

Cook Consulting LLC

March 19, 2013

William M. Rubenstein, Commissioner
Department of Consumer Protection
165 Capitol Avenue
Hartford, CT 06106-1630

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OFFICE OF THE COMMISSIONER

Commissioner:

Congratulations on the progress you have made with the medical marijuana regulation drafts. You have certainly made significant progress since our meeting last year. The purpose of my writing is twofold. First, I want to introduce you to my new clients, and second, I would like to provide you and your team with some written comments for the rule making record.

I wanted you to know that I am no longer associated with the lobby efforts of Halloran & Sage Government Affairs LLC., and their clients. Instead, I have been retained by, and am partnered with, Mr. Thomas Macre of MedTech Healthcare Solutions. MedTech is a Durable Medical Equipment company specializing in Pain Management, and is located in Orange, Connecticut. I believe you and your team met with them back in early September, last year. They will be filing application for both a production license, and a dispensary license for Medical Cannabis, within the state of Connecticut.

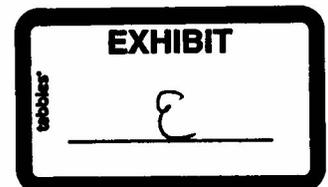
MedTech currently provides pain management therapies to many patients within the state of Connecticut. Due to their experience in the pain market, they have a unique understanding of the pain patient, and pain community. This, I believe best positions them to execute on your well thought out regulations. I am excited about the team's business plan, and am looking forward to the application process.

As you know, I am the architect of the Colorado Medical Marijuana Act and related rules, and as such, believe I am uniquely qualified to provide expert comments on your rule drafts. My client and I would respectfully request that the following comments be incorporated into the rule making record. Mr. Macre and I would also ask for an appearance at the formal hearing to testify in support of your draft, and to provide brief comments pertaining to the matters that follow. If in the interim you believe a separate meeting could be of value, let us know, and we will gladly accommodate your request.

Thank you for the opportunity to submit these comments and congratulations on your efforts in crafting these regulations.

Respectfully submitted,


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Sec. 21a-408-59. Brand Name.

No two marijuana products shall be labeled with the same brand name unless the laboratory test results for each product indicate that they contain the same level of each active ingredient within a range of 97% to 103%.

Comment:

While we are certainly not experts in this area, we are led to believe that the plant matter in the same strains of unperfected dried leaves, will vary from plant to plant. In addition, we are led to believe that the testing results may vary, contingent upon the physical location of where the samples have been extracted from the same plant. In addition, without a baseline and perfected methodology for testing, different labs performing the same tests of the same plants, can yield as much as a 20% difference in their final results, which could significantly impact a uniform branding methodology.

Sec. 21a-408-20(7) and Sec. 21a-408-52 et seq., which contain similar language.

The establishment and maintenance of an escrow account in a financial institution in Connecticut, upon terms approved by the Commissioner, in the amount of two million dollars (\$2,000,000), which shall be payable to the State in the event the producer fails to timely and successfully complete the construction of a production facility or to continue to operate such facility in a manner that provides an uninterrupted supply to its usual dispensary facility customers during the term of the license;

Comment:

It appears there may be wide discretion in the application of this section by the Commissioner, in that; the two million dollars could be a surety or performance bond and not actual cash. Cannabis is still a Schedule I controlled substance pursuant to federal law and should applicant's and/or licensee's be required to post two million dollars cash, the federal government could seize it immediately. In addition, the banking industry may consider any business proceeds to be money laundering, in violation of the controlled substances act, and they may refuse to allow financial institutions to conduct business with this industry. Therefore, it is recommended that a cash escrow account not be required and consideration be given to a surety or performance bond.

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Section: sec. 21a-408-20

If an applicant has been awarded a producer license and has not commenced operation of a production facility within 180 days of being notified of the producer license award, the commissioner may, in the commissioner's discretion, rescind such producer license.

Comments:

In connection with the application process, we will find a tentative business location and secure a conditional leasehold interest, (occupancy to begin upon approval of a license). Securing building permits, performing build out, securing critical power needs, and obtaining a certificate of occupancy are all subject to government timeframes and can take a very long time. In addition, from the time propagation begins, it will take a minimum of 60 days to garner a harvest. 180 days may be very difficult to comply with and it is suggested that there be some deference to the permitting, build out and propagation processes. Providing up to 270 days may be more realistic and allow the applicant to perform the necessary build out to ensure a clean, safe and healthy environment.