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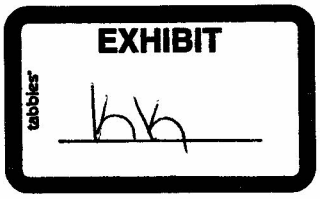

April 26, 2013

Honorable William Rubinstein
Commissioner, Department of Consumer Protection
Department of Consumer Protection
165 Capitol Ave.
Hartford, CT 06106

RE: Proposed Regulations to implement PA 12-55; Palliative Use Of Marijuana

Dear Commissioner Rubenstein:

On behalf of Connecticut Agricultural Products Ltd, LLC I provide these comments relative to the Department's proposed regulations concerning the palliative use of marijuana.

First, you and the Department are to be commended on the thoroughness and thoughtfulness given to the draft regulations. I know you and your staff spent countless hours learning about this new and burgeoning industry. That knowledge and understanding clearly shows in the draft regulations.

CAP does have some suggestions that it believes will work to further clarify these draft regulations:

1. **Escrow Account Requirement. Sec. 21a-408-20(c)(7) & Sec. 21a-408-29.** Cap suggests clarifying this provision to:
    a. provide that the required funds may be held in an escrow account held by a licensed Connecticut Attorney/Law Firm acting as escrow agent, provide he/she signs the escrow agreement; and
    b. provide that the required funds do not have to be owed by the applicant for the producer (licensee), but that the owner of the funds shall consent to the pledging of the funds to the State of Connecticut pursuant to the terms of the Escrow Agreement; and
    c. When and if funds are released, that the funds be released to their owner.
2. **Active Ingredient Profile, Brand Name Sec 21a-408-59.** CAP agrees with Departments approach of requiring "Brands" to match certain active ingredient profiles; however, CAP suggests:

a. that in addition to the "blended" profile average of active ingredients, that the patient be advised of the maximums and minimums of the active ingredients so as to provide more information to patients so they might better titrate their dosages;
b. The upper and lower limits should be established with a variant of plus 5% for the maximum and minus 5% for the minimum;
c. Furthermore in order to account for variations in testing and production the average variation should be increased from 3% to 5%.

3. **Manufacturing of Marijuana Products Sec 21a-408-55.** CAP suggests that further guidance be given to the term "baked goods" set forth in subsection(a)(6). Specifically, CAP suggests the inclusion of items through which other medication is often consumed such as lozenges. Lozenges have the benefit of long shelf life, no special handling requirements (such as refrigeration) and uniform distribution of active ingredients. Furthermore, there preparation can me such so as to provide single dosing.

In conclusion, CAP wishes to thank the Department for all the work it has done to date in helping to establish this industry in Connecticut and for the opportunity to present these comments to the draft regulations.

Respectfully submitted,

John R. Ellison

Comments of Connecticut Agricultural Products Ltd, LLC

(NEW) Sec. 21a-408-20. Producer selection

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(c) Criteria that the department shall consider in evaluating producer license applications include, but are not limited to:

.....

7) 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 commissioner determines, after a hearing pursuant to the Uniform Administrative Procedure Act, Chapter 54 of the Connecticut General Statutes, that the producer has failed to timely and successfully complete the construction of a production facility or to continue to operate such facility in a manner that provides a substantially uninterrupted supply to its usual dispensary facility customers during the term of the license. The escrow account may be established by funds not owned by the applicant, provided that the owner consents in writing to the establishment of the escrow account. Any Connecticut licensed attorney or law firm may act as escrow agent. In lieu of the escrow account required by this section, the commissioner may accept a letter of credit drawn from a financial institution in Connecticut; and

(NEW) Sec. 21a-408-58. Laboratory testing

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(a) employee to select a random sample, which sample shall be tested by the laboratory for microbiological contaminants, mycotoxins, heavy metals and pesticide chemical residue, and for purposes of conducting an active ingredient analysis. The active ingredient results shall include the average, maximum and minimum concentrations.

(NEW) Sec. 21a-408-59. Brand name

(a) Each marijuana product shall be assigned a brand name by the producer. Each brand name shall be registered with the department, on a form prescribed by the commissioner, prior to any sale to a dispensary facility and shall be associated with a specific laboratory test that includes a terpenes profile and a list of all active ingredients, including their homogenized batch average, maximum and minimum concentrations, including:

(1) tetrahydrocannabinol (THC);

(2) tetrahydrocannabinol acid (THCA);

(3) cannabidiols (CBD);

(4) carboxylic acids (CBDA); and

(5) any other active ingredient that constitute at least 1% of the marijuana batch used in the product.

(b) 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 average level of each active ingredient, based upon the homogenized batch test, within a range of 9~~7~~5% to 10~~3~~5% and has maximum concentrations not to exceed the registered maximum plus 5% and minimum concentrations more that the registered minimum less 5%.

(NEW) Sec. 21a-408-55. Manufacturing of marijuana products

(a) Marijuana products shall only be manufactured and sold in the following forms:

....

(6) Baked goods and lozenges; and

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