

	<p style="text-align: center;">BRIDGEPORT POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	4.08
		Original Issue Date	Reissue/Effective Date
		8/17/21	8/18/21
<p>Order Title:</p> <p>USE OF MEDICAL MARIJUANA</p>	Accreditation Standard:	Section	
	POSTC 1.5.6	4	
		Section Title DISCIPLINARY PROCESS	
Rescinds:	Rebeca Garcia, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this directive is to establish policy and procedure regarding the use of medical marijuana by members of the Bridgeport Police Department.

II. POLICY

Connecticut General Statutes § 21a-408, et seq., **as amended by SB 1201**, provides in part that a “qualifying patient” who has a valid registration certificate from the Department of Consumer Protection, and complies with requirements enumerated in the statute, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, for the palliative use of marijuana.

The consistent policy of the Bridgeport Police Department is that the Department does not tolerate the violation of any state or federal law by its members. In order to avoid confusion, however, following the adoption of C.G.S. § 21a-408, et seq., Department members are instructed that it is the policy of the Department that:

- A. Department members shall not, on or off duty, ingest, use, or otherwise consume marijuana or THC as defined by C.G.S. § 21a-240. This prohibition applies to the use of any form of such drugs, including, but not limited to, smoking, injecting, or eating, by itself or in combination with other products.
- B. The presence of any detectable amount of marijuana or THC in the employee’s system while at work, while on Department premises, or municipal property, or while conducting or performing Department business is prohibited.
- C. While under the influence of marijuana or THC, Department members shall not:

1. Operate any department equipment, including, but not limited to, motor vehicles, computers, or breathalyzer machines.
 2. Perform any law enforcement function, including but not limited to, making arrests, stopping motor vehicles, interrogating suspects, booking prisoners, taking fingerprints, accessing files, performing CORI (Criminal Offender Record Information) or other background checks, and dealing or interacting with the public.
 3. Possess or use any firearm, electronic control weapon (e.g., Taser®), baton, chemical agents, handcuffs, or any weapon or device capable of inflicting pain on a subject.
- D. Department members shall not apply for, possess, or use a medical marijuana registration card for themselves or others.
- E. Department members shall not apply for or serve as a caregiver for a person in possession of a medical marijuana certificate or registration card.
- a. In the event this situation should occur, and there is no other person available to provide care, the Chief of Police must grant permission prior to the Department member assuming caregiver responsibilities.
- F. Department members are not permitted to own, operate, manage, or be financially involved in, or be otherwise involved in the operation or management in any way of any marijuana cooperative, dispensary, business or location that is used to manufacture, grow, process, use, sell, or dispense marijuana for any reason, including but not limited to medical purposes, or any location that is involved in the sale or distribution of any paraphernalia that can be used for any of the above.

III. DEFINITIONS

The following definitions are found in Connecticut General Statutes §21a-408:

Cannabis Establishment: A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter.

Cannabis Flower: The flower of a plant of the cannabis (including abnormal and immature flowers) that has been harvested and dried and cured, and before it is processed and transformed into a cannabis product, but not including the plant's leaves or stems.

Cannabis Trim: Includes all parts of the cannabis plant, other than cannabis flower, that have been harvested, dried, and cured, and before it is processed and transformed into a cannabis product; but excludes hemp.

Cannabis Product: Cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. It does not include the raw cannabis plant.

Cannabis Concentrate: Any form of concentration extracted from cannabis, such as extracts, oils, tinctures, shatter, and waxes.

Consumer: A person 21 years or older.

Financial Interest: is a right to ownership, an investment, or a compensation arrangement with another person, directly, through business, investment, or family. It does not include owning investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market, if the person (alone or with a spouse, parent, or child) does not own more than 0.5% of the corporation's shares.

Manufactured Cannabinoid: Cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to cannabinoids derived from marijuana, but that are derived by a chemical or biological process.

Marijuana: means "marijuana," as defined in C.G.S. § 21a-240. [C.G.S. § 21a-240 defines "marijuana" as all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids. It does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination; any substance the federal Food Drug Administration (FDA) approves as a drug and reclassified in any controlled substance schedule, or that the federal Drug Enforcement Administration (DEA) unscheduled from the same schedule; and synthetic cannabinoids that the Department of Consumer Protection (DCP) commissioner designates as controlled substances and classified in the appropriate schedule through regulations. .

Medical Marijuana Product: Cannabis that: (1) dispensary facilities and hybrid retailers (see below) exclusively sell to qualifying patients and caregivers, and (2) the Department of Consumer Protection (DCP) designates on its website as reserved for sale to those individuals.

Palliative use: means the acquisition, distribution, transfer, possession, use or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient;

Primary caregiver: means a person, other than the qualifying patient and the qualifying patient's physician, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided (A) in the case of a qualifying patient lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient, and (B) the need for such person shall be evaluated by the qualifying patient's physician and such need shall be documented in the written certification;

Qualifying patient: means a person who is eighteen years of age or older, is a resident of Connecticut and has been diagnosed by a physician as having a debilitating medical condition. "Qualifying patient" does not include an inmate confined in a correctional institution or facility under the supervision of the Department of Correction.

Registration Certificate: A written certificate of registration issued by the Department of Consumer Protection to a qualifying patient and to the primary caregiver, upon the registration of a written certification from the qualifying patient's physician for the palliative use of marijuana.

Synthetic Cannabinoid: Any material, compound, mixture, or preparation that contains any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that is produced artificially and not derived from an organic source naturally containing cannabinoids, unless listed in another schedule.

THC: Tetrahydrocannabinol including, delta-7, delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, and delta-10-tetrahydrocannabinol, and any material, compound, mixture, or preparation containing their salts, isomers, and salts of isomers, whenever the existence of these substances are possible within the specific chemical designation, regardless of the source. THC does not include (1) Dronabinol substituted in sesame oil and encapsulated in a soft gelatin capsule in an FDA-approved product or (2) any tetrahydrocannabinol product that the FDA approves to have a medical use and reclassified in any controlled substances schedule or that the DEA unscheduled.

Total THC: The sum of the percentage by weight of tetrahydrocannabinolic acid, multiplied by 0.877, plus the percentage of weight of tetrahydrocannabinol.

IV. PROCEDURES:

Marijuana remains an illegal controlled substance pursuant to Federal Statute. As such, no member of the department, qualified or not by Connecticut General Statute §21a-408, et seq., shall be considered "fit for duty" regardless of his or her position within the Department if her or she is using, smoking, or ingesting marijuana or THC, even for palliative use, as defined in Section III.

- A. Any member of the Department who has a detectable quantity of marijuana, THC, or any other compound in his or her body or blood from using or ingesting marijuana or THC, shall be considered "unfit for duty" and as such shall not be

- permitted to work or perform any job function.
- B. Any Department employee or volunteer who has applied for, intends to apply for, has received, or been denied a card as a "qualifying patient" under C.G.S. § 21a-408, et seq., shall immediately notify the Chief of Police of any such action in writing.
 - C. Any Department employee or volunteer who has applied for, intends to apply for, has received, or been denied a card as a "primary caregiver" under C.G.S. §21a-408, et seq., shall immediately notify the Chief of Police of any such action in writing.
 - D. Any Department employee or volunteer who has any person living within his or her residence or in any property her or she owns, manages, or is under the control of that is considered under C.G.S. § 21a-408, et seq. to be a "qualified patient" or "caregiver" shall immediately notify the Chief of Police in writing indicating the person's name, the location of the individual, and what relationship the department member has with the person(s) and/or location.
 - E. Any member of the Department who tests positive for marijuana, or any detectable amount of any prohibited or illegal substance shall be immediately relieved of duty, surrender any and all department owned firearms, firearms license, or identification cards, as well as any police identification cards, and shall not be permitted to perform any police function or possess any firearm in accordance with employment as a member of the Department.
 - F. No member of the Department shall be permitted to be a "primary caregiver" as defined by C.G.S. § 21a-408, et seq., for any person, unless so authorized in writing by the Chief of Police. Permission may be granted by the Chief of Police to allow a member to be a "primary caregiver" in extreme circumstances and only for a Department member's immediate family who is residing with the department member. No precedent will be set if any such permission is granted and the department may alter, amend, or revoke this provision at any time.

V. FIREARMS LICENSING

An open letter to all federal firearms licensees issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on September 21, 2011, made it clear that those who are users of medical marijuana, including those doing so in compliance with state law, should not be allowed to purchase, possess, or use firearms or ammunition.

- A. Under 18 U.S.C. Sec. 922(g)(3), it is unlawful for any person who is an unlawful user of or addicted to any controlled substance" (as defined by the Controlled Substances Act) to ship, transport, receive or possess firearms or ammunition. Since marijuana is a Schedule I controlled substance, and there are

no exceptions in federal law for marijuana purportedly used for medicinal purposes, even if such use is sanctioned by state law, medical marijuana users may not sell or possess firearms or ammunition.

- B. Under Federal law, 18 U.S.C. § 922(d)(3), it is a crime to sell or otherwise dispose of a firearm or ammunition to anyone knowing "or having reasonable cause to believe" that the person unlawfully uses a controlled substance, such as marijuana.
- C. Federal regulation, 27 C.F.R. § 478.11, allows an inference of current illegal use of a controlled substance to be drawn from "evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time."
- D. According to the ATF, a person who uses medical marijuana, even in compliance with state law, should answer "yes" to question 11.e. ("Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?") on ATF Form 4473, Firearms Transaction Record. And licensed firearms dealers may not transfer firearms or ammunition to them. Even if the person answers "no" to this question concerning the use of controlled substances, the ATF takes the position that it is a violation of federal law to transfer a weapon or ammunition to them if a person has "reasonable cause to believe" that they use medical marijuana, such as if they have a card authorizing them to possess medical marijuana under state law.
- E. Given that the ability to lawfully possess both firearms and ammunition is an essential function of employment with the Bridgeport Police Department, the use of marijuana by any member of this department is a legitimate basis for the member's termination.