Secretary of the State File Number
6294

Regulation of the

Department of Consumer Protection

Concerning

Medical Marijuana Products

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **April 30, 2019**

EFFECTIVE DATE
April 30, 2019

Approved by the Attorney General on
February 5, 2019

Approved by the Legislation Regulation Review Committee on
April 23, 2019

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on
April 25, 2019

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
Medical Marijuana Products

Approved by the Legislative Regulation Review Committee: **April 23, 2019**
eRegulations System Tracking Number: **PR2018-055**

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 **April 25, 2019**.

Julianne Avallone
Legal Division Director
Department of Consumer Protection

State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Medical 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-alphacetylmethadol 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-piperidinocyclohaxanecarbonitrile (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 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.

Sec. 2. Section 21a-408-12a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 21a-408-12a. Additional Debilitating Medical Conditions

In accordance with the procedures set forth in section 21a-408a-12 of the Regulations of Connecticut State Agencies, the following medical conditions, medical treatments or diseases shall be added to the list of debilitating medical conditions:

(a) For patients eighteen years of age or older:

(1) Sickle cell disease;
(2) Post laminectomy syndrome with chronic radiculopathy;
(3) Severe psoriasis and psoriatic arthritis;
(4) Amyotrophic lateral sclerosis;
(5) Ulcerative colitis;
(6) Complex regional pain syndrome, Type 1 and Type II;
(7) Spasticity or Neuropathic Pain Associated with Fibromyalgia;
(8) Severe Rheumatoid Arthritis;
(9) Post Herpetic Neuralgia;
(10) Muscular Dystrophy;
(11) Hydrocephalus with Intractable Headache;
(12) Intractable Headache Syndromes;
(13) Neuropathic Facial Pain;[and]
(14) Osteogenesis Imperfecta[.]; and
(15) Chronic Neuropathic Pain Associated with Degenerative Spinal Disorders.

(b) For patients under eighteen years of age:
(1) Muscular Dystrophy; and
(2) Osteogenesis Imperfecta.

Statement of Purpose

This regulation makes permanent two recently approved emergency regulations related to medical marijuana (ER2018-038 and ER2018-039).

Section One of this regulation clarifies that medications that are approved by the federal Food and Drug Administration that include a marijuana product shall be scheduled to match that of the federal Drug Enforcement Administration.

Section Two of this regulation adds one additional debilitating medical condition to the list set forth in Section 21a-408a-12 of the Regulations of Connecticut State Agencies for which the palliative use of marijuana may be prescribed.

Form Agency-Cert-PR-TA-ICM (Rev 11/2017)
State of Connecticut
Secretary of the State

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

AGENCY CERTIFICATION

Department of Consumer Protection

Proposed Regulation Concerning

Medical Marijana Products

eRegulations System Tracking Number **PR2018-55**

I hereby certify the following:

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **4-168; 21a-243; and 21a-408m(c).**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **<<select and enter the date of posting>>**.

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **December 20, 2018**.

(4) *(Complete one)* ☒ No public hearing held or was required to be held. **OR** ☐ One or more public hearings were held on: **N/A**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **February 1, 2019**.

(6) *(Complete one)* ☒ No comments were received. **OR** ☐ Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **N/A**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **February 1, 2019**.

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(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

☒ When posted to the eRegulations System website by the Secretary of the State.

OR ☐ On _____
(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)

O'Mallone — **SIGNED**
(Head of Board, Agency or Commission, or duly authorized deputy)

Legal Director — OFFICIAL TITLE

2/1/19 — DATE

OFFICE OF THE ATTORNEY GENERAL
REGULATION CERTIFICATION

Agency: Connecticut Department of Consumer Protection

***REGULATION NUMBER* PR2018-055**

This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes Section 4-169.

DATE: 2/5/2019

Signed: _____

Joseph Rubin, Assistant Deputy Attorney General
Duly Authorized

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Craig Miner
Senate Chair

Representative Susan Johnson
House Chair

Official Record of Committee Action

April 23, 2019

Agency:	Department of Consumer Protection
Description:	Medical Marijuana Products
LRRC Regulation Number:	2019-005
eRegulation Tracking Number:	PR2018-055

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: Regulation of the Department of Consumer Protection concerning Medical Marijuana Products
eRegulations System Tracking Number PR2018-055
Legislative Regulation Review Committee Docket Number 2019-005

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 April 25, 2019.

Said regulation is assigned Secretary of the State File Number 6294.

The effective date of this regulation is April 30, 2019.

Denise W. Merrill
Secretary of the State
April 30, 2019

By:

/s/ Kristin M. Karr
Kristin M. Karr
Administrative Law
Information Systems Manager