

Secretary of the State File Number

6283

Emergency Regulation of the
Department of Consumer Protection
Concerning

Federally Approved Medications Containing Marijuana Products

Emergency regulations adopted after October 1, 2016, become effective upon posting to the Connecticut eRegulations System.

Posted to the Connecticut eRegulations System on **November 9, 2018**

EFFECTIVE DATE

November 9, 2018

Approved by the Office of the Governor on

October 19, 2018

Approved by the Legislation Regulation Review Committee on

November 7, 2018

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

November 9, 2018

Form ICM-ECOPY (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after March 23, 2015.*

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Department of Consumer Protection
Concerning
Federally Approved Medications Containing Marijuana Products

Approved by the Legislative Regulation Review Committee: **November 7, 2018**
eRegulations System Tracking Number: **ER2018-038**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **November 9, 2018**.

Julianne Avallone

Legal Division Director

Department of Consumer Protection

State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Federally Approved Medications Containing Marijuana Products

Section 1. Section 21a-243-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 21a-243-8. Controlled substances in schedule II

The controlled substances listed in this regulation are included by whatever official, common, usual, chemical, or trade name designation in Schedule II:

(a) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding Apomorphine, Dextrorphan, Nalbuphine, Naloxone, Nal-trexone, and their salts, but including the following: Raw opium, opium extracts, opium fluid extracts, powdered opium, granulated opium, tincture of opium, codeine, dihydroetorphine, ethylmorphine, etorphine hydrochloride, hydrocodone, hydromorhone, metopon, morphine, oripavine, oxycodone, oxymorphone and thebaine;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of opium poppy).

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, Dextrorphan and Levopropoxyphene excepted:

- (1) Alfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) bulk Dextropropoxyphene (nondosage forms);
- (6) Carfentanil;
- (7) Dihydrocodeine;
- (8) Diphenoxylate;
- (9) Fentanyl;
- (10) Isomethadone;

- (11) Levo-alphaacetylmethadol or LAAM;
- (12) Levomethorphan;
- (13) Levorphanol;
- (14) Metazocine;
- (15) Methadone;
- (16) Methadone-intermediate,4-cyano-2-dimethylamino-4,4-diphenylbutane;
- (17) Moramide-Intermediate,2-methyl-3-morpholino-1,1-diphenyl-propane-carboxylic acid;
- (18) Pethidine (Meperidine);
- (19) Pethidine-Intermediate-A,4-cyano-1-methyl-4-phenylpiperidine;
- (20) Pethidine-Intermediate-B,ethyl-4-phenylpiperidine-4-carboxylate;
- (21) Pethidine-Intermediate-C, 1-methyl 4-phenylpiperidine-4-carboxylic acid;
- (22) Phenazocine;
- (23) Piminodine;
- (24) Racemethorphan;
- (25) Racemorphan;
- (26) Remifentanil;
- (27) Sufentanil;
- (28) Tapentadol.

(c) Unless excepted or placed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
- (3) Methylphenidate;
- (4) Phenmetrazine and its salts;
- (5) Lisdexamfetamine and its salts, isomers and salts of isomers.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Glutethimide;
- (3) Pentobarbital;
- (4) Phencyclidine; and
- (5) Secobarbital.

(e) Hallucinogenic Substances:

- (1) Nabilone.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to Amphetamine and Methamphetamine; Phenylacetone (some trade names or other names); phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;
- (2) immediate precursors to phencyclidine (PCP);
- (A) 1-phencylohexylamine;
- (B) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Marijuana, (1) including any material, compound, mixture or preparation which contains its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts,

isomers, and salts of isomers is possible within the specific chemical designation[.] , and (2) excepting any marijuana product that has been approved by the federal Food and Drug Administration or successor agency to have a medical use and is reclassified in any schedule of controlled substances or unscheduled by the federal Drug Enforcement Administration or successor agency. Any marijuana product described in subdivision (2) of this subsection shall be included in the same schedule designated by the federal Drug Enforcement Administration or successor agency.

R-39 Rev. 02/2012

Statement of Purpose

This proposed emergency regulation clarifies that medications that are approved by the federal Food and Drug Administration that include a marijuana product shall be scheduled according to the designation of the federal Drug Enforcement Administration to ensure consistency with national standards.

This regulation modifies the existing language within Section 21a-243-8(g), related to marijuana and marijuana products.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form is to be used for proposed emergency regulations only and must be completed in full.

AGENCY CERTIFICATION

Department of Consumer Protection

EMERGENCY REGULATION Concerning

Federally Approved Medications Containing Marijuana Products

eRegulations System Tracking Number ER2018-038

I hereby certify the following:

(1) The above-referenced emergency regulation is proposed

(check one and complete as applicable)

without prior notice or hearing as permitted by Section 4-168(g) of the *Connecticut General Statutes*. **or**

upon the following described abbreviated notice and hearing: _____.

(2) The statutory authority under which the regulation is proposed is as follows: **Sec. 21a-243.**

(3) Copies of this agency's finding of emergency and the governor's approval of said finding were posted to the eRegulations System website on **October 19, 2018.**

(4) Subsequent to approval by the Legislative Regulation Review Committee, **the final emergency regulation shall be effective**

(Check one and complete as applicable)

when electronically submitted to the Secretary of the State.

OR on _____.

(Date must be a specific calendar date less than twenty days after submission to the Secretary of the State)

Avallone

Legal Director

10/19/18

SIGNED

(Head of Board, Agency or Commission, or duly authorized deputy)

OFFICIAL TITLE

DATE

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Paul Doyle
Senate Chair



Representative Christie Carpino
House Chair

Official Record of Committee Action

November 7, 2018

Agency: Department of Consumer Protection
Description: Federally Approved Medications Containing Marijuana Products
LRRC Regulation Number: E2018-001
eRegulation Tracking Number: ER2018-038

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Kirstin L. Breiner
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Emergency regulation of the Department of Consumer Protection concerning
Federally Approved Medications Containing Marijuana Products
eRegulations System Tracking Number ER2018-038
Legislative Regulation Review Committee Docket Number E2018-001

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on November 9, 2018.

Said regulation is assigned Secretary of the State File Number 6283.

The effective date of this regulation is November 9, 2018.

A handwritten signature in black ink that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
November 9, 2018

By:

/s/ Kristin M. Karr

Kristin M. Karr
Administrative Law
Information Systems Manager