

ASSEMBLY, No. 457

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Assemblyman Chiaravalloti, Assemblywoman Lampitt, Senators Cruz-Perez and Whelan

SYNOPSIS

Authorizes medical marijuana for qualifying patients with post-traumatic stress disorder.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulatory Oversight and Reform and Federal Relations Committee with technical review.



(Sponsorship Updated As Of: 8/2/2016)

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 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read
8 as follows:

9 3. As used in this act:

10 "Bona fide physician-patient relationship" means a relationship
11 in which the physician has ongoing responsibility for the
12 assessment, care, and treatment of a patient's debilitating medical
13 condition.

14 "Certification" means a statement signed by a physician with
15 whom a qualifying patient has a bona fide physician-patient
16 relationship, which attests to the physician's authorization for the
17 patient to apply for registration for the medical use of marijuana.

18 "Commissioner" means the Commissioner of Health.

19 "Debilitating medical condition" means:

20 (1) one of the following conditions, if resistant to conventional
21 medical therapy: seizure disorder, including epilepsy; intractable
22 skeletal muscular spasticity; post-traumatic stress disorder; or
23 glaucoma;

24 (2) one of the following conditions, if severe or chronic pain,
25 severe nausea or vomiting, cachexia, or wasting syndrome results
26 from the condition or treatment thereof: positive status for human
27 immunodeficiency virus; acquired immune deficiency syndrome; or
28 cancer;

29 (3) amyotrophic lateral sclerosis, multiple sclerosis, terminal
30 cancer, muscular dystrophy, or inflammatory bowel disease,
31 including Crohn's disease;

32 (4) terminal illness, if the physician has determined a prognosis
33 of less than 12 months of life; or

34 (5) any other medical condition or its treatment that is approved
35 by the department by regulation.

36 "Department" means the Department of Health.

37 "Marijuana" has the meaning given in section 2 of the "New
38 Jersey Controlled Dangerous Substances Act," P.L.1970, c.226
39 (C.24:21-2).

40 "Medical marijuana alternative treatment center" or "alternative
41 treatment center" means an organization approved by the
42 department to perform activities necessary to provide registered
43 qualifying patients with usable marijuana and related paraphernalia
44 in accordance with the provisions of this act. This term shall
45 include the organization's officers, directors, board members, and
46 employees.

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.

1 "Medical use of marijuana" means the acquisition, possession,
2 transport, or use of marijuana or paraphernalia by a registered
3 qualifying patient as authorized by this act.

4 "Minor" means a person who is under 18 years of age and who
5 has not been married or previously declared by a court or an
6 administrative agency to be emancipated.

7 "Paraphernalia" has the meaning given in N.J.S.2C:36-1.

8 "Physician" means a person licensed to practice medicine and
9 surgery pursuant to Title 45 of the Revised Statutes with whom the
10 patient has a bona fide physician-patient relationship and who is the
11 primary care physician, hospice physician, or physician responsible
12 for the ongoing treatment of a patient's debilitating medical
13 condition, provided, however, that the ongoing treatment shall not
14 be limited to the provision of authorization for a patient to use
15 medical marijuana or consultation solely for that purpose.

16 "Primary caregiver" or "caregiver" means a resident of the State
17 who:

18 a. is at least 18 years old;

19 b. has agreed to assist with a registered qualifying patient's
20 medical use of marijuana, is not currently serving as primary
21 caregiver for another qualifying patient, and is not the qualifying
22 patient's physician;

23 c. has never been convicted of possession or sale of a
24 controlled dangerous substance, unless such conviction occurred
25 after the effective date of this act and was for a violation of federal
26 law related to possession or sale of marijuana that is authorized
27 under this act;

28 d. has registered with the department pursuant to section 4 of
29 this act, and has satisfied the criminal history record background
30 check requirement of section 4 of this act; and

31 e. has been designated as primary caregiver on the qualifying
32 patient's application or renewal for a registry identification card or
33 in other written notification to the department.

34 "Qualifying patient" or "patient" means a resident of the State
35 who has been provided with a certification by a physician pursuant
36 to a bona fide physician-patient relationship.

37 "Registry identification card" means a document issued by the
38 department that identifies a person as a registered qualifying patient
39 or primary caregiver.

40 "Usable marijuana" means the dried leaves and flowers of
41 marijuana, and any mixture or preparation thereof, and does not
42 include the seeds, stems, stalks or roots of the plant.

43 (cf: P.L.2012, c.17, s.90)

44

45 2. This act shall take effect immediately.