The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
Leonard A. Fasano
Commissioner

Nicholas F. Bombace
Director

Legislative Office Building
Suite 5500
Hartford, Connecticut
06106-1591
(860) 240-8410
fax (860) 240-8414
e-mail: lco@cga.ct.gov

Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: May 24, 2022

Regulation No:	2022-7
Agency:	Department of Consumer Protection
Subject Matter:	Medical Marijuana Laboratory Testing
Statutory Authority: (copy attached)	21a-408r

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

1. Throughout the proposed regulation, all underlined bracketed language should be deleted for proper form. For example, on page 1, in subsection (e)(1) in the third line, "[validated plating]" should be deleted.

2. On page 1, in subsection (d), before "21a-408-66", "section" should be inserted for proper form.

3. On page 1, in subsection (e)(1), the first sentence should be rewritten as follows for clarity and proper form: "For the purposes of the microbiological test, a marijuana sample of not less than one gram shall be [deemed to have passed if it satisfies the standards set forth in Section 2023 of United States Pharmacopeia for all raw products and Section 1111 of the United States Pharmacopeia for all dosage forms other than raw product, which can be obtained at http://www.usp.org] tested using a molecular method that is certified for identifying microbiological DNA and approved by the Association of Official Analytical Collaboration (AOAC) International and includes quantitative polymerase chain reaction (qPCR), or an alternative method approved by the department.".

4. On page 1, in subsection (e)(1), clause designators (i), (ii), and (iii) should be subparagraph designators (A), (B), and (C), respectively, for proper form.

5. On page 2, in subsection (e)(1), in the second line, "the effective date of this regulation" should be "*{insert effective date of this section}*" and the reference replaced with the correct date when posted on the eRegs system for proper form.

6. On page 2, in subsection (e)(1), in the fourth line, "herein" should be "in this subdivision" for clarity.

7. On page 2, in subsection (e)(2), the first two lines should be rewritten as follows: "For the purposes of the mycotoxin test, a marijuana sample shall be deemed [to have passed if it meets] satisfactory if not less than one half of one gram is tested using a" for clarity and proper form, and in the sixth line "it" should be "such sample" for clarity.

8. On page 2, in subsections (e)(3) and (e)(4), "For purposes" should be "For the purposes" for consistency.

Recommendation:

X	**Approval in whole**
X	**with technical corrections**
	with deletions
	with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Naurin Hashmi / Shannon McCarthy

Date: May 12, 2022

From 2022 Supplement

Sec. 21a-408r. Licensure of laboratories and registration of employees. Regulations. Fees. (a) No person may act as a laboratory or represent that such person is a laboratory unless such person has (1) obtained a license from the Commissioner of Consumer Protection pursuant to this section, or (2) (A) been granted approval by the Commissioner of Consumer Protection as of October 1, 2021, and (B) submitted an application to the Commissioner of Consumer Protection for licensure pursuant to this section in a form and manner prescribed by the commissioner. Such person may continue to act as a laboratory until such application for licensure under this section is approved or denied by the Commissioner of Consumer Protection.

(b) Except as provided in subsection (c) of this section, no person may act as a laboratory employee or represent that such person is a laboratory employee unless such person has obtained a registration 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 laboratory employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a laboratory employee.

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