



# Summary of Connecticut's Medical Marijuana Law

On June 1, 2012, Gov. Dannel Malloy signed HB 5389, making Connecticut the 17th state to enact an effective medical marijuana law. The Department of Consumer Protection, which is responsible for the program, adopted formal rules in September 2013. The initial law did not allow minors to participate in the program. However, on May 17, 2016, Gov. Malloy signed HB 5450, which will allow young patients to qualify for certain types of medical marijuana beginning in October 2016. The department also expanded the program by adding six new conditions.

Below is a summary of Connecticut's medical marijuana program with the inclusion of HB 5450. Parts of the program that do not go into effect until October are in italics.

**Qualifying medical conditions for adult patients:** Adult patients can qualify for medical cannabis if they are a resident of Connecticut and have cancer, glaucoma, HIV/AIDS, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, or *uncontrolled seizure disorder*, cachexia, wasting syndrome, Crohn's disease, post-traumatic stress disorder, *irreversible spinal cord injury with objective neurological indication of intractable spasticity*, cerebral palsy, cystic fibrosis, sickle cell disease, post laminectomy syndrome with chronic radiculopathy, severe psoriasis and psoriatic arthritis, amyotrophic lateral sclerosis, ulcerative colitis, complex regional pain syndrome, or *terminal illness requiring end-of-life care*.

**Qualifying conditions for minor patients:** *Patients under 18 can qualify if they have a 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 an uncontrolled intractable seizure disorder. Registration requires certification from two doctors, a general practitioner and a specialist in the qualifying condition. A parent or legal guardian must submit written consent and attest they will be responsible for the minor patient's acquisition and possession of medical marijuana and related paraphernalia.*

**Adding conditions:** Additional conditions can be added by petition, a written request to the commissioner who can then present it to the Board of Physicians to be discussed at the next public hearing, which take place at least twice a year. After the hearing, the board will vote on the inclusion of the new condition. Taking into consideration the recommendation of the board, the commissioner can then create a new rule to add the condition. Like all regulations in Connecticut, the change must then go through the Regulatory Review Committee, which will either accept or reject the change. Several conditions were added via this process in 2016.

**Caregivers:** A caregiver is a person who is at least 18 years of age and has agreed to be responsible for the well-being of the qualifying patient. Patients can only have one caregiver, and caregivers can be responsible for only one patient, unless the caregiver is responsible — either by relation or employment — for multiple patients. Individuals with convictions related to the illegal manufacturing, sale, or distribution of a controlled substance cannot serve as caregivers.

**Certifying physicians:** To certify a patient for the use of medical marijuana, a physician must have an ongoing responsibility for the assessment, care, and treatment of the patient’s debilitating condition. Following “a medically reasonable assessment of the qualifying patient’s medical history and current medical condition,” the physician can issue a certification. The certification must include a statement that the patient has a qualifying condition and that in the physician’s professional opinion the potential benefits of the palliative use of marijuana would likely outweigh the health risks of such use to the qualifying patient. Participating physicians have legal protections against criminal and civil penalties. Any physician who owns a financial interest in a Connecticut dispensary is barred from issuing recommendations to patients.

**Certification process:** The physician initiates the certification process by submitting a certification to the Department of Consumer Protection through an online system. Once DCP receives the certification, it will contact the patient for additional information and documentation to confirm the patient’s identity, residency, and eligibility. Patients will also have to identify which dispensary they will visit for medical marijuana products. Once the department has determined a patient is eligible, a registration certificate will be sent by mail. Certifications must be renewed annually.

**Regulatory authority:** The Department of Consumer Protection is responsible for oversight of the program, including developing rules, processing applications, and issuing patient ID cards and licenses.

**Board of Physicians:** The Commissioner of Consumer Protection was required to create a Board of Physicians consisting of eight physicians or surgeons from various fields. The board reviews petitions to add and remove conditions. The board must hold public meetings at least twice a year.

**Usage limitations:** Patients and caregivers can possess a maximum of 2.5 ounces of medical marijuana obtained from their designated dispensary. Ingestion of marijuana is prohibited in motor vehicles, the workplace, in any public or private school grounds, and any other public place. It is also illegal in the presence of a minor unless that minor is a qualified patient. Minor patients are prohibited from smoking, inhaling, or vaporizing medical marijuana.

**Health insurance:** Government medical assistance programs and private health insurers are not required to reimburse any costs involved with the use of medical marijuana.

**Out-of-state patients:** Patients registered for medical cannabis in another state are not allowed access to medical cannabis in Connecticut, nor will they receive legal protections if found in possession of medical marijuana.

**Producers:** The department can issue up to 10 licenses to businesses that cultivate and process medical marijuana, also called producers. Currently only four producers are operating in the state.

**Dispensaries:** Each Connecticut dispensary must be run by a licensed pharmacist. DCP originally licensed six dispensaries but later approved three more to better serve Connecticut patients.

**Legal protections:** Any patient, caregiver, physician, or *nurse* operating within the provisions of the Connecticut program is legally protected from civil and criminal penalties, including but not limited to being denied any right or privilege or being subject to any disciplinary action by a professional licensing board. Similar legal protections are created for laboratories, staff, and other licensed entities.

**Testing:** The Commissioner of Consumer Protection will create guidelines for the issuance of licenses to laboratories and regulations guiding standards for the operation of licensed laboratories. The department created standards for microbiological, mycotoxin, heavy metal, and pesticide chemical residue tests. If a batch fails to meet these standards, the producer must dispose of the entire batch.