanced practice registered
410 nurse under subsection (a) of this section shall be valid for a period not
411 to exceed one year from the date such written certification is signed and
412 dated by the physician, physician assistant or advanced practice
413 registered nurse. Not later than ten calendar days after the expiration of
414 such period, or at any time before the expiration of such period should
415 the qualifying patient no longer wish to possess marijuana for palliative
416 use, the qualifying patient or the caregiver shall destroy all usable
417 marijuana possessed by the qualifying patient and the caregiver for
418 palliative use.

419 (c) A physician, physician assistant or [an] advanced practice
420 registered nurse shall not be subject to arrest or prosecution, penalized
421 in any manner, including, but not limited to, being subject to any civil
422 penalty, or denied any right or privilege, including, but not limited to,
423 being subject to any disciplinary action by the Connecticut Medical
424 Examining Board, the Connecticut State Board of Examiners for Nursing
425 or other professional licensing board, for providing a written
426 certification for the palliative use of marijuana under subdivision (1) of
427 subsection (a) of section 21a-408a, as amended by this act, if:

428 (1) The physician, physician assistant or advanced practice registered
429 nurse has diagnosed the qualifying patient as having a debilitating
430 medical condition;

431 (2) The physician, physician assistant or advanced practice registered
432 nurse has explained the potential risks and benefits of the palliative use
433 of marijuana to the qualifying patient and, if the qualifying patient lacks
434 legal capacity, to a parent, guardian or person having legal custody of
435 the qualifying patient;

436 (3) The written certification issued by the physician, physician
437 assistant or advanced practice registered nurse is based upon the
438 physician's, physician assistant's or advanced practice registered nurse's

439 professional opinion after having completed a medically reasonable
440 assessment of the qualifying patient's medical history and current
441 medical condition made in the course of a bona fide health care
442 professional-patient relationship; and

443 (4) The physician, physician assistant or advanced practice registered
444 nurse has no financial interest in a cannabis establishment, except for
445 retailers and delivery services, as such terms are defined in section 21a-
446 420, as amended by this act.

447 (d) A physician assistant or nurse shall not be subject to arrest or
448 prosecution, penalized in any manner, including, but not limited to,
449 being subject to any civil penalty, or denied any right or privilege,
450 including, but not limited to, being subject to any disciplinary action by
451 the Connecticut Medical Examining Board, Board of Examiners for
452 Nursing [,] or other professional licensing board, for administering
453 marijuana to a qualifying patient or research program subject in a
454 hospital or health care facility licensed by the Department of Public
455 Health.

456 (e) Notwithstanding the provisions of this section, sections 21a-408 to
457 21a-408b, inclusive, as amended by this act, and sections 21a-408d to
458 21a-408o, inclusive, as amended by this act, a physician assistant or an
459 advanced practice registered nurse shall not issue a written certification
460 to a qualifying patient when the qualifying patient's debilitating medical
461 condition is glaucoma.

462 Sec. 504. Section 21a-408d of the 2022 supplement to the general
463 statutes is repealed and the following is substituted in lieu thereof
464 (*Effective from passage*):

465 (a) Each qualifying patient who is issued a written certification for the
466 palliative use of marijuana under subdivision (1) of subsection (a) of
467 section 21a-408a, as amended by this act, and the caregiver of such
468 qualifying patient, shall register with the Department of Consumer
469 Protection. Such registration shall be effective from the date the
470 Department of Consumer Protection issues a certificate of registration

471 until the expiration of the written certification issued by the physician,
472 physician assistant or advanced practice registered nurse. The
473 qualifying patient and the caregiver shall provide sufficient identifying
474 information, as determined by the department, to establish the personal
475 identity of the qualifying patient and the caregiver. If the qualifying
476 patient is under eighteen years of age and not an emancipated minor,
477 the custodial parent, guardian or other person having legal custody of
478 the qualifying patient shall also provide a letter from both the qualifying
479 patient's care provider and a physician who is board certified in an area
480 of medicine involved in the treatment of the debilitating condition for
481 which the qualifying patient was certified that confirms that the
482 palliative use of marijuana is in the best interest of the qualifying
483 patient. A physician may issue a written certification for the palliative
484 use of marijuana by a qualifying patient who is under eighteen years of
485 age, provided such written certification shall not be for marijuana in a
486 dosage form that requires that the marijuana be smoked, inhaled or
487 vaporized. The qualifying patient or the caregiver shall report any
488 change in the identifying information to the department not later than
489 five business days after such change. The department shall issue a
490 registration certificate to the qualifying patient and to the caregiver and
491 may charge a reasonable fee, not to exceed twenty-five dollars, for each
492 registration certificate issued under this subsection. Any registration
493 fees collected by the department under this subsection shall be paid to
494 the State Treasurer and credited to the General Fund.

495 (b) Any qualifying patient who is eighteen years of age or older may
496 cultivate up to three mature cannabis plants and three immature
497 cannabis plants in the patient's primary residence at any given time,
498 provided such plants are secure from access by any individual other
499 than the patient or patient's caregiver and no more than twelve cannabis
500 plants may be grown per household.

501 (c) A dispensary shall not dispense any marijuana products in a
502 smokable, inhalable or vaporizable form to a qualifying patient who is
503 under eighteen years of age or such qualifying patient's caregiver.

504 (d) Information obtained under this section shall be confidential and
505 shall not be subject to disclosure under the Freedom of Information Act,
506 as defined in section 1-200, except that reasonable access to registry
507 information obtained under this section shall be provided to: (1) State
508 agencies, federal agencies and local law enforcement agencies for the
509 purpose of investigating or prosecuting a violation of law; (2)
510 physicians, physician assistants, advanced practice registered nurses
511 and pharmacists for the purpose of providing patient care and drug
512 therapy management and monitoring controlled substances obtained by
513 the qualifying patient; (3) public or private entities for research or
514 educational purposes, provided no individually identifiable health
515 information may be disclosed; (4) a licensed dispensary for the purpose
516 of complying with sections 21a-408 to 21a-408m, inclusive, as amended
517 by this act; (5) a qualifying patient, but only with respect to information
518 related to such qualifying patient or such qualifying patient's caregiver;
519 or (6) a caregiver, but only with respect to information related to such
520 caregiver's qualifying patient.

521 Sec. 505. Subsection (a) of section 21a-408d of the 2022 supplement to
522 the general statutes, as amended by section 504 of this act, is repealed
523 and the following is substituted in lieu thereof (*Effective July 1, 2023*):

524 (a) Each qualifying patient who is issued a written certification for the
525 palliative use of marijuana under subdivision (1) of subsection (a) of
526 section 21a-408a, as amended by this act, and the caregiver of such
527 qualifying patient, shall register with the Department of Consumer
528 Protection. Such registration shall be effective from the date the
529 Department of Consumer Protection issues a certificate of registration
530 until the expiration of the written certification issued by the physician,
531 physician assistant or advanced practice registered nurse. The
532 qualifying patient and the caregiver shall provide sufficient identifying
533 information, as determined by the department, to establish the personal
534 identity of the qualifying patient and the caregiver. If the qualifying
535 patient is under eighteen years of age and not an emancipated minor,
536 the custodial parent, guardian or other person having legal custody of
537 the qualifying patient shall also provide a letter from both the qualifying

538 patient's care provider and a physician who is board certified in an area
539 of medicine involved in the treatment of the debilitating condition for
540 which the qualifying patient was certified that confirms that the
541 palliative use of marijuana is in the best interest of the qualifying
542 patient. A physician may issue a written certification for the palliative
543 use of marijuana by a qualifying patient who is under eighteen years of
544 age, provided such written certification shall not be for marijuana in a
545 dosage form that requires that the marijuana be smoked, inhaled or
546 vaporized. The qualifying patient or the caregiver shall report any
547 change in the identifying information to the department not later than
548 five business days after such change. The department shall issue a
549 registration certificate to the qualifying patient and to the caregiver,
550 [and may charge a reasonable fee, not to exceed twenty-five dollars, for
551 each registration certificate issued under this subsection. Any
552 registration fees collected by the department under this subsection shall
553 be paid to the State Treasurer and credited to the General Fund.]

554 Sec. 506. Section 21a-408m of the 2022 supplement to the general
555 statutes is repealed and the following is substituted in lieu thereof
556 (*Effective from passage*):

557 (a) The Commissioner of Consumer Protection may adopt
558 regulations, in accordance with chapter 54, to establish (1) a standard
559 form for written certifications for the palliative use of marijuana issued
560 by physicians, physician assistants and advanced practice registered
561 nurses under subdivision (1) of subsection (a) of section 21a-408a, as
562 amended by this act, and (2) procedures for registrations under section
563 21a-408d, as amended by this act. Such regulations, if any, shall be
564 adopted after consultation with the Board of Physicians established in
565 section 21a-408l.

566 (b) The Commissioner of Consumer Protection shall adopt
567 regulations, in accordance with chapter 54, to establish a reasonable fee
568 to be collected from each qualifying patient to whom a written
569 certification for the palliative use of marijuana is issued under
570 subdivision (1) of subsection (a) of section 21a-408a, as amended by this

571 act, for the purpose of offsetting the direct and indirect costs of
572 administering the provisions of sections 21a-408 to 21a-408m, inclusive,
573 as amended by this act. The commissioner shall collect such fee at the
574 time the qualifying patient registers with the Department of Consumer
575 Protection under subsection (a) of section 21a-408d, as amended by this
576 act. Such fee shall be in addition to any registration fee that may be
577 charged under said subsection. The fees required to be collected by the
578 commissioner from qualifying patients under this subsection shall be
579 paid to the State Treasurer and credited to the General Fund.

580 (c) The Commissioner of Consumer Protection shall adopt or amend
581 regulations, as applicable, in accordance with chapter 54, to implement
582 the provisions of sections 21a-408 to 21a-408g, inclusive, as amended by
583 this act, and section 21a-408l. Notwithstanding the requirements of
584 sections 4-168 to 4-172, inclusive, in order to effectuate the purposes of
585 sections 21a-408 to 21a-408g, inclusive, as amended by this act, and
586 section 21a-408l, and protect public health and safety, prior to adopting
587 or amending such regulations the commissioner shall adopt policies and
588 procedures to implement the provisions of sections 21a-408 to 21a-408g,
589 inclusive, as amended by this act, and section 21a-408, as amended by
590 this act, that shall have the force and effect of law. The commissioner
591 shall post all policies and procedures on the department's Internet web
592 site, and submit such policies and procedures to the Secretary of the
593 State for posting on the eRegulations System, at least fifteen days prior
594 to the effective date of any policy or procedure. Any such policy or
595 procedure shall no longer be effective upon the earlier of either adoption
596 of such policies or procedures as a final regulation pursuant to section
597 4-172 or forty-eight months from October 1, 2021, if such policies or
598 procedures have not been submitted to the legislative regulation review
599 committee for consideration under section 4-170. Such policies and
600 procedures and regulations shall include, but not be limited to, how the
601 department shall:

602 (1) Accept applications for the issuance and renewal of registration
603 certificates for qualifying patients and caregivers;

604 (2) Establish criteria for adding medical conditions, medical
605 treatments or diseases to the list of debilitating medical conditions that
606 qualify for the palliative use of marijuana;

607 (3) Establish a petition process under which members of the public
608 may submit petitions, regarding the addition of medical conditions,
609 medical treatments or diseases to the list of debilitating medical
610 conditions;

611 (4) Establish requirements for the growing of cannabis plants by a
612 qualifying patient in his or her primary residence as authorized under
613 section 21a-408d, as amended by this act, including requirements for
614 securing such plants to prevent access by any individual other than the
615 patient or the patient's caregiver, the location of such plants and any
616 other requirements necessary to protect public health or safety;

617 (5) Develop a distribution system for marijuana for palliative use that
618 provides for:

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

621 (B) The transfer of marijuana between dispensary facilities; and

622 (C) Distribution of marijuana for palliative use to qualifying patients
623 or their caregivers by dispensary facilities, hybrid retailers and delivery
624 services, as such terms are defined in section 21a-420, as amended by
625 this act; and

626 (6) Ensure an adequate supply and variety of marijuana to dispensary
627 facilities and hybrid retailers to ensure uninterrupted availability for
628 qualifying patients, based on historical marijuana purchase patterns by
629 qualifying patients.

630 Sec. 507. Section 21a-408m of the 2022 supplement to the general
631 statutes, as amended by section 506 of this act, is repealed and the
632 following is substituted in lieu thereof (*Effective July 1, 2023*):

633 (a) The Commissioner of Consumer Protection may adopt
634 regulations, in accordance with chapter 54, to establish (1) a standard
635 form for written certifications for the palliative use of marijuana issued
636 by physicians, physician assistants and advanced practice registered
637 nurses under subdivision (1) of subsection (a) of section 21a-408a, as
638 amended by this act, and (2) procedures for registrations under section
639 21a-408d, as amended by this act. Such regulations, if any, shall be
640 adopted after consultation with the Board of Physicians established in
641 section 21a-408l.

642 [(b) The Commissioner of Consumer Protection shall adopt
643 regulations, in accordance with chapter 54, to establish a reasonable fee
644 to be collected from each qualifying patient to whom a written
645 certification for the palliative use of marijuana is issued under
646 subdivision (1) of subsection (a) of section 21a-408a, for the purpose of
647 offsetting the direct and indirect costs of administering the provisions
648 of sections 21a-408 to 21a-408m, inclusive. The commissioner shall
649 collect such fee at the time the qualifying patient registers with the
650 Department of Consumer Protection under subsection (a) of section 21a-
651 408d. Such fee shall be in addition to any registration fee that may be
652 charged under said subsection. The fees required to be collected by the
653 commissioner from qualifying patients under this subsection shall be
654 paid to the State Treasurer and credited to the General Fund.]

655 [(c)] (b) The Commissioner of Consumer Protection shall adopt or
656 amend regulations, as applicable, in accordance with chapter 54, to
657 implement the provisions of sections 21a-408 to 21a-408g, inclusive, as
658 amended by this act, and section 21a-408l. Notwithstanding the
659 requirements of sections 4-168 to 4-172, inclusive, in order to effectuate
660 the purposes of sections 21a-408 to 21a-408g, inclusive, as amended by
661 this act, and section 21a-408l, and protect public health and safety, prior
662 to adopting or amending such regulations the commissioner shall adopt
663 policies and procedures to implement the provisions of sections 21a-408
664 to 21a-408g, inclusive, as amended by this act, and section 21a-408, as
665 amended by this act, that shall have the force and effect of law. The
666 commissioner shall post all policies and procedures on the department's

667 Internet web site, and submit such policies and procedures to the
668 Secretary of the State for posting on the eRegulations System, at least
669 fifteen days prior to the effective date of any policy or procedure. Any
670 such policy or procedure shall no longer be effective upon the earlier of
671 either adoption of such policies or procedures as a final regulation
672 pursuant to section 4-172 or forty-eight months from October 1, 2021, if
673 such policies or procedures have not been submitted to the legislative
674 regulation review committee for consideration under section 4-170.
675 Such policies and procedures and regulations shall include, but not be
676 limited to, how the department shall:

677 (1) Accept applications for the issuance and renewal of registration
678 certificates for qualifying patients and caregivers;

679 (2) Establish criteria for adding medical conditions, medical
680 treatments or diseases to the list of debilitating medical conditions that
681 qualify for the palliative use of marijuana;

682 (3) Establish a petition process under which members of the public
683 may submit petitions, regarding the addition of medical conditions,
684 medical treatments or diseases to the list of debilitating medical
685 conditions;

686 (4) Establish requirements for the growing of cannabis plants by a
687 qualifying patient in his or her primary residence as authorized under
688 section 21a-408d, as amended by this act, including requirements for
689 securing such plants to prevent access by any individual other than the
690 patient or the patient's caregiver, the location of such plants and any
691 other requirements necessary to protect public health or safety;

692 (5) Develop a distribution system for marijuana for palliative use that
693 provides for:

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

696 (B) The transfer of marijuana between dispensary facilities; and

697 (C) Distribution of marijuana for palliative use to qualifying patients
698 or their caregivers by dispensary facilities, hybrid retailers and delivery
699 services, as such terms are defined in section 21a-420, as amended by
700 this act; and

701 (6) Ensure an adequate supply and variety of marijuana to dispensary
702 facilities and hybrid retailers to ensure uninterrupted availability for
703 qualifying patients, based on historical marijuana purchase patterns by
704 qualifying patients.

705 Sec. 508. Subsection (a) of section 21a-246 of the general statutes is
706 repealed and the following is substituted in lieu thereof (*Effective from*
707 *passage*):

708 (a) No person within this state shall manufacture, wholesale,
709 repackage, supply, compound, mix, cultivate or grow, or by other
710 process produce or prepare, controlled substances without first
711 obtaining a license to do so from the Commissioner of Consumer
712 Protection and no person within this state shall operate a laboratory for
713 the purpose of research or analysis using controlled substances without
714 first obtaining a license to do so from the Commissioner of Consumer
715 Protection, except that such activities by pharmacists or pharmacies in
716 the filling and dispensing of prescriptions or activities incident thereto,
717 or the dispensing or administering of controlled substances by dentists,
718 podiatrists, physicians, physician assistants, advanced practice
719 registered nurses or veterinarians, or other persons acting under their
720 supervision, in the treatment of patients shall not be subject to the
721 provisions of this section, and provided laboratories for instruction in
722 dentistry, medicine, nursing, pharmacy, pharmacology and
723 pharmacognosy in institutions duly licensed for such purposes in this
724 state shall not be subject to the provisions of this section except with
725 respect to narcotic drugs and schedule I and II controlled substances.
726 Upon application of any physician or physician assistant licensed
727 pursuant to chapter 370₂, or an advanced practice registered nurse
728 licensed pursuant to chapter 378, the Commissioner of Consumer
729 Protection shall without unnecessary delay, (1) license such physician to

730 possess and supply marijuana for the treatment of glaucoma or the side
731 effects of chemotherapy, or (2) license such physician assistant or
732 advanced practice registered nurse to possess and supply marijuana for
733 the treatment of the side effects of chemotherapy. No person outside this
734 state shall sell or supply controlled substances within this state without
735 first obtaining a license to do so from the Commissioner of Consumer
736 Protection, provided no such license shall be required of a manufacturer
737 whose principal place of business is located outside this state and who
738 is registered with the federal Drug Enforcement Administration or other
739 federal agency, and who files a copy of such registration with the
740 appropriate licensing authority under this chapter.

741 Sec. 509. Section 21a-253 of the general statutes is repealed and the
742 following is substituted in lieu thereof (*Effective from passage*):

743 Any person may possess or have under his control a quantity of
744 marijuana less than or equal to that quantity supplied to him pursuant
745 to a prescription made in accordance with the provisions of section 21a-
746 249 by (1) a physician licensed under the provisions of chapter 370 and
747 further authorized by subsection (a) of section 21a-246, as amended by
748 this act, by the Commissioner of Consumer Protection to possess and
749 supply marijuana for the treatment of glaucoma or the side effects of
750 chemotherapy, or (2) a physician assistant licensed under the provisions
751 of chapter 370, or an advanced practice registered nurse licensed under
752 the provisions of chapter 378, and further authorized by subsection (a)
753 of section 21a-246, as amended by this act, by said commissioner to
754 possess and supply marijuana for the treatment of the side effects of
755 chemotherapy.

756 Sec. 510. Section 7 of public act 21-9 is repealed and the following is
757 substituted in lieu thereof (*Effective from passage*):

758 (a) As used in this section:

759 (1) "Advanced practice registered nurse" means an advanced practice
760 registered nurse licensed pursuant to chapter 378 of the general statutes;

761 (2) "Physician" has the same meaning as provided in section 21a-408
762 of the general statutes, as amended by this act;

763 (3) "Physician assistant" has the same meaning as provided in section
764 21a-408 of the general statutes, as amended by this act;

765 [(3)] (4) "Qualifying patient" has the same meaning as provided in
766 section 21a-408 of the general statutes, as amended by this act; and

767 [(4)] (5) "Written certification" has the same meaning as provided in
768 section 21a-408 of the general statutes, as amended by this act.

769 (b) Notwithstanding the provisions of sections 21a-408 to 21a-408n,
770 inclusive, of the general statutes, as amended by this act, or any other
771 section, regulation, rule, policy or procedure concerning the certification
772 of medical marijuana patients, a physician, physician assistant or
773 advanced practice registered nurse may issue a written certification to a
774 qualifying patient and provide any follow-up care using telehealth
775 services during the period beginning on the effective date of this section
776 and ending on June 30, 2023, provided all other requirements for issuing
777 the written certification to the qualifying patient and all recordkeeping
778 requirements are satisfied."

This act shall take effect as follows and shall amend the following sections:

Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	21a-421bb
Sec. 11	<i>from passage</i>	New section
Sec. 501	<i>from passage</i>	21a-408
Sec. 502	<i>from passage</i>	21a-408a
Sec. 503	<i>from passage</i>	21a-408c
Sec. 504	<i>from passage</i>	21a-408d
Sec. 505	<i>July 1, 2023</i>	21a-408d(a)
Sec. 506	<i>from passage</i>	21a-408m
Sec. 507	<i>July 1, 2023</i>	21a-408m
Sec. 508	<i>from passage</i>	21a-246(a)
Sec. 509	<i>from passage</i>	21a-253

Sec. 510	<i>from passage</i>	PA 21-9, Sec. 7
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