

## CONNECTICUT HOUSING FINANCE AUTHORITY MEDICAL MARIJUANA FACT SHEET

Connecticut General Statutes allows for the possession and use of medically prescribed marijuana in compliance with applicable laws and regulations. While the use of medical marijuana under State law may be authorized, marijuana still remains classified as a Schedule 1 drug under federal law and the cultivation, sale, possession, or use of marijuana remains illegal under federal law. Therefore, the laws and regulations regarding medical marijuana in public housing receiving HUD assistance will differ from non-HUD properties. Housing providers are encouraged to seek qualified legal counsel regarding medical marijuana issues.

*This material is provided solely as a reference; it should not be used or construed as legal advice or as a legal document, a legal opinion, or an official interpretation regarding the use of medical marijuana. Property owners and property managers should seek independent guidance from their own legal counsel regarding medical marijuana in public housing. CHFA assumes no liability or responsibility for any use of this document beyond its intended purpose as a general reference tool only. Users are cautioned to seek qualified assistance in specifically applying or interpreting laws or regulations regarding medical marijuana to their own circumstances.*

1. The State of Connecticut Department of Consumer Protection has provided the following information regarding medical marijuana:<sup>1</sup> **\*\*This information would NOT be applicable to properties receiving HUD assistance.\*\***

### **“Q. Who is eligible to use medical marijuana?”**

A. To qualify, a patient needs to be diagnosed by a Connecticut-licensed physician as having one of the following debilitating medical conditions that is specifically identified in the law: cancer, glaucoma, HIV, AIDS, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's disease or post-traumatic stress disorder. Patients also have to be at least 18 years of age and be a resident of Connecticut. An inmate confined in a correctional institution or facility under the supervision of the Department of Correction will not qualify, regardless of their medical condition.”

### **“Q. Can patients use medical marijuana anywhere?”**

A. No. The law prohibits ingesting marijuana in a bus, a school bus or any moving vehicle; in the workplace; on any school grounds or any public or private school, dormitory, college or university property; in any public place; or in the presence of anyone under 18. It also prohibits any use of palliative marijuana that endangers the health or well-being of another person, other than the patient or primary caregiver.”

### **“Q. How much marijuana can a patient have on hand?”**

A. The maximum allowable monthly amount is 2.5 ounces unless your physician indicates a lesser amount is appropriate. Any changes to the allowable amount will be based on advice from the Board of Physicians.”

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<sup>1</sup> This information can be accessed at [www.ct.gov/dcp/mmp](http://www.ct.gov/dcp/mmp).

**“Q. Can a landlord refuse to rent to someone or take action against a tenant solely because the tenant is qualified to use medical marijuana?”**

A. No.”

2. Properties receiving HUD assistance are subject to Federal law and HUD regulations. In 2014, HUD released a memo, *Use of Marijuana in Multifamily Assisted Properties*;<sup>2</sup> relevant portions are printed below:

“The Controlled Substances Act (CSA), 21 U.S.C. Section 801 et.seq., categorizes marijuana as a Schedule 1 substance and therefore the manufacture, distribution, or possession of marijuana is federal criminal offense. Because the CSA prohibits all forms of marijuana use, the use of “medical marijuana” is illegal under federal law even if it is permitted under state law. With regard to questions concerning the use of marijuana in Multifamily assisted properties in states that have decriminalized the use of marijuana, the controlling authority is Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), P.L. 105-276 (October 21, 1998), 42 U.S.C Section 13662 Owners of federally assisted housing are required by QHWRA to deny admission to any household with a member who the owner determines is, at the time of application for admission, illegally using a controlled substance as that term is defined by the CSA.

...Unlike the prescribed **admission** standards which prohibit admission to federally assisted housing for any household member who the owner determines is illegally using a controlled substance (e.g. marijuana)..., the **continued occupancy** standards “allow” termination by the owner. In other words, QHWRA provides owners with the discretion to determine, on a case-by-case basis, when it is appropriate to terminate the tenancy of the household.”

3. ‘No Smoking’ policies and the use of medical marijuana:
- a. As marijuana in any form remains illegal under federal law, medical marijuana is NOT permitted at any HUD assisted property.
  - b. At non-HUD assisted properties, a properly worded and approved ‘no smoking’ policy would preclude the *smoking* of medical marijuana in the same manner as other smoking material.

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<sup>2</sup> This memo may be accessed at: [www.hud.gov](http://www.hud.gov).