

CHAPTER 420f

PALLIATIVE USE OF MARIJUANA

Table of Contents

[Sec. 21a-408. Definitions.](#)

[Sec. 21a-408a. Qualifying patient not subject to arrest, prosecution or certain other penalties. Requirements. Exceptions.](#)

[Sec. 21a-408b. Primary caregiver not subject to arrest, prosecution or certain other penalties. Requirements. Exceptions. Prohibition re dispensing marijuana in smokable, inhalable or vaporizable form.](#)

[Sec. 21a-408c. Physician or advanced practice registered nurse issuance of written certification. Requirements. Not subject to arrest, prosecution or certain other penalties.](#)

[Sec. 21a-408d. Qualifying patient and primary caregiver to register with Department of Consumer Protection. Change in information. Fee. Selection of dispensary. Prohibition re dispensing marijuana in smokable, inhalable or vaporizable form. Confidentiality of registry information.](#)

[Sec. 21a-408e. Person not subject to arrest or prosecution solely for being in presence or vicinity of palliative use of marijuana.](#)

[Sec. 21a-408f. Seizure and return of marijuana, paraphernalia or other property. Exception.](#)

[Sec. 21a-408g. Fraudulent representation to law enforcement official re palliative use of marijuana or written certification. Penalty.](#)

[Sec. 21a-408h. Dispensaries. Licensure. Regulations. Fees. Data report.](#)

[Sec. 21a-408i. Producers. Licensure. Regulations. Fees.](#)

[Sec. 21a-408j. Licensed dispensaries and employees not subject to arrest, prosecution or certain other penalties. Exceptions.](#)

[Sec. 21a-408k. Licensed producers and employees not subject to arrest, prosecution or certain other penalties. Exceptions.](#)

[Sec. 21a-408l. Board of Physicians re palliative use of marijuana. Duties. Confidentiality of information.](#)

[Sec. 21a-408m. Regulations re palliative use of marijuana. Fees. Additional debilitating conditions.](#)

[Sec. 21a-408n. Temporary registration certificates. Qualifying patients, primary caregivers and physicians not subject to arrest, prosecution or certain other penalties. Exceptions. Confidentiality of registry information.](#)

[Sec. 21a-408o. Health insurance coverage not affected.](#)

[Sec. 21a-408p. Treatment of student, tenant or employee due to status as qualifying patient or primary caregiver.](#)

[Sec. 21a-408q. Palliative marijuana administration account.](#)

[Sec. 21a-408r. Laboratory employees. Licensure. Regulations. Fees.](#)

[Sec. 21a-408s. Licensed laboratory employees and laboratories not subject to arrest, prosecution or certain other penalties. Exceptions.](#)

[Sec. 21a-408t. Research programs. Licensure. Regulations. Fees.](#)

[Sec. 21a-408u. Licensed research programs and research program employees not subject to arrest, prosecution or other penalties. Exceptions.](#)

[Sec. 21a-408v. Research program subjects not subject to arrest, prosecution or certain other penalties. Registration. Exceptions. Confidentiality of information.](#)

[Secs. 21a-409 to 21a-414. Reserved](#)

Sec. 21a-408. Definitions. As used in this section, sections 21a-408a to 21a-408o, inclusive, and sections 21a-408r to 21a-408v, inclusive, unless the context otherwise requires:

- (1) “Advanced practice registered nurse” means an advanced practice registered nurse licensed pursuant to chapter 378;
- (2) “Cultivation” includes planting, propagating, cultivating, growing and harvesting;
- (3) “Debilitating medical condition” means (A) cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy or uncontrolled intractable seizure disorder, cachexia, wasting syndrome, Crohn's disease, posttraumatic stress disorder, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis or terminal illness requiring end-of-life care, except, if the qualifying patient is under eighteen years of age, “debilitating medical condition” means terminal illness requiring end-of-life care, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrolled intractable seizure disorder, or (B) any medical condition, medical treatment or disease approved for qualifying patients by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m;
- (4) “Institutional animal care and use committee” means a committee that oversees an organization's animal program, facilities and procedures to ensure compliance with federal policies, guidelines and principles related to the care and use of animals in research;
- (5) “Institutional review board” means a specifically constituted review body established or designated by an organization to protect the rights and welfare of persons recruited to participate in biomedical, behavioral or social science research;
- (6) “Laboratory” means a laboratory located in the state that is licensed to provide analysis of controlled substances pursuant to section 21a-246 and section 21a-408r;
- (7) “Laboratory employee” means a person who is (A) licensed as a laboratory employee pursuant to section 21a-408r, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408r;
- (8) “Licensed dispensary” or “dispensary” means a person who is licensed as a dispensary pursuant to section 21a-408h;
- (9) “Licensed producer” or “producer” means a person who is licensed as a producer pursuant to section 21a-408i;
- (10) “Marijuana” means marijuana, as defined in section 21a-240;
- (11) “Nurse” means a person who is licensed as a nurse under chapter 378;
- (12) “Palliative use” means the acquisition, distribution, transfer, possession, use or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient;
- (13) “Paraphernalia” means drug paraphernalia, as defined in section 21a-240;

- (14) “Physician” means a person who is licensed as a physician under chapter 370, but does not include a physician assistant, as defined in section 20-12a;
- (15) “Primary caregiver” means a person, other than the qualifying patient and the qualifying patient's physician or advanced practice registered nurse, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided (A) in the case of a qualifying patient (i) under eighteen years of age and not an emancipated minor, or (ii) otherwise lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient, and (B) in the case of a qualifying patient eighteen years of age or older or an emancipated minor, the need for such person shall be evaluated by the qualifying patient's physician or advanced practice registered nurse and such need shall be documented in the written certification;
- (16) “Qualifying patient” means a person who: (A) Is a resident of Connecticut, (B) has been diagnosed by a physician or an advanced practice registered nurse as having a debilitating medical condition, and (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or (iii) has written consent from a custodial parent, guardian or other person having legal custody of such person that indicates that such person has permission from such parent, guardian or other person for the palliative use of marijuana for a debilitating medical condition and that such parent, guardian or other person will (I) serve as a primary caregiver for the qualifying patient, and (II) control the acquisition and possession of marijuana and any related paraphernalia for palliative use on behalf of such person. “Qualifying patient” does not include an inmate confined in a correctional institution or facility under the supervision of the Department of Correction;
- (17) “Research program” means a study approved by the Department of Consumer Protection in accordance with this chapter and undertaken to increase information or knowledge regarding the growth, processing, medical attributes, dosage forms, administration or use of marijuana to treat or alleviate symptoms of any medical conditions or the effects of such symptoms;
- (18) “Research program employee” means a person who (A) is licensed as a research program employee under section 21a-408t, or (B) holds a temporary certificate of registration issued pursuant to section 21a-408t;
- (19) “Research program subject” means a person registered as a research program subject pursuant to section 21a-408v;
- (20) “Usable marijuana” means the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does not include the seeds, stalks and roots of the marijuana plant; and
- (21) “Written certification” means a written certification issued by a physician or an advanced practice registered nurse pursuant to section 21a-408c.

(P.A. 12-55, S. 1; P.A. 16-23, S. 1; 16-39, S. 47.)

History: P.A. 12-55 effective May 31, 2012; P.A. 16-23 added reference to Secs. 21a-408r to 21a-408v in introductory language, added definitions of “institutional animal care and use committee”, “institutional review board”, “laboratory”, “laboratory employee”, “nurse”, “research program”, “research program employee” and “research program subject”, redefined “debilitating medical condition”, “primary caregiver”, and “qualifying patient”, and made technical changes; P.A. 16-39 defined “advanced practice registered nurse” and added references to advanced practice registered nurse in definitions of “primary caregiver”, “qualifying patient” and “written certification”, effective January 1, 2017.

[\(Return to Chapter \(Return to Table of Contents\) List of Chapters\) List of Titles\)](#)

Sec. 21a-408a. Qualifying patient not subject to arrest, prosecution or certain other penalties. Requirements. Exceptions. (a) A qualifying patient shall register with the Department of Consumer Protection pursuant to section 21a-408d prior to engaging in the palliative use of marijuana. A qualifying patient who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to 21a-408n, inclusive, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but

not limited to, being subject to any disciplinary action by a professional licensing board, for the palliative use of marijuana if:

- (1) The qualifying patient's physician or advanced practice registered nurse has issued a written certification to the qualifying patient for the palliative use of marijuana after the physician or advanced practice registered nurse has prescribed, or determined it is not in the best interest of the patient to prescribe, prescription drugs to address the symptoms or effects for which the certification is being issued;
 - (2) The combined amount of marijuana possessed by the qualifying patient and the primary caregiver for palliative use does not exceed an amount of usable marijuana reasonably necessary to ensure uninterrupted availability for a period of one month, as determined by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m; and
 - (3) The qualifying patient has not more than one primary caregiver at any time.
- (b) The provisions of subsection (a) of this section do not apply to:

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

(P.A. 12-55, S. 2; P.A. 16-23, S. 2; 16-39, S. 48.)

History: P.A. 16-23 amended Subsec. (b)(2) by adding provision re college or university participating in research program in Subpara. (C) and adding provision re qualifying patient or research program subject in Subpara. (E); P.A. 16-39 amended Subsec. (a)(1) by adding references to advanced practice registered nurse, effective January 1, 2017.

[\(Return to Chapter](#) [\(Return to Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408b. Primary caregiver not subject to arrest, prosecution or certain other penalties. Requirements. Exceptions. Prohibition re dispensing marijuana in smokable, inhalable or vaporizable form. (a) No person may serve as a primary caregiver for a qualifying patient (1) unless such qualifying patient has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d, and (2) if such person has been convicted of a violation of any law pertaining to the illegal manufacture, sale or distribution of a controlled substance. A primary caregiver may not be responsible for the care of more than one qualifying patient at any time, except that a primary caregiver may be responsible for the care of more than one qualifying patient if the primary caregiver and each qualifying patient have a parental, guardianship, conservatorship or sibling relationship.

(b) A primary caregiver who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d and complies with the requirements of sections 21a-408 to 21a-408n, inclusive, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the acquisition, distribution, possession or transportation of marijuana or paraphernalia related to marijuana on behalf of such primary caregiver's qualifying patient, provided (1) the amount of any marijuana so acquired, distributed, possessed or transported, together with the combined amount of usable marijuana possessed by the qualifying patient and the primary caregiver, does not exceed an amount reasonably necessary to ensure uninterrupted availability for a period of one month, as determined by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m, and (2) such amount is obtained solely within this state from a licensed

dispensary. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to a hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department. For the purposes of this subsection, “distribution” or “distributed” means the transfer of marijuana and paraphernalia related to marijuana from the primary caregiver to the qualifying patient.

(c) A dispensary shall not dispense any marijuana product in a smokable, inhalable or vaporizable form to a primary caregiver for a qualifying patient who is under eighteen years of age.

(P.A. 12-55, S. 3; P.A. 16-23, S. 3.)

History: P.A. 16-23 amended Subsec. (b) by adding provision re person with valid registration certificate found in possession of marijuana that did not originate from selected dispensary and added Subsec. (c) re prohibition on dispensing marijuana product in smokable, inhalable or vaporizable form to primary caregiver for qualifying patient under 18 years of age.

[\(Return to Chapter \(Return to Table of Contents\) List of Chapters\) List of Titles\)](#)

Sec. 21a-408c. Physician or advanced practice registered nurse issuance of written certification. Requirements. Not subject to arrest, prosecution or certain other penalties. (a) A physician or an advanced practice registered nurse may issue a written certification to a qualifying patient that authorizes the palliative use of marijuana by the qualifying patient. Such written certification shall be in the form prescribed by the Department of Consumer Protection and shall include a statement signed and dated by the qualifying patient's physician or advanced practice registered nurse stating that, in such physician's or advanced practice registered nurse's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the palliative use of marijuana would likely outweigh the health risks of such use to the qualifying patient.

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

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

- (1) The physician or advanced practice registered nurse has diagnosed the qualifying patient as having a debilitating medical condition;
- (2) The physician or advanced practice registered nurse has explained the potential risks and benefits of the palliative use of marijuana to the qualifying patient and, if the qualifying patient lacks legal capacity, to a parent, guardian or person having legal custody of the qualifying patient;
- (3) The written certification issued by the physician or advanced practice registered nurse is based upon the physician's or advanced practice registered nurse's professional opinion after having completed a medically reasonable assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide health care professional-patient relationship; and
- (4) The physician or advanced practice registered nurse has no financial interest in a dispensary licensed under section 21a-408h or a producer licensed under section 21a-408i.

(d) A nurse shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any

disciplinary action by the Board of Examiners for Nursing, or other professional licensing board, for administering marijuana to a qualifying patient or research program subject in a hospital or health care facility licensed by the Department of Public Health.

(e) Notwithstanding the provisions of this section, sections 21a-408 to 21a-408b, inclusive, and sections 21a-408d to 21a-408o, inclusive, an advanced practice registered nurse shall not issue a written certification to a qualifying patient when the qualifying patient's debilitating medical condition is glaucoma.

(P.A. 12-55, S. 4; P.A. 16-23, S. 4; 16-39, S. 49.)

History: P.A. 16-23 added Subsec. (d) re nurse not subject to arrest, prosecution or other penalties for administering marijuana to qualifying patient or research program subject in a licensed hospital or health care facility; P.A. 16-39 added references to advanced practice registered nurse, amended Subsec. (c) by adding reference to Connecticut State Board of Examiners for Nursing and replacing "physician-patient relationship" with "health care professional-patient relationship" in Subdiv. (3), and added provision, codified by the Revisors as Subsec. (e), prohibiting advanced practice registered nurse from issuing certification when qualifying patient's debilitating medical condition is glaucoma, effective January 1, 2017.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408d. Qualifying patient and primary caregiver to register with Department of Consumer Protection. Change in information. Fee. Selection of dispensary. Prohibition re dispensing marijuana in smokable, inhalable or vaporizable form. Confidentiality of registry information. (a) Each qualifying patient who is issued a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a, and the primary caregiver of such qualifying patient, shall register with the Department of Consumer Protection. Such registration shall be effective from the date the Department of Consumer Protection issues a certificate of registration until the expiration of the written certification issued by the physician or advanced practice registered nurse. The qualifying patient and the primary caregiver shall provide sufficient identifying information, as determined by the department, to establish the personal identity of the qualifying patient and the primary caregiver. If the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient shall also provide a letter from both the qualifying patient's primary care provider and a physician who is board certified in an area of medicine involved in the treatment of the debilitating condition for which the qualifying patient was certified that confirms that the palliative use of marijuana is in the best interest of the qualifying patient. A physician may issue a written certification for the palliative use of marijuana by a qualifying patient who is under eighteen years of age, provided such written certification shall not be for marijuana in a dosage form that requires that the marijuana be smoked, inhaled or vaporized. The qualifying patient or the primary caregiver shall report any change in the identifying information to the department not later than five business days after such change. The department shall issue a registration certificate to the qualifying patient and to the primary caregiver and may charge a reasonable fee, not to exceed twenty-five dollars, for each registration certificate issued under this subsection. Any registration fees collected by the department under this subsection shall be paid to the State Treasurer and credited to the General Fund.

(b) The qualifying patient, or, if the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient, shall select a licensed, in-state dispensary to obtain the palliative marijuana products at the time of registration. Upon the issuance of the certificate of registration by the department, the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, shall purchase such palliative marijuana products from such dispensary, except that the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, may change such dispensary in accordance with regulations adopted by the department. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department.

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

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information obtained

under this section and temporary registration information obtained under section 21a-408n shall be provided to: (1) State agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (2) physicians, advanced practice registered nurses and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the qualifying patient; (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed; (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408n, inclusive; (5) a qualifying patient, but only with respect to information related to such qualifying patient or such qualifying patient's primary caregiver; or (6) a primary caregiver, but only with respect to information related to such primary caregiver's qualifying patient.

(P.A. 12-55, S. 5; P.A. 15-244, S. 99; P.A. 16-23, S. 5; 16-39, S. 50.)

History: P.A. 15-244 amended Subsec. (a) to substitute "General Fund" for "account established pursuant to section 21a-408q", effective July 1, 2015; P.A. 16-23 amended Subsec. (a) by adding provisions re palliative use of marijuana by a qualifying patient under 18 years of age and making a technical change, added new Subsec. (b) re selection of dispensary, added Subsec. (c) re dispensing marijuana products in smokable, inhalable or vaporizable form, and redesignated existing Subsec. (b) re information obtained as Subsec. (d); P.A. 16-39 amended Subsecs. (a) and (b)(2) by adding references to advanced practice registered nurse, effective January 1, 2017.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408e. Person not subject to arrest or prosecution solely for being in presence or vicinity of palliative use of marijuana. No person shall be subject to arrest or prosecution solely for being in the presence or vicinity of the palliative use of marijuana as permitted under sections 21a-408 to 21a-408n, inclusive.

(P.A. 12-55, S. 6.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408f. Seizure and return of marijuana, paraphernalia or other property. Exception. Any marijuana, paraphernalia relating to marijuana, or other property seized by law enforcement officials from a qualifying patient or a primary caregiver in connection with the claimed palliative use of marijuana under sections 21a-408 to 21a-408n, inclusive, shall be returned to the qualifying patient or the primary caregiver immediately upon the determination by a court that the qualifying patient or the primary caregiver is entitled to the palliative use of marijuana under sections 21a-408 to 21a-408n, inclusive, as evidenced by a decision not to prosecute, a dismissal of charges or an acquittal. The provisions of this section do not apply to any qualifying patient or primary caregiver who fails to comply with the requirements for the palliative use of marijuana under sections 21a-408 to 21a-408n, inclusive.

(P.A. 12-55, S. 7.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408g. Fraudulent representation to law enforcement official re palliative use of marijuana or written certification. Penalty. (a) Any person who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the palliative use of marijuana in order to avoid arrest or prosecution under chapter 420b or any other provision of the general statutes shall be guilty of a class C misdemeanor.

(b) Any person who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the issuance, contents or validity of a written certification for the palliative use of marijuana, or a document purporting to be such a written certification, shall be guilty of a class A misdemeanor.

(P.A. 12-55, S. 8.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408h. Dispensaries. Licensure. Regulations. Fees. Data report. (a) No person may act as a dispensary or represent that such person is a licensed dispensary unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) The Commissioner of Consumer Protection shall determine the number of dispensaries appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with chapter 54, to provide for the licensure and standards for dispensaries in this state and specify the maximum number of dispensaries that may be licensed in this state. On and after the effective date of such regulations, the commissioner may license any person who applies for a license in accordance with such regulations, provided (1) the commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to sections 21a-408 to 21a-408n, inclusive, (2) the applicant is a pharmacist licensed under chapter 400j, and (3) the number of dispensary licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the commissioner pursuant to this subsection. At a minimum, such regulations shall:

(A) Indicate the maximum number of dispensaries that may be licensed in this state;

(B) Provide that only a pharmacist licensed under chapter 400j may apply for and receive a dispensary license;

(C) Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of this state;

(D) Establish a licensing fee and renewal fee for each licensed dispensary, provided such fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating dispensaries pursuant to sections 21a-408 to 21a-408n, inclusive;

(E) Provide for renewal of such dispensary licenses at least every two years;

(F) Describe areas in this state where licensed dispensaries may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of section 30-46;

(G) Establish health, safety and security requirements for licensed dispensaries, which may include, but need not be limited to: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the licensed dispensary, and (ii) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;

(H) Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182; and

(I) Establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(c) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(d) On or before January 1, 2017, and annually thereafter, each licensed dispensary shall report data to the Department of Consumer Protection relating to the types, mixtures and dosages of palliative marijuana dispensed by such dispensary. A report prepared pursuant to this subsection shall be in such form as may be prescribed by the Commissioner of Consumer Protection.

(P.A. 12-55, S. 9; P.A. 15-244, S. 100; P.A. 16-23, S. 6.)

History: P.A. 12-55 effective May 31, 2012; P.A. 15-244 amended Subsec. (c) to substitute "General Fund" for "account established pursuant to section 21a-408q", effective July 1, 2015; P.A. 16-23 added Subsec. (d) re report of data by licensed dispensaries to Department of Consumer Protection.

[\(Return to Chapter](#) [\(Return to Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408i. Producers. Licensure. Regulations. Fees. (a) No person may act as a producer or represent that such person is a licensed producer unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with chapter 54, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the commissioner finds that such applicant has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to sections 21a-408 to 21a-408n, inclusive, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the commissioner pursuant to this subsection. At a minimum, such regulations shall:

(A) Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;

(B) Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;

(C) Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;

(D) Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to sections 21a-408 to 21a-408n, inclusive;

(E) Provide for renewal of such producer licenses at least every five years;

(F) Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;

(G) Establish financial requirements for producers, under which (i) each applicant demonstrates the financial capacity to build and operate a marijuana production facility, and (ii) each licensed producer may be required to maintain an escrow account in a financial institution in this state in an amount of two million dollars;

(H) Establish health, safety and security requirements for licensed producers, which shall include, but need not be limited to, a requirement that the applicant or licensed producer demonstrate: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana cultivated by the producer, and (ii) the ability to cultivate pharmaceutical grade marijuana for palliative use in a secure indoor facility;

(I) Define “pharmaceutical grade marijuana for palliative use” for the purposes of this section;

(J) Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of producer licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182; and

(K) Establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(c) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(P.A. 12-55, S. 10; P.A. 15-244, S. 101.)

History: P.A. 12-55 effective May 31, 2012; P.A. 15-244 amended Subsec. (c) to substitute “General Fund” for “account established pursuant to section 21a-408q”, effective July 1, 2015.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)

[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 21a-408j. Licensed dispensaries and employees not subject to arrest, prosecution or certain other penalties. Exceptions. (a) No licensed dispensary or employee of the dispensary may: (1) Acquire marijuana from a person other than a licensed producer; (2) distribute or dispense marijuana to a person who is not (A) a qualifying patient registered under section 21a-408d or 21a-408n; (B) a primary caregiver of such qualifying patient; (C) a hospice or other inpatient care facility licensed by the Department of Public Health pursuant to chapter 368v that has protocol for the handling and distribution of marijuana that has been approved by the Department of Consumer Protection; (D) a laboratory; and (E) an organization engaged in a research program; or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No licensed dispensary or employee of the dispensary acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, distributing or dispensing marijuana pursuant to sections 21a-408 to 21a-408n, inclusive.

(P.A. 12-55, S. 11; P.A. 16-23, S. 7.)

History: P.A. 16-23 amended Subsec. (a)(2) by adding Subpara. (C) re hospice or other inpatient care facility, adding Subpara. (D) re laboratory, and adding Subpara. (E) re organization engaged in a research program.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 21a-408k. Licensed producers and employees not subject to arrest, prosecution or certain other penalties. Exceptions. (a) No licensed producer or employee of the producer may: (1) Sell, deliver, transport or distribute marijuana to a person who is not (A) a licensed dispensary, (B) a laboratory, or (C) an organization engaged in a research program, or (2) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No licensed producer or employee of the producer acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for cultivating marijuana or selling, delivering, transporting or distributing marijuana to licensed dispensaries under sections 21a-408 to 21a-408n, inclusive.

(P.A. 12-55, S. 12; P.A. 16-23, S. 8.)

History: P.A. 16-23 amended Subsec. (a)(1) by designating existing provision re licensed dispensary as Subpara. (A), adding Subpara. (B) re laboratory and adding Subpara. (C) re organization engaged in a research program.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents](#)) [List of Chapters](#)) [List of Titles](#))

Sec. 21a-408l. Board of Physicians re palliative use of marijuana. Duties. Confidentiality of information. (a) The Commissioner of Consumer Protection shall establish a Board of Physicians consisting of eight physicians or surgeons who are knowledgeable about the palliative use of marijuana and certified by the appropriate American board in the medical specialty in which they practice, at least one of whom shall be a board certified pediatrician appointed in consultation with the Connecticut Chapter of the American Academy of Pediatrics. Four of the members of the board first appointed shall serve for a term of three years and four of the members of the board first appointed shall serve for a term of four years. Thereafter, members of the board shall serve for a term of four years and shall be eligible for reappointment. Any member of the board may serve until a successor is appointed. The Commissioner of Consumer Protection shall serve as an ex-officio member of the board, and shall select a chairperson from among the members of the board.

(b) A quorum of the Board of Physicians shall consist of four members.

(c) The Board of Physicians shall:

- (1) Review and recommend to the Department of Consumer Protection for approval the debilitating medical conditions, medical treatments or diseases to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients eighteen years of age or older;
 - (2) Review and recommend to the Department of Consumer Protection for approval any illnesses that are severely debilitating, as defined in 21 CFR 312.81(b), to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients under eighteen years of age, taking into account, among other things, the effect of the palliative use of marijuana on the brain development of such patients;
 - (3) Accept and review petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;
 - (4) Convene at least twice per year to conduct public hearings and to evaluate petitions, which shall be maintained as confidential pursuant to subsection (e) of this section, for the purpose of adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;
 - (5) Review and recommend to the Department of Consumer Protection protocols for determining the amounts of marijuana that may be reasonably necessary to ensure uninterrupted availability for a period of one month for qualifying patients, including amounts for topical treatments; and
 - (6) Perform other duties related to the palliative use of marijuana upon the request of the Commissioner of Consumer Protection.
- (d) The Board of Physicians may review the list of debilitating medical conditions that qualify for the palliative use of marijuana and make recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to general law and public health for the removal of a debilitating medical condition, medical treatment or disease from such list.
- (e) Any individually identifiable health information contained in a petition received under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

(P.A. 12-55, S. 13; P.A. 16-23, S. 9.)

History: P.A. 12-55 effective May 31, 2012; P.A. 16-23 amended Subsec. (a) by deleting list of specialties and by adding provisions re certification of physicians in medical specialty in which they practice and at least one member to be board certified pediatrician, amended Subsec. (b) by increasing quorum from 3 members to 4 members, amended Subsec. (c) by adding reference to patients age 18 or older in Subdiv. (1), adding new Subdiv. (2) re review and recommendation for approval of illnesses that are severely debilitating to be added to list of debilitating medical conditions, and redesignating existing Subdivs. (2) to (5) as Subdivs. (3) to (6), added new Subsec. (d) re recommendation for removal of debilitating medical condition, medical treatment or disease from the list, and redesignated existing Subsec. (d) re individually identifiable health information as Subsec. (e).

[\(Return to Chapter \(Return to Table of Contents\) List of Chapters\) List of Titles\)](#)

Sec. 21a-408m. Regulations re palliative use of marijuana. Fees. Additional debilitating conditions. (a) The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to establish (1) a standard form for written certifications for the palliative use of marijuana issued by physicians and advanced practice registered nurses under subdivision (1) of subsection (a) of section 21a-408a, and (2) procedures for registrations under section 21a-408d. Such regulations, if any, shall be adopted after consultation with the Board of Physicians established in section 21a-408f.

(b) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to establish a reasonable fee to be collected from each qualifying patient to whom a written certification for the palliative use of marijuana is issued under subdivision (1) of subsection (a) of section 21a-408a, for the purpose of offsetting the direct and indirect costs of administering the provisions of sections 21a-408 to 21a-408n, inclusive. The commissioner shall collect such fee at the time the qualifying patient registers with the Department of Consumer Protection under subsection (a) of section 21a-408d. Such fee shall be in addition to any registration fee that may be charged under said

subsection. The fees required to be collected by the commissioner from qualifying patients under this subsection shall be paid to the State Treasurer and credited to the General Fund.

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

- (1) Govern the manner in which the department considers applications for the issuance and renewal of registration certificates for qualifying patients and primary caregivers, and establish any additional information to be contained in such registration certificates;
 - (2) Define the protocols for determining the amount of usable marijuana that is necessary to constitute an adequate supply to ensure uninterrupted availability for a period of one month, including amounts for topical treatments;
 - (3) Establish criteria for adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;
 - (4) Establish a petition process under which members of the public may submit petitions, in such manner and in such form as prescribed in the regulations, regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions;
 - (5) Establish a process for public comment and public hearings before the board regarding the addition of medical conditions, medical treatments or diseases to the list of debilitating medical conditions, medical treatments or diseases;
 - (6) Add additional medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana as recommended by the board; and
 - (7) Develop a distribution system for marijuana for palliative use that provides for:
 - (A) Marijuana production facilities within this state that are housed on secured grounds and operated by licensed producers; and
 - (B) Distribution of marijuana for palliative use to qualifying patients or their primary caregivers by licensed dispensaries.
- (d) The commissioner shall submit regulations pursuant to subsections (b) and (c) of this section to the standing legislative regulation review committee not later than July 1, 2013.

(P.A. 12-55, S. 14; P.A. 15-244, S. 102; P.A. 16-39, S. 51.)

History: P.A. 12-55 effective May 31, 2012; P.A. 15-244 amended Subsec. (b) to substitute “General Fund” for “account established pursuant to section 21a-408q”, effective July 1, 2015; P.A. 16-39 amended Subsec. (a)(1) by adding reference to advanced practice registered nurses, effective January 1, 2017.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408n. Temporary registration certificates. Qualifying patients, primary caregivers and physicians not subject to arrest, prosecution or certain other penalties. Exceptions. Confidentiality of registry information. (a) During the period beginning on October 1, 2012, and ending thirty calendar days after the effective date of regulations adopted pursuant to section 21a-408m, a qualifying patient who would be determined to be eligible for a registration certificate pursuant to subsection (a) of section 21a-408d, except for the lack of effective regulations concerning licensed dispensaries, licensed producers, distribution systems and amounts of marijuana, may obtain a written certification from a physician and upon presenting the written certification to the Department of Consumer Protection, the department shall issue a temporary registration certificate for the palliative use of marijuana. The department shall indicate on such temporary registration certificate the amount of usable marijuana that constitutes a one month supply which may be possessed pursuant to such temporary registration certificate. The department shall maintain a list of all temporary registration certificates issued pursuant to this section and the information on such list shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that such information may be disclosed in the manner set forth in subsection (d) of section 21a-408d.

(b) A qualifying patient possessing a temporary registration certificate and the qualifying patient's primary caregiver shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for possessing marijuana if the amount of usable marijuana possessed by the qualifying patient and the primary caregiver is not more than the amount specified in the temporary registration certificate.

(c) A physician shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Medical Examining Board or other professional licensing board, for providing a written certification for the palliative use of marijuana pursuant to this section.

(P.A. 12-55, S. 15; P.A. 16-23, S. 15.)

History: P.A. 16-23 amended Subsec. (a) by replacing reference to Sec. 21a-408d(b) with reference to Sec. 21a-408d(d).

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408o. Health insurance coverage not affected. Nothing in sections 21a-408 to 21a-408n, inclusive, or section 21a-243 shall be construed to require health insurance coverage for the palliative use of marijuana.

(P.A. 12-55, S. 16.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408p. Treatment of student, tenant or employee due to status as qualifying patient or primary caregiver. (a) For the purposes of this section:

- (1) "Action" has the meaning provided in section 47a-1;
- (2) "Dwelling unit" has the meaning provided in section 47a-1;
- (3) "Employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state;
- (4) "Landlord" has the meaning provided in section 47a-1;
- (5) "Palliative use" has the meaning provided in section 21a-408;
- (6) "Primary caregiver" has the meaning provided in section 21a-408;
- (7) "Qualifying patient" has the meaning provided in section 21a-408;
- (8) "School" means a public or private elementary or secondary school in this state or a public or private institution of higher education in this state; and
- (9) "Tenant" has the meaning provided in section 47a-1.

(b) Unless required by federal law or required to obtain federal funding:

- (1) No school may refuse to enroll any person or discriminate against any student solely on the basis of such person's or student's status as a qualifying patient or primary caregiver under sections 21a-408 to 21a-408n, inclusive;
- (2) No landlord may refuse to rent a dwelling unit to a person or take action against a tenant solely on the basis of such person's or tenant's status as a qualifying patient or primary caregiver under sections 21a-408 to 21a-408n, inclusive; and

(3) No employer may refuse to hire a person or may discharge, penalize or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient or primary caregiver under sections 21a-408 to 21a-408n, inclusive. Nothing in this subdivision shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours.

(c) Nothing in this section shall be construed to permit the palliative use of marijuana in violation of subsection (b) of section 21a-408a.

(P.A. 12-55, S. 17.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408q. Palliative marijuana administration account. Section 21a-408q is repealed, effective July 1, 2015.

(P.A. 12-55, S. 19; P.A. 15-244, S. 221.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408r. Laboratory employees. Licensure. Regulations. Fees. (a) Except as provided in subsection (b) of this section, no person may act as a laboratory employee or represent that such person is a licensed laboratory employee unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a laboratory employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a laboratory employee.

(c) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the licensure of laboratories and laboratory employees, (2) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of laboratory and laboratory employee licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (3) establish a license and renewal fee for each licensed laboratory and licensed laboratory employee, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating laboratories and laboratory employees in accordance with the provisions of this chapter, and (4) establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(d) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(P.A. 16-23, S. 10.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408s. Licensed laboratory employees and laboratories not subject to arrest, prosecution or certain other penalties. Exceptions. (a) No laboratory employee may (1) acquire marijuana from a person other than a licensed producer, licensed dispensary or organization engaged in a research program, (2) deliver, transport or distribute marijuana to (A) a person who is not a licensed dispensary, (B) a person who is not a licensed producer, or (C) an organization not engaged in a research program, or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) (1) No laboratory employee acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a licensed dispensary, a licensed producer or an organization engaged in an approved research program under the provisions of this chapter.

(2) No laboratory shall be subject to prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, for acquiring, possessing, delivering, transporting or distributing marijuana to a licensed dispensary, a licensed producer or an organization engaged in an approved research program under the provisions of this chapter.

(P.A. 16-23, S. 11.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408t. Research programs. Licensure. Regulations. Fees. (a) The Commissioner of Consumer Protection may approve a research program if such research program will (1) be administered or overseen by (A) a hospital or health care facility licensed by the Connecticut Department of Public Health pursuant to chapter 368v, (B) an institution of higher education, as defined in section 10a-55, (C) a licensed producer, or (D) a licensed dispensary, and (2) have institutional review board oversight and, if the research program involves the use of animals, have an institutional animal care and use committee.

(b) Except as provided in subsection (c) of this section, no person may act as a research program employee or represent that such person is a licensed research program employee unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(c) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a research program employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a research program employee.

(d) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to (1) provide for the approval of research programs and licensure of research program employees, (2) establish standards and procedures for the termination or suspension of a research program, (3) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of a research program employee license, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182, (4) establish (A) a fee for research program review and approval, and (B) license and renewal fee for each research program employee, provided the aggregate amount of such fees shall not be less than the amount necessary to cover the direct and indirect cost of approving research programs and licensing and regulating research program employees pursuant to the provisions of this chapter, and (5) establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(e) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

(P.A. 16-23, S. 12.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 21a-408u. Licensed research programs and research program employees not subject to arrest, prosecution or other penalties. Exceptions. (a) No research program or research program employee may (1) acquire marijuana from a person other than a licensed producer, licensed dispensary or laboratory, (2) deliver, transport or distribute marijuana to a person who is not (A) a licensed dispensary, (B) a licensed producer, or (C) a research program subject, (3) distribute or administer marijuana to an animal unless such animal is an animal research subject, or (4) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No research program employee acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a licensed dispensary, a licensed producer or a research program subject or distributing or administering marijuana to an animal research subject under the provisions of this chapter.

(P.A. 16-23, S. 13.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 21a-408v. Research program subjects not subject to arrest, prosecution or certain other penalties. Registration. Exceptions. Confidentiality of information. (a) Any person seeking to participate as a research program subject shall register with the Department of Consumer Protection prior to participating in an approved research program. The Commissioner of Consumer Protection shall prescribe the standards and procedures for obtaining a certificate of registration as a research program subject.

(b) A research program subject who has a valid registration certificate from the Department of Consumer Protection and is acting within the scope of his or her involvement in an approved research program shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the use of marijuana.

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

(1) Any use of marijuana that endangers the health or well-being of a person other than the research program subject or a research program employee; or

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

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information obtained under this section shall be provided to (1) state agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law, (2) physicians and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the research program subject, (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed, (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408n, inclusive, or (5) a research program subject, but only with respect to information related to such research program subject.

(P.A. 16-23, S. 14.)

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Secs. 21a-409 to 21a-414. Reserved for future use.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)