



Consumer Watch

A Monthly Newsletter from the Connecticut Department of Consumer Protection

William M. Rubenstein, Commissioner

Dannel P. Malloy, Governor

www.ct.gov/dcp

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Suggested Links

www.ct.gov/dcp

The latest and most comprehensive information from the Department on dozens of consumer-related topics!

www.ct.gov/dcp/mmp

The one-stop location for all the latest information from the Medical Marijuana Program.

<https://www.elicense.ct.gov>

To verify a license, registration or permit, to run a roster of licensees, or to renew online.

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The Medical Marijuana Issue

October 1st, 2012 marked the first day that Connecticut residents with certain debilitating medical conditions could qualify for a temporary registration certificate under Public Act 12-55, *An Act Concerning the Palliative Use of Marijuana*. The law was passed by the Connecticut General Assembly and signed into law in May 2012.

Since the law's passage, Commissioner William M. Rubenstein and a small group of agency staff have explored and examined best practices and policies from around the country for operation of a statewide medical marijuana program. They studied other states' programs, spoke with researchers and nationally recognized leaders on the topic, compared policies, pored over research, reviewed and designed registration protocols, and listened to presentations from a broad range of interested persons.

October's launch of patient, caregiver and physician registration is Connecticut's first operational step toward a comprehensive medical marijuana system (See page 2 for qualification, certification, and registration requirements for physicians, patients and caregivers).

When the law is followed, it protects registered patients from state and local prosecution for possessing marijuana for palliative use, as long as it is handled within the guidelines of the program. Registered, qualifying patients may possess a one-month supply of marijuana -- a one month supply is currently set at 2.5 ounces of marijuana, unless the patient's doctor indicates that less is needed. This amount is subject to change, however, as more information becomes available to the Department and the Medical Marijuana Board of Physicians. By July 1, 2013, the Department of Consumer Protection will propose regulations which set forth detailed rules for licensing producers and dispensers that will ensure a safe, secure and uninterrupted availability of medical marijuana to patients.

From Commissioner Rubenstein

We have an ambitious timeline to meet, but the development of Connecticut's first Medical Marijuana Program to provide for the palliative use of marijuana for seriously ill Connecticut residents is firmly on track. I must thank my dedicated staff for the many long hours they have invested to bring us to this point. It has been an amazing undertaking.



I hope this issue of Consumer Watch helps to inform anyone who is interested in our progress to date. You may continue to visit ct.gov/dcp/mmp for ongoing program updates!

William M. Rubenstein

Patient Requirements for a Temporary Registration Certificate

Connecticut's Medical Marijuana Temporary Registration Certificates are available only to Connecticut residents being treated for a debilitating medical condition by a Connecticut-licensed physician.

Designated Debilitating Medical Conditions

- 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
- Cachexia
- Wasting Syndrome
- Crohn's Disease
- Post-Traumatic Stress Disorder

To Qualify for a Temporary Registration Certificate, a Patient:

- must be a Connecticut resident.
- must be at least 18 years of age or older.
- cannot be an inmate confined in a correctional institution or facility under the supervision of the Department of Corrections.

Medical Marijuana Program Launches Online Registration for Temporary Certificates

As of October 1, the new online registration program for the Medical Marijuana Program became available to patients, their physicians, and any caregivers that the physician allows for a particular patient. **The patient's physician initiates the registration process** by logging into the Department's secure, online system, and **certifying** that the patient is eligible for, and could benefit from, the palliative use of marijuana.

Physicians who wish to certify qualifying patients for the palliative use of marijuana must:

- Have an active Connecticut medical license issued by the Connecticut Department of Public Health.
- Practice within the State of Connecticut.
- Have an active controlled substances registration issued by the Connecticut Department of Consumer Protection that is not subject to limitation.
- Possess an active Drug Enforcement Administration (DEA) controlled substance registration that is not subject to limitation.
- Be registered with, and able to access, the [Connecticut Prescription Monitoring Program](#).



Doctors must also have a bona fide relationship with a patient in order to certify him or her for the Medical Marijuana program -- a relationship in which the doctor has ongoing responsibility for the assessment, care and treatment of the patient's debilitating medical condition or symptom of the condition. In so doing, the physician should have:

- Completed a medically reasonable assessment of the patient's medical history and current medical condition;
- Diagnosed the patient as having a debilitating medical condition;
- Prescribed, or determined it is not in the best interest to prescribe, prescription drugs to address the symptoms or effects for which the certification is being issued
- Concluded that, in his or her medical opinion, the potential benefits of the palliative use of marijuana would likely outweigh the health risks to the patient; and
- Explained the potential risks and benefits of the palliative use of marijuana to the patient or, where the patient lacks legal capacity, to the parent, guardian or other person having legal custody of the patient.

The doctor should be reasonably available to provide follow-up care and treatment for the patient, including any examinations necessary to determine the efficacy of marijuana for treating the patient's debilitating medical condition, or a symptom of that condition.

Once the physician is qualified and registered to participate in the program, he or she may certify patients using the online system.

More, page 4

Where Will the Medical Marijuana Come From? When will it be Available?

By July 1, 2013, the Department will propose regulations setting out the qualifications for licensed producers. Only licensed producers will be authorized to cultivate marijuana. At any one time, there will be at least three and no more than ten licensed producers in the state. Among other things, anyone seeking to be licensed as a producer will have to demonstrate they have the financial capacity to build and operate a secure indoor facility that could grow pharmaceutical-grade marijuana and the ability to maintain adequate controls to prevent the diversion, theft or loss of the marijuana in their facility.

Once the State's pharmaceutical-grade marijuana becomes available, licensed pharmacists will be able to apply for a dispensary license from the Department of Consumer Protection.

Board of Physicians Meets to Help Set Program Standards and Direction

Public Act 12-55 established a Board of Physicians to operate within the Department of Consumer Protection and to advise the Department regarding implementation of various provisions of the Public Act. The Board is defined as comprising the Commissioner of the Department of Consumer Protection as chair, and eight additional members. The law specifies certain medical specialties in which members are required to be board-certified. The Department's intent in appointing Board members is to have a diversity of the various specialties specified in the statute.

Current members of the Board are: Deepak Cyril D'Souza, MD, David T. Greco, MD, Jonathan A. Kost, MD, Godfrey D. Pearlson, MD, and Robert D. Siegel, MD. In the two meetings that have thus far taken place, the Board discussed its role in recommending additional debilitating conditions for which the palliative use of marijuana might be permitted. The Board will recommend a process for doctors and patients to petition the Board for additional conditions, and will soon define the information that must be included in any petition. The Department of Consumer Protection will include a detailed description of the petition process in regulations that are currently being developed for approval by the General Assembly after July 1, 2013.

Board members are expressing interest in the collection of medical marijuana usage data to further research that could inform dosage issues, efficacy, usage protocols, consistency and replication of product attributes.

Finally, the Board will consider how to establish parameters that will constitute a "one month's supply" for patients, as described in the law. While an ultimate goal is to have sufficient data so the amount could be expressed in quantity of any active ingredients or chemical compounds rather than gross weight, such protocols are not yet developed. Meanwhile, the Board recommended that the Department select an amount in the mid-range of those used in other states, after excluding the outlier states. Connecticut's current allowable amount is two and one half ounces per month.

The next meeting of the Board of Physicians will take place on **Wednesday, November 14, 2012 @ 8:30am**, at the State Office Building in Hartford. Anyone may attend to quietly observe. A web page about the Board of Physicians and its meetings is at [this link](#).

What Patients and Caregivers Can and Cannot Do Once Registered with the Medical Marijuana Program

Patients and caregivers who have valid registration certificates and who act responsibly in accordance with the law, are immune from arrest and prosecution under Connecticut law and cannot be subject to civil or other penalties, including disciplinary action by a State licensing board. Registration does not provide any protections for federal law violations.

During the temporary registration period, the maximum allowable monthly amount that a patient can possess is two and one-half ounces (2.5 oz), unless the certifying physician has indicated that a lower amount is appropriate. The maximum allowable amount may change in the future based upon informed advice from the Board of Physicians.

True or False?

If I have a qualifying medical condition and believe that medical marijuana would be the most effective treatment for my symptoms, my physician **must** certify me for the medical marijuana program.

True or False? Answer, page 4

The temporary registration certificate **does not permit the use of marijuana:**

- in a motor bus or a school bus or in any other moving vehicle;
- in the workplace;
- on any school grounds or any public or private school, dormitory, college or university property;
- in any public place;
- in the presence of a person under the age of eighteen (18); or
- in any other way that endangers the health or well-being of a person other than the qualifying patient or the primary caregiver.

Online Registration for Temporary Certificates *(continued from page 2)*

- To **qualify** for the Medical Marijuana Program, a patient must be at least 18 years of age, a Connecticut resident, and be under the care of a physician for any one of 11 severe medical conditions (*page 2*). The patient's physician actually initiates the registration process as described above.
- After the physician electronically submits a valid certification, the patient can access the online system to complete their portion of the application to **register**.

For patients who are too ill to care for themselves, the physician can certify the need for a primary caregiver. A caregiver must:

- be at least eighteen (18) years of age or older; and not have been convicted of a violation of any law pertaining to the illegal manufacture, sale, or distribution of a controlled substance.
- agree to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana;
- be the patient's parent, guardian or other person having legal custody of the patient if the qualifying patient lacks legal capacity
- not be the qualifying patient's physician.

The caregiver is allowed to log in after the patient and complete a final section of the application.

Additional registration information is available on the Medical Marijuana Program website, [here](#).

Next Steps in Implementing the Medical Marijuana Program

The Department is working to:

- *Process temporary registrations for patients and caregivers.*
- *Research and draft proposed regulations for patients, producers and dispensaries.*
- *Enlist the help of the Board of Physicians to begin:*
 - *formulating a petition process for adding medical conditions to the list of designated medical conditions that may qualify for palliative treatment with medical marijuana;*
 - *refining the parameters of a "one month supply" of marijuana for qualifying patients, including dosage, product attributes, and usage protocols.*
 - *Considering how to best collect medical marijuana utilization data to help inform the body of scientific knowledge about the use of medical marijuana in treating patients' symptoms.*

True or False? **Answer**

The answer is False. The Department of Consumer Protection cannot require physicians or hospitals to recognize marijuana as an appropriate medical treatment, in general or for any specific patient. If you believe that your physician is not providing you with the best medical care for your condition, then you may want to consider working with a different physician.

However, the Department of Consumer Protection cannot and will not make a referral to a different physician; any information we have regarding which physicians have certified patients, or will certify patients for medical marijuana is being treated with the utmost level of confidentiality.