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## **Summary of Connecticut's New Medical Marijuana Law**

HB 5389: An Act Concerning the Palliative Use of Marijuana

### **How Patients Qualify for the Program**

Patients must be 18 or older and Connecticut residents. To qualify for the program, a patient must have a written certification from a physician and one of the following conditions: cancer, glaucoma, HIV/AIDS, Parkinson's disease, multiple sclerosis, spinal cord damage causing intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's disease, PTSD, or a condition added by the Department of Consumer Protection. A Board of Physicians, comprised of eight physicians or surgeons, will be formed to make recommendations about what conditions to add.

The patient's physician must also have "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."

### **Caregivers**

Caregivers must be 18 or older and may not have any convictions for selling or manufacturing drugs. They can serve one patient (with exceptions for close family), and each patient can have one caregiver. The need for a caregiver must be evaluated by the physician and be included in a written certification.

### **Patient and Caregiver Registration**

Patients and caregivers must register with the Department of Consumer Protection. The department will set a fee of up to \$25 per registration. The cards will be valid from the date of issuance until the patient's written certification expires, which can be no later than one year after it was issued by the physician.

The new law includes temporary ID cards for patients and caregivers to possess marijuana beginning on October 1, 2012. Those cards are valid until 30 days after the regulations' effective date. The temporary ID cards will say how much marijuana can be possessed.

### **Civil Protections**

The new law includes protections from discrimination by landlords, employers, and schools, with an exception for if discrimination is required to obtain federal funding or to comply with federal law. The protections are all based on one's status as a patient or caregiver.

### **Limitations on Marijuana Use**

Patients cannot ingest marijuana anywhere in public, in a workplace, in any moving vehicle, in the line of sight of a person under 18, or on any school or university grounds, including in dorm rooms.

### **Confidentiality**

There are confidentiality protections, but “reasonable access” to information must be shared with law enforcement, including federal agencies, for the purpose of investigating or prosecuting a violation of law. Information may also be disclosed to patients’ physicians and pharmacists.

### **Patients’ Access to Medical Marijuana**

Patients and caregivers will be allowed to obtain marijuana from dispensaries licensed by the state. Home cultivation is not provided for. The new law specifies that registered caregivers may only obtain marijuana from dispensaries. Dispensaries, in turn, must obtain their marijuana only from licensed producers.

Only pharmacists will be allowed to apply for and be issued licenses as dispensaries. The Department of Consumer Protection will determine the maximum number of dispensaries, set fees, license applicants, and set health safety and security requirements. Dispensary licenses must be renewed every two years.

The Commissioner of Consumer Protection will decide the number of producers, which must be between three and 10, and set licensure, standards, and locations for them. Each producer application must include a non-refundable fee of at least \$25,000. The Consumer Protection department will decide the frequency of renewal, which will be at least every five years. Each licensed producer may be required to maintain an escrow account in a financial institution in the state in an amount of two million dollars. Producers can only sell to dispensaries in Connecticut. The department rules will be submitted to the legislative review committee by July 2013.

The Commissioner of Consumer Protection will decide the amount of marijuana that can be cumulatively possessed between a patient and caregiver. It would be a one-month supply. The Board of Physicians will review and recommend protocols to decide the amount that would be reasonably necessary for a one-month supply, including for topical treatments.

### **Rescheduling**

The new law also directs the Commissioner of Consumer Protection to submit regulations to reclassify marijuana as a Schedule II substance under state law.