

P.L.2013, CHAPTER 160, *approved September 10, 2013*
Senate, No. 2842 (*Second Reprint*)

1 AN ACT concerning medical marijuana and amending P.L.2009,
2 c.307.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 5 of P.L.2009, c.307 (C.24:6I-5) is amended to read
8 as follows:

9 5. a. Medical use of marijuana by a qualifying patient may be
10 authorized pursuant to a certification which meets the requirements
11 of this act. In order to provide such certification, a physician shall
12 be licensed and in good standing to practice in the State.

13 The certification shall attest that the above criteria have been
14 met.

15 b. ²**[(1)]**² The provisions of subsection a. of this section shall
16 not apply to a qualifying patient who is a minor unless the custodial
17 parent, guardian, or person who has legal custody of the minor **[,]**
18 receives from the physician an explanation of the potential risks and
19 benefits of the medical use of marijuana and consents in writing
20 that the minor patient has that person's permission for the medical
21 use of marijuana and that the person will control the acquisition and
22 possession of the medical marijuana and any related paraphernalia
23 from the alternative treatment center. The physician shall document
24 the explanation of the potential risks and benefits in the minor
25 patient's medical record.

26 ²**[(2)]** Except as provided by paragraph (1) of this subsection, a
27 patient who is a minor, or a physician seeking to authorize the
28 medical use of marijuana by a patient who is a minor, shall not be
29 subject to any requirements for the medical use of marijuana
30 beyond those that would apply to a patient who is an adult, or to a
31 physician seeking to authorize the medical use of marijuana by a
32 patient who is an adult, as appropriate.]²

33 (cf: P.L.2009, c.307, s.5)

34
35 2. Section 7 of P.L.2009, c.307 (C.24:6I-7) is amended to read
36 as follows:

37 7. a. The department shall accept applications from entities for
38 permits to operate as alternative treatment centers, and may charge
39 a reasonable fee for the issuance of a permit under this section. The
40 department shall seek to ensure the availability of a sufficient

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted June 6, 2013.

²Senate amendments adopted in accordance with Governor's
recommendations August 19, 2013.

1 number of alternative treatment centers throughout the State,
2 pursuant to need, including at least two each in the northern,
3 central, and southern regions of the State. The first two centers
4 issued a permit in each region shall be nonprofit entities, and
5 centers subsequently issued permits may be nonprofit or for-profit
6 entities.

7 An alternative treatment center shall be authorized to acquire a
8 reasonable initial and ongoing inventory, as determined by the
9 department, of marijuana seeds or seedlings and paraphernalia,
10 possess, cultivate, plant, grow, harvest, process, display,
11 manufacture, deliver, transfer, transport, distribute, supply, sell, or
12 dispense marijuana, or related supplies to qualifying patients or
13 their primary caregivers who are registered with the department
14 pursuant to section 4 of this act. An alternative treatment center
15 ¹shall not be limited in the number of strains of medical marijuana
16 cultivated, and¹ may package and directly dispense marijuana to
17 qualifying patients in dried form, oral lozenges, topical
18 formulations, or edible form, or ²[another form permitted by the
19 commissioner.] any other form as authorized by the commissioner.
20 Edible form shall include tablets, capsules, drops or syrups and any
21 other form as authorized by the commissioner. Edible forms shall
22 be available only to qualifying patients who are minors.²

23 Applicants for authorization as nonprofit alternative treatment
24 centers shall be subject to all applicable State laws governing
25 nonprofit entities, but need not be recognized as a 501(c)(3)
26 organization by the federal Internal Revenue Service.

27 b. The department shall require that an applicant provide such
28 information as the department determines to be necessary pursuant
29 to regulations adopted pursuant to this act.

30 c. A person who has been convicted of a crime involving any
31 controlled dangerous substance or controlled substance analog as
32 set forth in chapter 35 of Title 2C of the New Jersey Statutes except
33 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law
34 of the United States or any other state shall not be issued a permit to
35 operate as an alternative treatment center or be a director, officer, or
36 employee of an alternative treatment center, unless such conviction
37 occurred after the effective date of this act and was for a violation
38 of federal law relating to possession or sale of marijuana for
39 conduct that is authorized under this act.

40 d. (1) The commissioner shall require each applicant seeking a
41 permit to operate as an alternative treatment center to undergo a
42 criminal history record background check. For purposes of this
43 section, the term "applicant" shall include any owner, director,
44 officer, or employee of an alternative treatment center. The
45 commissioner is authorized to exchange fingerprint data with and
46 receive criminal history record background information from the
47 Division of State Police and the Federal Bureau of Investigation
48 consistent with the provisions of applicable federal and State laws,

1 rules, and regulations. The Division of State Police shall forward
2 criminal history record background information to the
3 commissioner in a timely manner when requested pursuant to the
4 provisions of this section.

5 An applicant shall submit to being fingerprinted in accordance
6 with applicable State and federal laws, rules, and regulations. No
7 check of criminal history record background information shall be
8 performed pursuant to this section unless the applicant has
9 furnished his written consent to that check. An applicant who
10 refuses to consent to, or cooperate in, the securing of a check of
11 criminal history record background information shall not be
12 considered for a permit to operate, or authorization to be employed
13 at, an alternative treatment center. An applicant shall bear the cost
14 for the criminal history record background check, including all
15 costs of administering and processing the check.

16 (2) The commissioner shall not approve an applicant for a
17 permit to operate, or authorization to be employed at, an alternative
18 treatment center if the criminal history record background
19 information of the applicant reveals a disqualifying conviction as
20 set forth in subsection c. of this section.

21 (3) Upon receipt of the criminal history record background
22 information from the Division of State Police and the Federal
23 Bureau of Investigation, the commissioner shall provide written
24 notification to the applicant of his qualification for or
25 disqualification for a permit to operate or be a director, officer, or
26 employee of an alternative treatment center.

27 If the applicant is disqualified because of a disqualifying
28 conviction pursuant to the provisions of this section, the conviction
29 that constitutes the basis for the disqualification shall be identified
30 in the written notice.

31 (4) The Division of State Police shall promptly notify the
32 commissioner in the event that an individual who was the subject of
33 a criminal history record background check conducted pursuant to
34 this section is convicted of a crime or offense in this State after the
35 date the background check was performed. Upon receipt of that
36 notification, the commissioner shall make a determination regarding
37 the continued eligibility to operate or be a director, officer, or
38 employee of an alternative treatment center.

39 (5) Notwithstanding the provisions of subsection b. of this
40 section to the contrary, the commissioner may offer provisional
41 authority for an applicant to be an employee of an alternative
42 treatment center for a period not to exceed three months if the
43 applicant submits to the commissioner a sworn statement attesting
44 that the person has not been convicted of any disqualifying
45 conviction pursuant to this section.

46 (6) Notwithstanding the provisions of subsection b. of this
47 section to the contrary, no employee of an alternative treatment
48 center shall be disqualified on the basis of any conviction disclosed

1 by a criminal history record background check conducted pursuant
2 to this section if the individual has affirmatively demonstrated to
3 the commissioner clear and convincing evidence of rehabilitation.
4 In determining whether clear and convincing evidence of
5 rehabilitation has been demonstrated, the following factors shall be
6 considered:

7 (a) the nature and responsibility of the position which the
8 convicted individual would hold, has held or currently holds;

9 (b) the nature and seriousness of the crime or offense;

10 (c) the circumstances under which the crime or offense
11 occurred;

12 (d) the date of the crime or offense;

13 (e) the age of the individual when the crime or offense was
14 committed;

15 (f) whether the crime or offense was an isolated or repeated
16 incident;

17 (g) any social conditions which may have contributed to the
18 commission of the crime or offense; and

19 (h) any evidence of rehabilitation, including good conduct in
20 prison or in the community, counseling or psychiatric treatment
21 received, acquisition of additional academic or vocational
22 schooling, successful participation in correctional work-release
23 programs, or the recommendation of those who have had the
24 individual under their supervision.

25 e. The department shall issue a permit to a person to operate as
26 an alternative treatment center if the department finds that issuing
27 such a permit would be consistent with the purposes of this act and
28 the requirements of this section are met and the department has
29 verified the information contained in the application. The
30 department shall approve or deny an application within 60 days
31 after receipt of a completed application. The denial of an
32 application shall be considered a final agency decision, subject to
33 review by the Appellate Division of the Superior Court. The
34 department may suspend or revoke a permit to operate as an
35 alternative treatment center for cause, which shall be subject to
36 review by the Appellate Division of the Superior Court.

37 f. A person who has been issued a permit pursuant to this
38 section shall display the permit at the premises of the alternative
39 treatment center at all times when marijuana is being produced, or
40 dispensed to a registered qualifying patient or the patient's primary
41 caregiver.

42 g. An alternative treatment center shall report any change in
43 information to the department not later than 10 days after such
44 change, or the permit shall be deemed null and void.

45 h. An alternative treatment center may charge a registered
46 qualifying patient or primary caregiver for the reasonable costs
47 associated with the production and distribution of marijuana for the
48 cardholder.

1 i. The commissioner shall adopt regulations to:

2 (1) require such written documentation of each delivery of
3 marijuana to, and pickup of marijuana for, a registered qualifying
4 patient, including the date and amount dispensed, to be maintained
5 in the records of the alternative treatment center, as the
6 commissioner determines necessary to ensure effective
7 documentation of the operations of each alternative treatment
8 center;

9 (2) monitor, oversee, and investigate all activities performed by
10 an alternative treatment center; and

11 (3) ensure adequate security of all facilities 24 hours per day,
12 including production and retail locations, and security of all
13 delivery methods to registered qualifying patients.

14 (cf: P.L.2009, c.307, s.7)

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16 3. This act shall take effect immediately.

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21 Prohibits limitations on number of strains of medical marijuana
22 cultivated, and expands available means of packaging and
23 distribution thereof.