

# ASSEMBLY, No. 3828

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 12, 2018

**Sponsored by:**

**Assemblywoman MILA M. JASEY  
District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Assemblyman McKeon and Assemblywoman Timberlake**

**SYNOPSIS**

Revises and expands list of debilitating medical conditions for medical marijuana program to include new qualifying conditions and remove restrictions on certain current conditions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/26/2018)**

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

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

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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;]** (deleted by amendment, P.L. , c. ) (pending before  
24 the Legislature as this bill)

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 **[,]** ;  
31 terminal cancer **[,]** ; muscular dystrophy **[,]** ; seizure disorder,  
32 including epilepsy; intractable skeletal muscular spasticity; post-  
33 traumatic stress disorder; glaucoma; chronic pain associated with a  
34 musculoskeletal disorder; chronic pain conditions of a visceral  
35 origin; Tourette's Syndrome; migraine; anxiety; or inflammatory  
36 bowel disease, including Crohn's disease;

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

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

41 "Department" means the Department of Health.

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

45 "Medical marijuana alternative treatment center" or "alternative  
46 treatment center" means an organization approved by the

**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 department to perform activities necessary to provide registered  
2 qualifying patients with usable marijuana and related paraphernalia  
3 in accordance with the provisions of this act. This term shall  
4 include the organization's officers, directors, board members, and  
5 employees.

6 "Medical use of marijuana" means the acquisition, possession,  
7 transport, or use of marijuana or paraphernalia by a registered  
8 qualifying patient as authorized by this act.

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 State  
22 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, and is not the qualifying  
27 patient's physician;
- 28 c. has never been convicted of possession or sale of a  
29 controlled dangerous substance, unless such conviction occurred  
30 after the effective date of this act and was for a violation of federal  
31 law related to possession or sale of marijuana that is authorized  
32 under this act;
- 33 d. has registered with the department pursuant to section 4 of  
34 this act, and has satisfied the criminal history record background  
35 check requirement of section 4 of this act; and
- 36 e. has been designated as primary caregiver on the qualifying  
37 patient's application or renewal for a registry identification card or  
38 in other written notification to the department.

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

42 "Registry identification card" means a document issued by the  
43 department that identifies a person as a registered qualifying patient  
44 or primary caregiver.

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

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

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill expands the list of debilitating medical conditions that  
7 qualify patients for the medical use of marijuana by codifying a  
8 recent administrative action that adds additional conditions to the  
9 list, and by removing language that provided that prevented medical  
10 marijuana from being a treatment of first resort for certain  
11 conditions currently on the list.

12       Specifically, this bill codifies the Department of Health’s March  
13 2018 adoption of the Medical Marijuana Review Panel’s  
14 recommendation that the list of debilitating medical conditions be  
15 expanded to include, chronic pain associated with a musculoskeletal  
16 disorder, chronic pain conditions of a visceral origin, Tourette’s  
17 Syndrome, migraine, and anxiety.

18       The bill also removes a requirement that certain other  
19 debilitating medical conditions be “resistant to conventional  
20 medical therapy” as a condition of authorizing patients for the  
21 medical use of marijuana. These conditions include: seizure  
22 disorder, including epilepsy; intractable skeletal muscular  
23 spasticity; post-traumatic stress disorder; and glaucoma. This  
24 provision implements a recommendation included in the March  
25 2018 Department of Health report issued pursuant to Executive  
26 Order No. 6, which ordered a complete review of the State medical  
27 marijuana program.

28       To be authorized for the use of medical marijuana under the bill,  
29 patients will still have to meet the other requirements of the “New  
30 Jersey Compassionate Use Medical Marijuana Act,” including  
31 obtaining certification of the patient’s condition from a physician  
32 with whom the patient has a bona fide physician-patient  
33 relationship.