

ASSEMBLY, No. 2777

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

SYNOPSIS

Revises various requirements concerning State medical marijuana program, including facilitating access to medical marijuana for children with debilitating medical conditions and their caregivers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/6/2018)

1 AN ACT concerning medical marijuana, amending various parts of
2 the statutory law, and supplementing Title 26 of the Revised
3 Statutes.

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

7
8 1. Section 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read
9 as follows:

10 3. As used in **[this act]** P.L.2009, c.307 (C.24:6I-1 et al.):

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

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

19 "Commissioner" means the Commissioner of Health.

20 "Debilitating medical condition" means:

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

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

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

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

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

37 "Department" means the Department of Health.

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

41 "Medical marijuana alternative treatment center" or "alternative
42 treatment center" means an organization approved by the
43 department to perform activities necessary to provide registered
44 qualifying patients with usable marijuana and related paraphernalia
45 in accordance with the provisions of **[this act]** P.L.2009, c.307

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 (C.24:6I-1 et al.). This term shall include the organization's officers,
2 directors, board members, and employees.

3 "Medical use of marijuana" means the acquisition, possession,
4 transport, or use of marijuana or paraphernalia by a registered
5 qualifying patient as authorized by **【this act】** P.L.2009, c.307
6 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), and
7 section 13 of P.L. _____, c. _____ (C. _____) (pending before the
8 Legislature as this bill).

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

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

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

21 "Primary caregiver" **【or "caregiver"】** means a resident of the
22 State who:

23 a. is at least 18 years old;

24 b. has agreed to assist with a registered qualifying patient's
25 medical use of marijuana, is not currently serving as primary
26 caregiver for another qualifying patient unless the caregiver is the
27 parent of a minor child who is a qualifying patient, in which case
28 the parent may concurrently serve as primary caregiver to any
29 minor child of the parent who is a qualifying patient, and is not the
30 qualifying patient's physician;

31 c. **【has never been convicted of possession or sale of a**
32 **controlled dangerous substance, unless such conviction occurred**
33 **after the effective date of this act and was for a violation of federal**
34 **law related to possession or sale of marijuana that is authorized**
35 **under this act;】** deleted by amendment, P.L. _____, c. _____ (pending
36 before the legislature as this bill)

37 d. has registered with the department pursuant to section 4 of
38 **【this act, and has satisfied the criminal history record background**
39 **check requirement of section 4 of this act】** P.L.2009, c.307
40 (C.24:6I-4); and

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

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

1 "Registry identification card" means a document issued by the
2 department that identifies a person as a registered qualifying patient
3 or primary or secondary caregiver.

4 "Secondary caregiver" means a resident of the State who:

5 a. is at least 18 years old;

6 b. is designated by a registered qualifying patient or the
7 patient's primary caregiver as authorized to assist with the patient's
8 medical use of marijuana while the patient:

9 (1) is on school grounds, aboard a school bus, or attending a
10 school-sponsored event as authorized pursuant to section 1 of
11 P.L.2015, c.158 (C.18A:40-12.22);

12 (2) is receiving services from a facility that offers services for
13 persons with developmental disabilities as authorized pursuant to
14 section 2 of P.L.2015, c.158 (C.30:6D-5b); or

15 (3) is a resident at a long term care facility as authorized
16 pursuant to section 13 of P.L. , c. (C.) (pending before
17 the Legislature as this bill);

18 c. is a current employee of the school or facility at which the
19 patient or primary caregiver is requesting assistance with the
20 patient's use of medical marijuana;

21 d. agrees to provide assistance with the patient's use of medical
22 marijuana while the patient is present at the school or facility;

23 e. is not the qualifying patient's physician;

24 f. has never been convicted of possession or sale of a
25 controlled dangerous substance, unless such conviction occurred
26 after the effective date of P.L. , c. (C.) (pending before
27 the Legislature as this bill) and was for a violation of federal law
28 related to possession or sale of marijuana that is authorized under
29 P.L.2009, c.307 (C.24:6I-1 et al.);

30 g. has registered with the department pursuant to section 4 of
31 P.L.2009, c.307 (C.24:6I-4); and

32 h. has been designated as secondary caregiver on the qualifying
33 patient's application or renewal for a registry identification card or
34 in other written notification to the department. A person may serve
35 as secondary caregiver for more than one patient at a school or
36 facility.

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

40 (cf: P.L.2016, c.53, s.1)

41
42 2. Section 4 of P.L.2009, c.307 (C.24:6I-4) is amended to read
43 as follows:

44 4. a. The department shall establish a registry of qualifying
45 patients and their primary and secondary caregivers, and shall issue
46 a registry identification card **【**, which shall be valid for two years,**】**
47 to a qualifying patient **【and】**, primary caregiver, **【if applicable,】** or

1 secondary caregiver who submits the following, in accordance with
2 regulations adopted by the department:

3 (1) a certification that meets the requirements of section 5 of
4 **【this act】** P.L.2009, c.307 (C.24:6I-5);

5 (2) an application or renewal fee for qualifying patients, which
6 may be based on a sliding scale as determined by the commissioner.
7 No application or renewal fee shall be applied to primary or
8 secondary caregivers;

9 (3) the name, address, and date of birth of the patient and
10 caregiver, as applicable; and

11 (4) the name, address, and telephone number of the patient's
12 physician.

13 A registry identification card for a patient or a primary caregiver
14 shall be valid for two years. A registry identification card for a
15 secondary caregiver shall be valid for one year.

16 b. Before issuing a registry identification card, the department
17 shall verify the information contained in the application or renewal
18 form submitted pursuant to this section. In the case of a **【primary】**
19 secondary caregiver, the department shall provisionally approve an
20 application pending the results of a criminal history record
21 background check, if the secondary caregiver otherwise meets the
22 requirements of this act. The department shall approve or deny an
23 application or renewal within 30 days of receipt of the completed
24 application or renewal, and shall issue a registry identification card
25 within five days of approving the application or renewal. The
26 department may deny an application or renewal only if the applicant
27 fails to provide the information required pursuant to this section, or
28 if the department determines that the information was incorrect or
29 falsified or does not meet the requirements of **【this act】** P.L.2009,
30 c.307 (C.24:6I-1 et al.). Denial of an application shall be a final
31 agency decision, subject to review by the Superior Court, Appellate
32 Division.

33 c. (1) **【The】** Unless the applicant has already undergone a
34 criminal history record background check as a condition of
35 employment in the applicant's current position, the commissioner
36 shall require each applicant seeking to serve as a 【primary】
37 secondary caregiver to undergo a criminal history record
38 background check. The commissioner is authorized to exchange
39 fingerprint data with and receive criminal history record
40 background information from the Division of State Police and the
41 Federal Bureau of Investigation consistent with the provisions of
42 applicable federal and State laws, rules, and regulations. The
43 Division of State Police shall forward criminal history record
44 background information to the commissioner in a timely manner
45 when requested pursuant to the provisions of this section.

46 An applicant seeking to serve as a **【primary】** secondary
47 caregiver who has not already undergone a criminal history record

1 background check as a condition of employment in the applicant's
2 current position shall submit to being fingerprinted in accordance
3 with applicable State and federal laws, rules, and regulations. No
4 check of criminal history record background information shall be
5 performed pursuant to this section unless the applicant has
6 furnished **【his】** the applicant's written consent to that check. An
7 applicant who refuses to consent to, or cooperate in, the securing of
8 a check of criminal history record background information who has
9 not already undergone a criminal history record background check
10 as a condition of employment in the applicant's current position
11 shall not be considered for inclusion in the registry as a **【primary】**
12 secondary caregiver or issuance of an identification card. An
13 applicant shall bear the cost for the criminal history record
14 background check, including all costs of administering and
15 processing the check.

16 (2) The commissioner shall not approve an applicant seeking to
17 serve as a **【primary】** secondary caregiver if the criminal history
18 record background information of the applicant reveals a
19 disqualifying conviction. For the purposes of this section, a
20 disqualifying conviction shall mean a conviction of a crime
21 involving any controlled dangerous substance or controlled
22 substance analog as set forth in chapter 35 of Title 2C of the New
23 Jersey Statutes except paragraph (4) of subsection a. of
24 N.J.S.2C:35-10, or any similar law of the United States or of any
25 other state.

26 (3) Upon receipt of the criminal history record background
27 information from the Division of State Police and the Federal
28 Bureau of Investigation or receipt of certification by the applicant
29 that the applicant has already undergone a criminal history record
30 background check as a condition of employment in the applicant's
31 current position, the commissioner shall provide written notification
32 to the applicant of **【his】** the applicant's qualification or
33 disqualification for serving as a **【primary】** secondary caregiver.

34 If the applicant is disqualified because of a disqualifying
35 conviction pursuant to the provisions of this section, the conviction
36 that constitutes the basis for the disqualification shall be identified
37 in the written notice.

38 (4) The Division of State Police shall promptly notify the
39 commissioner in the event that an individual **【who was the subject**
40 **of】** required to undergo a criminal history record background check
41 **【conducted】** as a condition of serving as a secondary caregiver
42 pursuant to this section is convicted of a crime or offense in this
43 State after the date the background check was performed. Upon
44 receipt of that notification, the commissioner shall make a
45 determination regarding the continued eligibility of the applicant to
46 serve as a **【primary】** secondary caregiver.

(5) Notwithstanding the provisions of subsection b. of this section to the contrary, no applicant shall be disqualified from serving as a registered **primary** secondary caregiver on the basis of any conviction disclosed by a criminal history record background check conducted pursuant to this section if the individual has affirmatively demonstrated to the commissioner clear and convincing evidence of rehabilitation. In determining whether clear and convincing evidence of rehabilitation has been demonstrated, the following factors shall be considered:

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

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

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

(d) the date of the crime or offense;

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

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

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

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

d. A registry identification card shall contain the following information:

(1) the name, address, and date of birth of the **patient and primary caregiver, if applicable** cardholder;

(2) the expiration date of the registry identification card;

(3) photo identification of the cardholder; **and**

(4) on the registry identification card of a qualifying patient, the registry numbers for the qualifying patient's primary caregiver and secondary caregiver, if any;

(5) on the registry identification card of a primary or secondary caregiver, the qualifying patient's registry number; and

(6) such other information that the department may specify by regulation.

e. (1) A patient who has been issued a registry identification card shall notify the department of any change in the patient's name, address, or physician or change in status of the patient's debilitating medical condition, within 10 days of such change, or the registry identification card shall be deemed null and void.

(2) A primary or secondary caregiver who has been issued a registry identification card shall notify the department of any change in the caregiver's name or address within 10 days of such

1 change, or the registry identification card shall be deemed null and
2 void.

3 f. The department shall maintain a confidential list of the
4 persons to whom it has issued registry identification cards.
5 Individual names and other identifying information on the list, and
6 information contained in any application form, or accompanying or
7 supporting document shall be confidential, and shall not be
8 considered a public record under P.L.1963, c.73 (C.47:1A-1 et seq.)
9 or P.L.2001, c.404 (C.47:1A-5 et al.), and shall not be disclosed
10 except to:

11 (1) authorized employees of the department and the Division of
12 Consumer Affairs in the Department of Law and Public Safety as
13 necessary to perform official duties of the department and the
14 division, as applicable; and

15 (2) authorized employees of State or local law enforcement
16 agencies, only as necessary to verify that a person who is engaged
17 in the suspected or alleged medical use of marijuana is lawfully in
18 possession of a registry identification card.

19 g. Applying for or receiving a registry card does not constitute
20 a waiver of the qualifying patient's patient-physician privilege.

21 h. In the case of a qualifying patient who is a minor, both
22 parents of the patient may concurrently be registered and serve as
23 primary caregiver for the patient.

24 (cf: P.L.2009, c.307, s.4)
25

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

28 5. a. Medical use of marijuana by a qualifying patient may be
29 authorized pursuant to a certification which meets the requirements
30 of **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.). In order to provide
31 such certification, a physician shall be licensed and in good
32 standing to practice in the State.

33 The certification shall attest that the above criteria have been
34 met.

35 b. The provisions of subsection a. of this section shall not
36 apply to a qualifying patient who is a minor unless the custodial
37 parent, guardian, or person who has legal custody of the minor
38 receives from the physician an explanation of the potential risks and
39 benefits of the medical use of marijuana and consents in writing
40 that the minor patient has that person's permission for the medical
41 use of marijuana and that the person will control the acquisition and
42 possession of the medical marijuana and any related paraphernalia
43 from the alternative treatment center and consistent with the
44 provisions of P.L.2009, c.307 (C.24:6I-1 et al.), P.L.2015, c.158
45 (C.18A:40-12.22 et al.), and section 13 of P.L. _____, c. _____
46 (pending before the Legislature as this bill). The physician shall
47 document the explanation of the potential risks and benefits in the
48 minor patient's medical record. A qualifying patient who is a minor

1 may be granted authorization for the use of medical marijuana by
2 the specialist treating the patient for the patient's debilitating
3 medical condition if the specialist is also a pediatric specialist,
4 primary care physician, or neurologist. If the specialist is not a
5 pediatric specialist, primary care physician, or neurologist,
6 authorization shall not be granted without the additional approval of
7 a pediatric specialist, primary care physician, or neurologist. No
8 other approvals shall be required for authorization for the use of
9 medical marijuana by a qualifying patient who is a minor other than
10 those set forth in this subsection.

11 c. Medical marijuana may be authorized as a treatment of first
12 resort for patients with debilitating medical conditions, and nothing
13 in P.L.2009, c.307 (C.24:6I-1 et al.) shall be construed to require
14 that a patient with a debilitating medical condition have exhausted
15 other treatment options as a condition of being authorized for the
16 use of medical marijuana.

17 (cf: P.L.2013, c.160, s.1)

18

19 4. Section 6 of P.L.2009, c.307 (C.24:6I-6) is amended to read
20 as follows:

21 6. a. The provisions of N.J.S.2C:35-18 shall apply to any
22 qualifying patient, primary or secondary caregiver, alternative
23 treatment center, physician, or any other person acting in
24 accordance with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.)
25 **【or】** , P.L.2015, c.158 (C.18A:40-12.22 et al.), or section 13 of
26 P.L. , c. (C.) (pending before the Legislature as this bill).

27 b. A qualifying patient, primary or secondary caregiver,
28 alternative treatment center, physician, or any other person acting in
29 accordance with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.)
30 **【or】** , P.L.2015, c.158 (C.18A:40-12.22 et al.), or section 13 of
31 P.L. , c. (C.) (pending before the Legislature as this bill)
32 shall not be subject to any civil or administrative penalty, or denied
33 any right or privilege, including, but not limited to, civil penalty or
34 disciplinary action by a professional licensing board, related to the
35 medical use of marijuana as authorized under P.L.2009, c.307
36 (C.24:6I-1 et al.) **【or】** , P.L.2015, c.158 (C.18A:40-12.22 et al.), or
37 section 13 of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39 c. Possession of, or application for, a registry identification
40 card shall not alone constitute probable cause to search the person
41 or the property of the person possessing or applying for the registry
42 identification card, or otherwise subject the person or **【his】** the
43 person's property to inspection by any governmental agency.

44 d. The provisions of section 2 of P.L.1939, c.248 (C.26:2-82),
45 relating to destruction of marijuana determined to exist by the
46 department, shall not apply if a qualifying patient or primary or
47 secondary caregiver has in his possession a registry identification
48 card and no more than the maximum amount of usable marijuana

1 that may be obtained in accordance with section 10 of P.L.2009,
2 c.307 (C.24:6I-10), nor shall any law enforcement officer or
3 employee damage, destroy, or in any way alter the medical
4 marijuana.

5 e. No person shall be subject to arrest or prosecution for
6 constructive possession, conspiracy, or any other offense for simply
7 being in the presence or vicinity of the medical use of marijuana as
8 authorized under P.L.2009, c.307 (C.24:6I-1 et al.) **【or】** , P.L.2015,
9 c.158 (C.18A:40-12.22 et al.), or section 13 of P.L. ,
10 c. (C.) (pending before the Legislature as this bill).

11 f. No custodial parent, guardian, or person who has legal
12 custody of a qualifying patient who is a minor shall be subject to
13 arrest or prosecution for constructive possession, conspiracy, or any
14 other offense for assisting the minor in the medical use of marijuana
15 as authorized under P.L.2009, c.307 (C.24:6I-1 et al.) **【or】** ,
16 P.L.2015, c.158 (C.18A:40-12.22 et al.), or section 13 of P.L. ,
17 c. (C.) (pending before the Legislature as this bill).

18 g. For the purposes of medical care, including organ
19 transplants, a registered qualifying patient's authorized use of
20 medical marijuana in accordance with the provisions of P.L.2009,
21 c.307 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.),
22 and section 13 of P.L. , c. (C.) (pending before the
23 Legislature as this bill) shall be considered equivalent to the
24 authorized use of any other medication used at the direction of a
25 physician, and shall not constitute the use of an illicit substance or
26 otherwise disqualify a qualifying patient from needed medical care.

27 h. Notwithstanding any other provision of law, the local
28 governmental units of this State may neither enact nor enforce any
29 ordinance or other local law or regulation conflicting with, or
30 preempted by, any provision of P.L.2009, c.307 (C.24:6I-1 et al.),
31 P.L.2015, c.158 (C.18A:40-12.22 et al.), or section 13 of P.L. ,
32 c. (C.) (pending before the Legislature as this bill).

33 (cf: P.L.2015, c.158, s.4)

34
35 5. 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
38 for permits to operate as alternative treatment centers, and may
39 charge a reasonable fee for the issuance of a permit under this
40 section. The department shall seek to ensure the availability of a
41 sufficient number of alternative treatment centers throughout the
42 State, pursuant to need, including at least two each in the northern,
43 central, and southern regions of the State. The first two centers
44 issued a permit in each region shall be nonprofit entities, and
45 centers subsequently issued permits may be nonprofit or for-profit
46 entities.

47 An alternative treatment center shall be authorized to acquire a
48 reasonable initial and ongoing inventory **【**, as determined by the

1 department,] of marijuana seeds or seedlings and paraphernalia,
2 possess, cultivate, plant, grow, harvest, process, display,
3 manufacture, deliver, transfer, transport, distribute, supply, sell, or
4 dispense marijuana, or related supplies to qualifying patients or
5 their primary caregivers who are registered with the department
6 pursuant to section 4 of [this act] P.L.2009, c.307 (C.24:6I-4). An
7 alternative treatment center shall not be limited in the number of
8 strains or in the potency of medical marijuana cultivated, and may
9 package and directly dispense marijuana to qualifying patients in
10 dried form, oral lozenges, topical formulations, [or] edible form, or
11 any other form [as authorized by the commissioner] appropriate for
12 the treatment of qualifying patients. Edible form shall include, but
13 not be limited to, tablets, capsules, drops [or], and syrups [and any
14 other form as authorized by the commissioner. Edible forms shall
15 be available only to qualifying patients who are minors]. The
16 commissioner shall establish a standardized dosage unit for each
17 form of medical marijuana available at an alternative treatment
18 center. For each form of medical marijuana available at an
19 alternative treatment center on the effective date of P.L. ,
20 c. (pending before the Legislature as this bill), the standardized
21 dosage unit shall be established no later than 45 days after the
22 effective date of P.L. , c. (pending before the Legislature as
23 this bill); for each form of medical marijuana made available at an
24 alternative treatment center after the effective date of
25 P.L. , c. (pending before the Legislature as this bill), the
26 standardized dosage unit shall be established no later than 45 days
27 after the date the new form of medical marijuana is first made
28 available. A current list of standardized dosage units shall be made
29 available on the department's Internet website, and the department
30 shall transmit a current list of standardized dosage units to each
31 alternative treatment center annually and at such times as the list is
32 revised or updated. The Board of Medical Examiners shall advise
33 physicians of the availability of the standardized dosage unit
34 information, and the department shall furnish a current list of
35 standardized dosage units to physicians upon request.

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

40 b. The department shall require that an applicant provide such
41 information as the department determines to be necessary pursuant
42 to regulations adopted pursuant to [this act] P.L.2009, c.307
43 (C.24:6I-1 et al.).

44 c. A person who has been convicted of a crime involving any
45 controlled dangerous substance or controlled substance analog as
46 set forth in chapter 35 of Title 2C of the New Jersey Statutes except
47 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law

1 of the United States or any other state shall not be issued a permit to
2 operate as an alternative treatment center or be a director, officer, or
3 employee of an alternative treatment center, unless such conviction
4 occurred after the effective date of **【this act】** P.L.2009, c.307
5 (C.24:6I-1 et al.) and was for a violation of federal law relating to
6 possession or sale of marijuana for conduct that is authorized under
7 **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.), or unless such
8 conviction occurred after the effective date of P.L.2015, c.158
9 (C.18A:40-12.22 et al.) and was for a violation of federal law
10 relating to possession or sale of marijuana for conduct that is
11 authorized under P.L.2015, c.158 (C.18A:40-12.22 et al.), or unless
12 such conviction occurred after the effective date of P.L. _____,
13 c. _____ (C. _____) (pending before the Legislature as this bill) and was
14 for a violation of federal law relating to possession or sale of
15 marijuana for conduct that is authorized under P.L. _____, c. _____ (C. _____)
16 (pending before the Legislature as this bill).

17 d. (1) The commissioner shall require each applicant seeking a
18 permit to operate as an alternative treatment center to undergo a
19 criminal history record background check. For purposes of this
20 section, the term "applicant" shall include any owner, director,
21 officer, or employee of an alternative treatment center. The
22 commissioner is authorized to exchange fingerprint data with and
23 receive criminal history record background information from the
24 Division of State Police and the Federal Bureau of Investigation
25 consistent with the provisions of applicable federal and State laws,
26 rules, and regulations. The Division of State Police shall forward
27 criminal history record background information to the
28 commissioner in a timely manner when requested pursuant to the
29 provisions of this section.

30 An applicant shall submit to being fingerprinted in accordance
31 with applicable State and federal laws, rules, and regulations. No
32 check of criminal history record background information shall be
33 performed pursuant to this section unless the applicant has
34 furnished **【his】** the applicant's written consent to that check. An
35 applicant who refuses to consent to, or cooperate in, the securing of
36 a check of criminal history record background information shall not
37 be considered for a permit to operate, or authorization to be
38 employed at, an alternative treatment center. An applicant shall
39 bear the cost for the criminal history record background check,
40 including all costs of administering and processing the check.

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

46 (3) Upon receipt of the criminal history record background
47 information from the Division of State Police and the Federal
48 Bureau of Investigation, the commissioner shall provide written

1 notification to the applicant of **【his】** the applicant's qualification
2 for or disqualification for a permit to operate or be a director,
3 officer, or employee of an alternative treatment center.

4 If the applicant is disqualified because of a disqualifying
5 conviction pursuant to the provisions of this section, the conviction
6 that constitutes the basis for the disqualification shall be identified
7 in the written notice.

8 (4) The Division of State Police shall promptly notify the
9 commissioner in the event that an individual who was the subject of
10 a criminal history record background check conducted pursuant to
11 this section is convicted of a crime or offense in this State after the
12 date the background check was performed. Upon receipt of that
13 notification, the commissioner shall make a determination regarding
14 the continued eligibility to operate or be a director, officer, or
15 employee of an alternative treatment center.

16 (5) Notwithstanding the provisions of subsection b. of this
17 section to the contrary, the commissioner may offer provisional
18 authority for an applicant to be an employee of an alternative
19 treatment center for a period not to exceed three months if the
20 applicant submits to the commissioner a sworn statement attesting
21 that the person has not been convicted of any disqualifying
22 conviction pursuant to this section.

23 (6) Notwithstanding the provisions of subsection b. of this
24 section to the contrary, no employee of an alternative treatment
25 center shall be disqualified on the basis of any conviction disclosed
26 by a criminal history record background check conducted pursuant
27 to this section if the individual has affirmatively demonstrated to
28 the commissioner clear and convincing evidence of rehabilitation.
29 In determining whether clear and convincing evidence of
30 rehabilitation has been demonstrated, the following factors shall be
31 considered:

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

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

35 (c) the circumstances under which the crime or offense
36 occurred;

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

38 (e) the age of the individual when the crime or offense was
39 committed;

40 (f) whether the crime or offense was an isolated or repeated
41 incident;

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

44 (h) any evidence of rehabilitation, including good conduct in
45 prison or in the community, counseling or psychiatric treatment
46 received, acquisition of additional academic or vocational
47 schooling, successful participation in correctional work-release

1 programs, or the recommendation of those who have had the
2 individual under their supervision.

3 e. The department shall issue a permit to a person to operate as
4 an alternative treatment center if the department finds that issuing
5 such a permit would be consistent with the purposes of **[this act]**
6 P.L.2009, c.307 (C.24:6I-1 et al.) and the requirements of this
7 section are met and the department has verified the information
8 contained in the application. The department shall approve or deny
9 an application within 60 days after receipt of a completed
10 application. Applications shall be processed in the order in which
11 they are received and no applicant shall receive preferential
12 treatment in the application process. An application deemed
13 incomplete shall not be denied unless it is first returned to the
14 applicant with an itemized description of every incomplete item on
15 the application and the applicant is granted at least 30 days to return
16 a corrected application. The denial of an application shall be
17 considered a final agency decision, subject to review by the
18 Appellate Division of the Superior Court. The department may
19 suspend or revoke a permit to operate as an alternative treatment
20 center for cause, which shall be subject to review by the Appellate
21 Division of the Superior Court.

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

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

30 h. An alternative treatment center may charge a registered
31 qualifying patient or primary caregiver for the reasonable costs
32 associated with the production and distribution of marijuana for the
33 cardholder.

34 i. The commissioner shall adopt regulations to:

35 (1) require such written documentation of each delivery of
36 marijuana to, and pickup of marijuana for, a registered qualifying
37 patient, including the date and amount dispensed, to be maintained
38 in the records of the alternative treatment center, as the
39 commissioner determines necessary to ensure effective
40 documentation of the operations of each alternative treatment
41 center;

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

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

47 j. In the event that the department requires its approval for an
48 alternative treatment center to take any action pursuant to P.L.2009,

1 c.307 (C.24:6I-1 et al.), and requiring such approval is not
2 otherwise prohibited by law, the department shall approve or deny
3 an application submitted by an alternative treatment center for such
4 approval no later than 45 days after the date the application is
5 submitted. Applications shall be processed in the order in which
6 they are received and no applicant shall receive preferential
7 treatment in the application process. An application deemed
8 incomplete shall not be denied unless it is first returned to the
9 applicant with an itemized description of every incomplete item on
10 the application and the applicant is granted at least 30 days to return
11 a corrected application. An application that is denied shall include
12 a detailed explanation of the reasons for the denial. The denial of
13 an application shall be considered a final agency decision, subject
14 to review by the Appellate Division of the Superior Court. An
15 application that is not approved or denied within 45 days as
16 provided in this section shall be deemed approved.

17 (cf: P.L.2013, c.160, s.2)

18
19 6. Section 10 of P.L.2009, c.307 (C.24:6I-10) is amended to
20 read as follows:

21 10. a. A physician shall provide written instructions for a
22 registered qualifying patient or **【his】** the patient's primary caregiver
23 to present to an alternative treatment center concerning the **【total**
24 **amount of usable marijuana that a patient may be dispensed, in**
25 **weight, in】** medical marijuana authorized for the patient for a 30-
26 day period, which amount shall not exceed two ounces , unless
27 otherwise noted by a physician, who shall provide written
28 instructions which may include such specific requirements as to the
29 form, strain, quantity, and potency of medical marijuana as the
30 physician deems medically appropriate. If no amount is noted, the
31 maximum amount that may be dispensed at one time is two ounces.
32 Written instructions shall be valid for no more than 60 days from
33 the date they are issued or, in the case of multiple written
34 instructions as provided in subsection b. of this section, no more
35 than 60 days from the date the instructions become valid.

36 b. A physician may issue multiple written instructions at one
37 time authorizing the patient to receive a total of up to a 90-day
38 supply, provided that the following conditions are met:

39 (1) Each separate set of instructions shall be issued for a
40 legitimate medical purpose by the physician, as provided in **【this**
41 **act】** P.L.2009, c.307 (C.24:6I-1 et al.);

42 (2) Each separate set of instructions shall indicate the earliest
43 date on which a center may dispense the marijuana, except for the
44 first dispensation if it is to be filled immediately; and

45 (3) The physician has determined that providing the patient with
46 multiple instructions in this manner does not create an undue risk of
47 diversion or abuse.

1 c. A registered qualifying patient or **his** the patient's primary
2 caregiver shall present the patient's or caregiver's registry
3 identification card, as applicable, and these written instructions to
4 **the** any alternative treatment center, which shall verify and log
5 the documentation presented. A physician may provide a copy of a
6 written instruction by electronic or other means, as determined by
7 the commissioner, directly to an alternative treatment center on
8 behalf of a registered qualifying patient. The dispensation of
9 marijuana pursuant to any written instructions shall occur within
10 one month of the date that the instructions were written or become
11 valid, or the instructions are void.

12 d. A patient may be registered at only one alternative treatment
13 center at any time.
14 (cf: P.L.2009, c.307, s.10)

15
16 7. Section 14 of P.L.2009, c.307 (C.24:6I-12) is amended to
17 read as follows:

18 14. a. The commissioner shall report to the Governor, and to
19 the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
20 19.1):

21 (1) no later than one year after the effective date of **this act**
22 P.L.2009, c.307 (C.24:6I-1 et al.), on the actions taken to
23 implement the provisions of **this act** P.L.2009, c.307 (C.24:6I-1
24 et al.), and no later than one year after the effective date of P.L. , c.
25 (C.) (pending before the Legislature as this bill), on the
26 actions taken to implement the provisions of P.L. , c. (C.)
27 (pending before the Legislature as this bill); and

28 (2) annually thereafter on the number of applications for registry
29 identification cards, the number of qualifying patients registered,
30 the number of primary and secondary caregivers registered, the
31 nature of the debilitating medical conditions of the patients, the
32 number of registry identification cards revoked, the number of
33 alternative treatment center permits issued and revoked, and the
34 number of physicians providing certifications for patients.

35 b. The reports shall not contain any identifying information of
36 patients, caregivers, or physicians.

37 c. Within two years after the effective date of **this act**
38 P.L.2009, c.307 (C.24:6I-1 et al.) and every two years thereafter,
39 the commissioner shall: evaluate whether there are sufficient
40 numbers of alternative treatment centers to meet the needs of
41 registered qualifying patients throughout the State; evaluate
42 whether the **maximum amount** forms, strains, and potencies of
43 medical marijuana **allowed** recommended by physicians pursuant
44 to **this act is** P.L.2009, c.307 (C.24:6I-1 et al.) are sufficient to
45 meet the medical needs of qualifying patients; and determine
46 whether any alternative treatment center has charged excessive
47 prices for marijuana that the center dispensed.

1 The commissioner shall report his findings no later than two
2 years after the effective date of **【this act】** P.L.2009, c.307 (C.24:6I-
3 1 et al.), and every two years thereafter, to the Governor, and to the
4 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).
5 (cf: P.L.2009, c.307, s.14)

6
7 8. Section 15 of P.L.2009, c.307 (C.24:6I-13) is amended to
8 read as follows:

9 15. a. The Department of Health is authorized to exchange
10 fingerprint data with, and receive information from, the Division of
11 State Police in the Department of Law and Public Safety and the
12 Federal Bureau of Investigation for use in reviewing applications
13 for individuals seeking to serve as **【primary】** secondary caregivers
14 pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4), and for
15 permits to operate as, or to be a director, officer, or employee of,
16 alternative treatment centers pursuant to section 7 of P.L.2009,
17 c.307 (C.24:6I-7).

18 b. The Division of State Police shall promptly notify the
19 Department of Health in the event an applicant seeking to serve as a
20 **【primary】** secondary caregiver or an applicant for a permit to
21 operate as, or to be a director, officer, or employee of, an alternative
22 treatment center, who was the subject of a criminal history record
23 background check conducted pursuant to subsection a. of this
24 section, is convicted of a crime involving possession or sale of a
25 controlled dangerous substance.

26 (cf: P.L.2012, c.17, s.91)

27
28 9. Section 17 of P.L.2009, c.307 (C.24:6I-15) is amended to
29 read as follows:

30 17. In addition to any immunity or defense provided by law, the
31 State and any employee or agent of the State shall not be held liable
32 for any actions taken in accordance with **【this act】** P.L.2009, c.307
33 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), or
34 section 13 of P.L. , c. (C.) (pending before the Legislature
35 as this bill) or for any deleterious outcomes from the medical use of
36 marijuana by any registered qualifying patient.

37 (cf: P.L.2009, c.307, s.17)

38
39 10. N.J.S.2C:35-18 is amended to read as follows:

40 2C:35-18. Exemption; Burden of Proof. a. If conduct is
41 authorized by the provisions of P.L.1970, c.226 (C.24:21-1 et seq.),
42 P.L.2009, c.307 (C.24:6I-1 et al.), **【or】** P.L.2015, c.158 (C.18A:40-
43 12.22 et al.), or section 13 of P.L. , c. (C.) (pending
44 before the Legislature as this bill), that authorization shall, subject
45 to the provisions of this section, constitute an exemption from
46 criminal liability under this chapter or chapter 36, and the absence
47 of such authorization shall not be construed to be an element of any

1 offense in this chapter or chapter 36. It is an affirmative defense to
2 any criminal action arising under this chapter or chapter 36 that the
3 defendant is the authorized holder of an appropriate registration,
4 permit or order form or is otherwise exempted or excepted from
5 criminal liability by virtue of any provision of P.L.1970, c.226
6 (C.24:21-1 et seq.), P.L.2009, c.307 (C.24:6I-1 et al.), **[or]**
7 P.L.2015, c.158 (C.18A:40-12.22 et al.), or section 13 of P.L. _____,
8 c. (C. _____) (pending before the Legislature as this bill). The
9 affirmative defense established herein shall be proved by the
10 defendant by a preponderance of the evidence. It shall not be
11 necessary for the State to negate any exemption set forth in this act
12 or in any provision of Title 24 of the Revised Statutes in any
13 complaint, information, indictment or other pleading or in any trial,
14 hearing or other proceeding under this act.

15 b. No liability shall be imposed by virtue of this chapter or
16 chapter 36 upon any duly authorized State officer, engaged in the
17 enforcement of any law or municipal ordinance relating to
18 controlled dangerous substances or controlled substance analogs.
19 (cf: P.L.2015, c.158, s.3)
20

21 11. Section 1 of P.L.2015, c.158 (C.18A:40-12.22) is amended
22 to read as follows:

23 1. a. A board of education or chief school administrator of a
24 nonpublic school shall develop a policy authorizing parents,
25 guardians, **[and]** primary caregivers, and secondary caregivers to
26 administer medical marijuana to a student while the student is on
27 school grounds, aboard a school bus, or attending a school-
28 sponsored event.

29 b. A policy adopted pursuant to subsection a. of this section
30 shall, at a minimum:

31 (1) require that the student be authorized to engage in the
32 medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et
33 al.) and that the parent, guardian, **[or]** primary caregiver, or
34 secondary caregiver be authorized to assist the student with the
35 medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et
36 al.);

37 (2) establish protocols for verifying the registration status and
38 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)
39 concerning the medical use of marijuana for the student and the
40 parent, guardian, **[or]** primary caregiver, or secondary caregiver;

41 (3) expressly authorize parents, guardians, **[and]** primary
42 caregivers, and secondary caregivers of students who have been
43 authorized for the medical use of marijuana to administer medical
44 marijuana to the student while the student is on school grounds,
45 aboard a school bus, or attending a school-sponsored event;

46 (4) identify locations on school grounds where medical
47 marijuana may be administered; and

1 (5) prohibit the administration of medical marijuana to a student
2 by smoking or other form of inhalation while the student is on
3 school grounds, aboard a school bus, or attending a school-
4 sponsored event.

5 c. Medical marijuana may be administered to a student while
6 the student is on school grounds, aboard a school bus, or attending
7 school-sponsored events, provided that such administration is
8 consistent with the requirements of the policy adopted pursuant to
9 this section.

10 (cf: P.L.2015, c.158, s.1)

11

12 12. Section 2 of P.L.2015, c.158 (C.30:6D-5b) is amended to
13 read as follows:

14 2. a. The chief administrator of a facility that offers services
15 for persons with developmental disabilities shall develop a policy
16 authorizing a parent, guardian, **【or】** primary caregiver, or secondary
17 caregiver authorized to assist a qualifying patient with the use of
18 medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) to
19 administer medical marijuana to a person who is receiving services
20 for persons with developmental disabilities at the facility.

21 b. A policy adopted pursuant to subsection a. of this section
22 shall, at a minimum:

23 (1) require the person receiving services for persons with
24 developmental disabilities be a qualifying patient authorized for the
25 use of medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et
26 al.), and that the parent, guardian, **【or】** primary caregiver, or
27 secondary caregiver be authorized to assist the person with the
28 medical use of marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et
29 al.);

30 (2) establish protocols for verifying the registration status and
31 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)
32 concerning the medical use of marijuana for the person and the
33 parent, guardian, **【or】** primary caregiver, or secondary caregiver;

34 (3) expressly authorize parents, guardians, **【and】** primary
35 caregivers, and secondary caregivers to administer medical
36 marijuana to the person receiving services for persons with
37 developmental disabilities while the person is at the facility; and

38 (4) identify locations at the facility where medical marijuana
39 may be administered.

40 c. Medical marijuana may be administered to a person
41 receiving services for persons with developmental disabilities at a
42 facility that offers such services while the person is at the facility,
43 provided that such administration is consistent with the
44 requirements of the policy adopted pursuant to this section and the
45 provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

1 d. Nothing in this section shall be construed to authorize
2 medical marijuana to be smoked in any place where smoking is
3 prohibited pursuant to N.J.S.2C:33-13.

4 (cf: P.L.2015, c.158, s.2)

5
6 13. (New section) a. The chief administrator of each long
7 term care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
8 et seq.) shall develop a policy authorizing a parent, guardian,
9 primary caregiver, or secondary caregiver authorized to assist a
10 qualifying patient with the use of medical marijuana pursuant to
11 P.L.2009, c.307 (C.24:6I-1 et al.) to administer medical marijuana
12 to a resident at the facility.

13 b. A policy adopted pursuant to subsection a. of this section
14 shall, at a minimum:

15 (1) require the resident be a qualifying patient authorized for the
16 use of medical marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et
17 al.), and that the parent, guardian, primary caregiver, or secondary
18 caregiver be authorized to assist the resident with the medical use of
19 marijuana pursuant to P.L.2009, c.307 (C.24:6I-1 et al.);

20 (2) establish protocols for verifying the registration status and
21 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)
22 concerning the medical use of marijuana for the resident and the
23 parent, guardian, primary caregiver, or secondary caregiver;

24 (3) expressly authorize parents, guardians, primary caregivers,
25 and secondary caregivers to administer medical marijuana to the
26 resident; and

27 (4) identify locations at the facility where medical marijuana
28 may be administered.

29 c. Medical marijuana may be administered to a resident at a
30 long term care facility, provided that such administration is
31 consistent with the requirements of the policy adopted pursuant to
32 this section and the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

33 d. Nothing in this section shall be construed to authorize
34 medical marijuana to be smoked in any place where smoking is
35 prohibited pursuant to N.J.S.2C:33-13.

36
37 14. a. Pursuant to the "Administrative Procedure Act,"
38 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health
39 shall, in consultation with the Department of Law and Public
40 Safety, promulgate rules and regulations to effectuate the purposes
41 of this act.

42 b. Notwithstanding any provision of P.L.1968, c.410
43 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Health
44 shall adopt, immediately upon filing with the Office of
45 Administrative Law and no later than the 90th day after the
46 effective date of this act, such regulations as the commissioner
47 deems necessary to implement the provisions of this act.
48 Regulations adopted pursuant to this subsection shall be effective

1 until the adoption of rules and regulations pursuant to subsection a.
2 of this section and may be amended, adopted, or readopted by the
3 commissioner in accordance with the requirements of P.L.1968,
4 c.410 (C.52:14B-1 et seq.).

5
6 15. This act shall take effect immediately.

7
8
9 STATEMENT

10
11 This bill makes certain revisions to the “New Jersey
12 Compassionate Use Medical Marijuana Act,” including permitting
13 patients to access medical marijuana in any quantity, form, strain,
14 or potency appropriate to the patient’s treatment needs, mandating
15 the promulgation of standardized dosage units, authorizing the
16 registration of secondary caregivers to assist qualifying patients
17 with the medical use of marijuana in schools and at certain
18 facilities, and providing certain additional legal protections under
19 the act.

20
21 Authorization for Medical Marijuana

22 The bill revises certain provisions concerning a physician’s
23 written instructions authorizing a patient for medical marijuana,
24 providing that a physician’s written instructions may include
25 express requirements concerning the form, strain, quantity, or
26 potency of medical marijuana to be dispensed to the patient.
27 Written instructions will be valid for 60 days from the date of
28 issuance or, in the case of multiple written instructions, the date the
29 instructions become valid.

30 The bill provides that medical marijuana may be considered as a
31 treatment of first resort for a patient with a debilitating medical
32 condition, and that there is no requirement that a patient have
33 exhausted other treatment options as a condition of being authorized
34 for the medical use of marijuana. Medical marijuana is to be
35 considered the same as any other medication used at the direction of
36 a physician, and a patient may not be disqualified from receiving
37 any medical care, including an organ transplant, based on the
38 authorized use of medical marijuana.

39 The bill revises the provisions concerning qualifying patients
40 who are minors to provide that a pediatric specialist is required to
41 authorize medical marijuana for a qualifying patient who is a minor.
42 If the physician treating the minor patient for the patient’s
43 debilitating condition is a pediatric specialist, no additional
44 approval is needed. Under current regulations, the approval of up
45 to three practitioners may be necessary to authorize medical
46 marijuana for a qualifying patient who is a minor.

47 The bill also allows both parents of a minor child who is a
48 qualifying patient to serve as the child’s primary caregiver, and

1 provides that a parent may concurrently serve as primary caregiver
2 to any minor child of the parent who is a qualifying patient.

3 The bill eliminates registration fees for primary and secondary
4 caregivers, but does not revise the current registration fees for
5 qualifying patients. The bill eliminates the current requirement that
6 primary caregivers undergo a criminal history background check
7 during the application and renewal process.

8 The bill prohibits law enforcement officers and employees from
9 damaging, destroying, or in any way altering medical marijuana,
10 and prohibits local government units from enacting and enforcing
11 any ordinance or other local law or regulation conflicting with the
12 New Jersey Compassionate Use Medical Marijuana Act.

13

14 Secondary Caregivers

15 Under current law, P.L.2015, c.158 (C.18A:40-12.21 et al.)
16 authorizes parents and primary caregivers to assist patients with the
17 medical use of marijuana while on school grounds, aboard a school
18 bus, attending a school-sponsored event, or receiving services from
19 a facility that provides services to persons with developmental
20 disabilities. The bill requires long-term care facilities to adopt
21 similar policies, and authorizes the registration of “secondary
22 caregivers,” who will also be permitted to assist qualifying patients
23 with the use of medical marijuana at these locations.

24 To serve as a secondary caregiver, a person will be required to be
25 an adult employee of the patient’s school or facility who is not the
26 patient’s physician and who is authorized to serve as secondary
27 caregiver by the patient or the patient’s primary caregiver. Service
28 as a secondary caregiver will be voluntary, and a person may serve
29 as secondary caregiver to more than one qualifying patient at the
30 school or facility at a time. Persons applying to serve as a secondary
31 caregiver will be required to undergo a criminal history record
32 background check unless the person has already undergone a
33 criminal history record background check as a condition of
34 employment in the person’s current position. Registration as a
35 secondary caregiver will be valid for one year.

36

37 Alternative Treatment Centers

38 This bill provides that alternative treatment centers will not be
39 limited in the potency of any type of medical marijuana cultivated
40 or in the strains, quantities, or forms of medical marijuana that may
41 be offered, provided they are appropriate for the treatment of
42 qualifying patients. The bill removes the current restriction that
43 permits edible forms of medical marijuana to be distributed only to
44 qualifying patients who are minors.

45 The bill additionally requires DOH to develop standardized
46 dosage units for each form of medical marijuana available at an
47 alternative treatment center, which are to be established within 45
48 days of the effective date of the bill for each form of medical

1 marijuana in existence on the effective date, and within 45 days
2 after a new form is first made available for forms made available
3 after the effective date. DOH is to make a current list of
4 standardized dosage units available on its Internet website and is to
5 transmit the list to alternative treatment centers both annually and at
6 such times as the list is revised or updated. The Board of Medical
7 Examiners will be required to advise physicians of the availability
8 of standardized dosage information, and DOH will be required to
9 furnish a current list to physicians upon request.

10 The bill provides that, in the event DOH requires its approval for
11 an alternative treatment center to take any action in connection with
12 the “New Jersey Compassionate Use Medical Marijuana Act,” and
13 requiring such approval is not otherwise prohibited by law, DOH is
14 to approve or deny an application for such approval no later than 45
15 days after the date the application is submitted. Applications are to
16 be processed in the order in which they are received and no
17 applicant is to receive preferential treatment in the application
18 process. An application deemed incomplete may not be denied
19 unless it is first returned to the applicant with an itemized
20 description of every incomplete item on the application and the
21 applicant is granted at least 30 days to return a corrected
22 application. An application that is denied is to include a detailed
23 explanation of the reasons for the denial. An application that is not
24 approved or denied by DOH within 45 days will be deemed
25 approved.