

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 10 and 2426**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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ADOPTED NOVEMBER 26, 2018

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

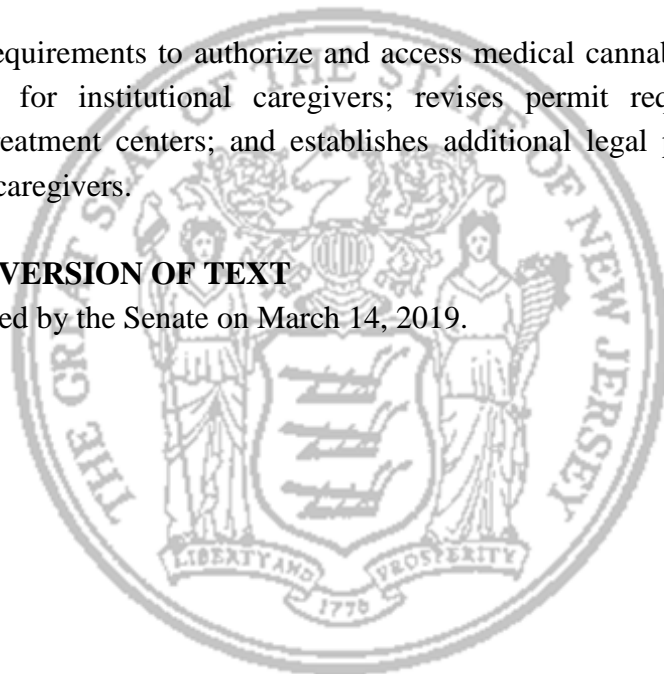
**Senator Gopal**

**SYNOPSIS**

Revises requirements to authorize and access medical cannabis; establishes requirements for institutional caregivers; revises permit requirements for alternative treatment centers; and establishes additional legal protections for patients and caregivers.

**CURRENT VERSION OF TEXT**

As amended by the Senate on March 14, 2019.



**(Sponsorship Updated As Of: 3/5/2019)**

1 AN ACT concerning medical cannabis, revising various parts of the  
2 statutory law, and supplementing P.L.2009, c.307.

3

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

6

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

9 1. This act shall be known and may be cited as the **["New**  
10 **Jersey]** "Jake Honig Compassionate Use Medical **["Marijuana]**  
11 Cannabis Act."

12

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

15 2. The Legislature finds and declares that:

16 a. Modern medical research has discovered a beneficial use for  
17 **["marijuana]** cannabis in treating or alleviating the pain or other  
18 symptoms associated with certain **["debilitating"]** medical conditions,  
19 as found by the National Academy of Sciences' Institute of  
20 Medicine in March 1999 **[";"]** .

21 b. According to the U.S. Sentencing Commission and the  
22 Federal Bureau of Investigation, 99 out of every 100 **["marijuana]**  
23 cannabis arrests in the country are made under state law, rather than  
24 under federal law. Consequently, changing state law will have the  
25 practical effect of protecting from arrest the vast majority of  
26 seriously ill people who have a medical need to use **["marijuana]**  
27 cannabis **[";"]** .

28 c. Although federal law currently prohibits the use of  
29 **["marijuana]** cannabis, the laws of Alaska, Arkansas, California,  
30 Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Maine,  
31 Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada,  
32 New Hampshire, New Mexico, New York, North Dakota, Ohio,  
33 Oregon, Pennsylvania, Rhode Island, Vermont, **["and"]** Washington,  
34 West Virginia, and the District of Columbia permit the use of  
35 **["marijuana]** cannabis for medical purposes, and in Arizona doctors  
36 are permitted to prescribe **["marijuana]** cannabis. New Jersey joins  
37 this effort for the health and welfare of its citizens **[";"]** .

38 d. States are not required to enforce federal law or prosecute  
39 people for engaging in activities prohibited by federal law;  
40 therefore, compliance with this act does not put the State of New  
41 Jersey in violation of federal law **["; and"]** .

**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:

<sup>1</sup> Senate floor amendments adopted December 17, 2018.

<sup>2</sup> Senate floor amendments adopted January 31, 2019.

<sup>3</sup> Senate floor amendments adopted March 14, 2019.

1 e. Compassion dictates that a distinction be made between  
2 medical and non-medical uses of **【marijuana】** cannabis. Hence, the  
3 purpose of this act is to protect from arrest, prosecution, property  
4 forfeiture, and criminal and other penalties, those patients who use  
5 **【marijuana】** cannabis to alleviate suffering from **【debilitating】**  
6 qualifying medical conditions, as well as their **【physicians】** health  
7 care practitioners, **【primary】** designated caregivers, institutional  
8 caregivers, and those who are authorized to produce **【marijuana】**  
9 cannabis for medical purposes.  
10 (cf: P.L.2009, c.307, s.2)

11  
12 3. Section 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read  
13 as follows:

14 3. As used in **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.),  
15 P.L.2015, c.158 (C.18A:40-12.22 et al.), and P.L. , c. (C. )  
16 (pending before the Legislature as this bill):

17 “Academic medical center” means an entity located in New  
18 Jersey that, on the effective date of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill), has an addiction medicine  
20 faculty practice; has a pain management faculty practice; has  
21 graduate medical training programs accredited by the Accreditation  
22 Council for Graduate Medical Education or the American  
23 Osteopathic Association in primary care <sup>2</sup>【, family medicine,  
24 internal medicine,】<sup>2</sup> and medical specialties; is the principal  
25 teaching affiliate of a medical school based in the State; and has the  
26 ability to conduct research related to medical cannabis. If the entity  
27 is part of a system of health care facilities, the entity shall not  
28 qualify as an academic medical center unless the health care system  
29 is principally located within the State.

30 “Adverse employment action” means refusing to hire or employ  
31 an individual, barring or discharging an individual from  
32 employment, requiring an individual to retire from employment, or  
33 discriminating against an individual in compensation or in any  
34 terms, conditions, or privileges of employment.

35 <sup>1</sup>【“Bona fide **【physician-patient】** practitioner-patient  
36 relationship” means a relationship in which the **【physician】** health  
37 care practitioner has ongoing responsibility for the assessment, care,  
38 and treatment of a patient's **【debilitating】** qualifying medical  
39 condition.】<sup>1</sup>

40 “Cannabis” has the meaning given to “marihuana” in section 2 of  
41 the “New Jersey Controlled Dangerous Substances Act,” P.L.1970,  
42 c.226 (C.24:21-2).

43 【“Certification” means a statement signed by a physician with  
44 whom a qualifying patient has a bona fide physician-patient  
45 relationship, which attests to the physician's authorization for the  
46 patient to apply for registration for the medical use of marijuana.】

1 “Clinical registrant” means an entity that has a written  
2 contractual relationship with an academic medical center in the  
3 region in which it has its principal place of business, which includes  
4 provisions whereby the parties will engage in clinical research  
5 related to the use of medical cannabis and the academic medical  
6 center or its affiliate will provide advice to the entity regarding  
7 patient health and safety, medical applications, <sup>2</sup>and<sup>2</sup> dispensing  
8 and managing controlled dangerous substances, among other areas.

9 “Commission” means the Cannabis Regulatory Commission  
10 established pursuant to section 7 of P.L. , c. (C. ) (pending  
11 before the Legislature as Senate Bill No. 2703).

12 "Commissioner" means the Commissioner of Health.

13 **["Debilitating medical condition" means:**

14 (1) one of the following conditions, if resistant to conventional  
15 medical therapy: seizure disorder, including epilepsy; intractable  
16 skeletal muscular spasticity; post-traumatic stress disorder; or  
17 glaucoma;

18 (2) one of the following conditions, if severe or chronic pain,  
19 severe nausea or vomiting, cachexia, or wasting syndrome results  
20 from the condition or treatment thereof: positive status for human  
21 immunodeficiency virus; acquired immune deficiency syndrome; or  
22 cancer;

23 (3) amyotrophic lateral sclerosis, multiple sclerosis, terminal  
24 cancer, muscular dystrophy, or inflammatory bowel disease,  
25 including Crohn's disease;

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

28 (5) any other medical condition or its treatment that is approved  
29 by the department by regulation. **】**

30 “Common ownership or control” means:

31 (1) between two for-profit entities, the same individuals or  
32 entities own and control more than 50 percent of both entities;

33 (2) between a nonprofit entity and a for-profit entity, a majority  
34 of the directors, trustees, or members of the governing body of the  
35 nonprofit entity directly or indirectly own and control more than 50  
36 percent of the for-profit entity; and

37 (3) between two nonprofit entities, the same directors, trustees,  
38 or governing body members comprise a majority of the voting  
39 directors, trustees, or governing body members of both nonprofits.

40 "Department" means the Department of Health.

41 “Designated caregiver” means a resident of the State who:

42 (1) is at least 18 years old;

43 (2) has agreed to assist with a registered qualifying patient's  
44 medical use of cannabis, is not currently serving as designated  
45 caregiver for more than one other qualifying patient, and is not the  
46 qualifying patient's health care practitioner;

47 (3) subject to the provisions of paragraph (2) of subsection c. of  
48 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted

1 of possession or sale of a controlled dangerous substance, unless  
2 such conviction occurred after the effective date of P.L.2009, c.307  
3 (C.24:6I-1 et al.) and was for a violation of federal law related to  
4 possession or sale of cannabis that is authorized under P.L.2009,  
5 c.307 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), or  
6 P.L. , c. (C. ) (pending before the Legislature as this bill);

7 (4) has registered with the commission pursuant to section 4 of  
8 P.L.2009, c.307 (C.24:6I-4), and, except in the case of a designated  
9 caregiver who is an immediate family member of the patient, has  
10 satisfied the criminal history record background check requirement  
11 of section 4 of P.L.2009, c.307 (C.24:6I-4); and

12 (5) has been designated as designated caregiver <sup>1</sup> [on the  
13 qualifying patient's application or renewal for a registry  
14 identification card] by the patient when registering or renewing a  
15 registration with the commission<sup>1</sup> or in other written notification to  
16 the commission.

17 “Executive director” means the executive director of the  
18 Cannabis Regulatory Commission established pursuant to section 7  
19 of P.L. , c. (C. ) (pending before the Legislature as Senate  
20 Bill No. 2703).

21 “Health care facility” means a general acute care hospital,  
22 nursing home, long term care facility, hospice care facility, <sup>1</sup>group  
23 home, facility that provides services to persons with developmental  
24 disabilities, behavioral health care facility,<sup>1</sup> or rehabilitation center.

25 “Health care practitioner” means a physician, advanced practice  
26 nurse, or physician assistant licensed or certified pursuant to Title  
27 45 of the Revised Statutes who:

28 (1) possesses active registrations to prescribe controlled  
29 dangerous substances issued by the United States Drug  
30 Enforcement Administration and the Division of Consumer Affairs  
31 in the Department of Law and Public Safety; <sup>1</sup>and<sup>1</sup>

32 (2) <sup>1</sup> [has a bona fide practitioner-patient relationship with the  
33 patient; and

34 (3)]<sup>1</sup> is the health care practitioner responsible for the ongoing  
35 treatment of a patient's qualifying medical condition, provided,  
36 however, that the ongoing treatment shall not be limited to the  
37 provision of authorization for a patient to use medical cannabis or  
38 consultation solely for that purpose.

39 “Immediate family” means the spouse, civil union partner, child,  
40 sibling, or parent of an individual, and shall include the siblings and  
41 parents of the individual’s spouse or civil union partner, and the  
42 spouses or civil union partners of the individual’s siblings and  
43 children.

44 “Institutional caregiver” means a resident of the State who:

45 (1) is at least 18 years old;

46 (2) is an employee of a health care facility;

1     (3) is authorized, within the scope of the individual's  
2 professional duties, to possess and administer controlled dangerous  
3 substances in connection with the care and treatment of patients and  
4 residents pursuant to applicable State and federal laws;

5     (4) is authorized by the health care facility employing the person  
6 to assist registered qualifying patients who are patients or residents  
7 of the facility with the medical use of cannabis, including, but not  
8 limited to, obtaining medical cannabis for registered qualifying  
9 patients and assisting registered qualifying patients with the  
10 administration of medical cannabis;

11     (5) subject to the provisions of paragraph (2) of subsection c. of  
12 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted  
13 of possession or sale of a controlled dangerous substance, unless  
14 such conviction occurred after the effective date of P.L.2009, c.307  
15 (C.24:6I-1 et al.) and was for a violation of federal law related to  
16 possession or sale of cannabis that is authorized under P.L.2009,  
17 c.307 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), or  
18 P.L. , c. (C. ) (pending before the Legislature as this bill);  
19 and

20     (6) has registered with the commission pursuant to section 4 of  
21 P.L.2009, c.307 (C.24:6I-4).

22     "Integrated curriculum" means an academic, clinical, or research  
23 program at an institution of higher education that is coordinated  
24 with a medical cannabis cultivator, medical cannabis manufacturer,  
25 or medical cannabis dispensary to apply theoretical principals,  
26 practical experience, or both involving the cultivation,  
27 manufacturing, dispensing, or medical use of cannabis to a specific  
28 area of study, including, but not limited to, agriculture, biology,  
29 business, chemistry, culinary studies, ecology, environmental  
30 studies, health care, horticulture, technology, or any other  
31 appropriate area of study or combined areas of study. Integrated  
32 curricula shall be subject to approval by the commission and the  
33 Department of Education.

34     "Integrated curriculum permit" or "IC permit" means a permit  
35 issued to a medical cannabis cultivator, medical cannabis  
36 manufacturer, or medical cannabis dispensary that includes an  
37 integrated curriculum approved by the commission and the  
38 Department of Education.

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

42     **"Medical [marijuana] cannabis alternative treatment center" or**  
43 **"alternative treatment center" means an organization [approved]**  
44 **issued a permit by the [department] commission to [perform**  
45 **activities necessary to provide registered qualifying patients with**  
46 **usable marijuana and related paraphernalia in accordance with the**  
47 **provisions of this act] operate as a medical cannabis cultivator,**

1 medical cannabis manufacturer, medical cannabis dispensary, or  
2 clinical registrant. This term shall include the organization's  
3 officers, directors, board members, and employees.

4 “Medical cannabis cultivator” means an organization holding a  
5 permit issued by the commission that authorizes the organization to:  
6 possess and cultivate cannabis and deliver, transfer, transport,  
7 distribute, supply, and sell medical cannabis and related supplies to  
8 other medical cannabis cultivators and to medical cannabis  
9 manufacturers and medical cannabis dispensaries, as well as to  
10 plant, cultivate, grow, and harvest medical cannabis for research  
11 purposes. A medical cannabis cultivator permit shall not authorize  
12 the permit holder to manufacture, produce, or otherwise create  
13 medical cannabis products, or to deliver, transfer, transport,  
14 distribute, supply, sell, or dispense medical cannabis, medical  
15 cannabis products, paraphernalia, or related supplies to qualifying  
16 patients, designated caregivers, or institutional caregivers.

17 “Medical cannabis dispensary” means an organization issued a  
18 permit by the commission that authorizes the organization to:  
19 purchase or obtain medical cannabis and related supplies from  
20 medical cannabis cultivators; purchase or obtain medical cannabis  
21 products and related supplies from medical cannabis manufacturers;  
22 purchase or obtain medical cannabis, medical cannabis products,  
23 and related supplies and paraphernalia from other medical cannabis  
24 dispensaries; deliver, transfer, transport, distribute, supply, and sell  
25 medical cannabis and medical cannabis products to other medical  
26 cannabis dispensaries <sup>2</sup>[.];<sup>2</sup> and possess, display, deliver, transfer,  
27 transport, distribute, supply, sell, and dispense medical cannabis,  
28 medical cannabis products, paraphernalia, and related supplies to  
29 qualifying patients, designated caregivers, and institutional  
30 caregivers. A medical cannabis dispensary permit shall not  
31 authorize the permit holder to cultivate medical cannabis or to  
32 produce, manufacture, or otherwise create medical cannabis  
33 products.

34 “Medical cannabis manufacturer” means an organization issued a  
35 permit by the commission that authorizes the organization to:  
36 purchase or obtain medical cannabis and related supplies from a  
37 medical cannabis cultivator; purchase or obtain medical cannabis  
38 products from another medical cannabis manufacturer; produce,  
39 manufacture, or otherwise create medical cannabis products; and  
40 possess, deliver, transfer, transport, distribute, supply, and sell  
41 medical cannabis products and related supplies to other medical  
42 cannabis manufacturers and to medical cannabis dispensaries. A  
43 medical cannabis manufacturer permit shall not authorize the permit  
44 holder to cultivate medical cannabis or to deliver, transfer,  
45 transport, distribute, supply, sell, or dispense medical cannabis,  
46 medical cannabis products, paraphernalia, or related supplies to  
47 qualifying patients, designated caregivers, or institutional  
48 caregivers.

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

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

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

11 "Pediatric specialist" means a physician who is a board-certified  
12 pediatrician or pediatric specialist, or an advanced practice nurse or  
13 physician assistant who is certified as a pediatric specialist by an  
14 appropriate professional certification or licensing entity.

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

23 "Primary caregiver" or "caregiver" means a resident of the State  
24 who:

25 a. is at least 18 years old;

26 b. has agreed to assist with a registered qualifying patient's  
27 medical use of marijuana, is not currently serving as primary  
28 caregiver for another qualifying patient, and is not the qualifying  
29 patient's physician;

30 c. has never been convicted of possession or sale of a  
31 controlled dangerous substance, unless such conviction occurred  
32 after the effective date of this act and was for a violation of federal  
33 law related to possession or sale of cannabis that is authorized  
34 under this act;

35 d. has registered with the department pursuant to section 5 of  
36 this act, and has satisfied the criminal history record background  
37 check requirement of section 5 of this act; and

38 e. has been designated as primary caregiver on the qualifying  
39 patient's application or renewal for a registry identification card or  
40 in other written notification to the department. **】**

41 <sup>2</sup>"Primary care" means the practice of family medicine, general  
42 internal medicine, general pediatrics, general obstetrics, or  
43 gynecology.<sup>2</sup>

44 "Qualifying medical condition" means seizure disorder,  
45 including epilepsy; intractable skeletal muscular spasticity; post-  
46 traumatic stress disorder; glaucoma; positive status for human  
47 immunodeficiency virus; acquired immune deficiency syndrome;



1 cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular  
2 dystrophy; inflammatory bowel disease, including Crohn's disease;  
3 terminal illness, if the patient has a prognosis of less than 12  
4 months of life; anxiety; migraine; Tourette's syndrome;  
5 dysmenorrhea; chronic pain; <sup>2</sup>opioid use disorder;<sup>2</sup> or any other  
6 medical condition or its treatment that is approved by the  
7 commission.

8 "Qualifying patient" or "patient" means a resident of the State  
9 who has been **provided with a certification** authorized for the  
10 medical use of cannabis by a **physician** health care practitioner  
11 <sup>1</sup>**pursuant to a bona fide physician-patient** practitioner-patient  
12 relationship<sup>1</sup>.

13 <sup>1</sup>**"Registry identification card"** "Registration with the  
14 commission"<sup>1</sup> means <sup>1</sup>**a document issued by the department**  
15 commission that identifies<sup>1</sup> a person <sup>1</sup>has met the qualification  
16 requirements for, and has been registered by the commission<sup>1</sup> as <sup>1,1</sup>  
17 a registered qualifying patient **or primary**, designated caregiver,  
18 or institutional caregiver. <sup>1</sup>The commission shall establish  
19 appropriate means for health care practitioners, health care  
20 facilities, medical cannabis dispensaries, law enforcement, schools,  
21 facilities providing behavioral health services or services for  
22 persons with developmental disabilities, and other appropriate  
23 entities to verify an individual's status as a registrant with the  
24 commission.<sup>1</sup>

25 "Terminally ill" means having an illness or condition with a  
26 prognosis of less than 12 months of life.

27 "Usable **marijuana** cannabis" means the dried leaves and  
28 flowers of **marijuana** cannabis, and any mixture or preparation  
29 thereof, and does not include the seeds, stems, stalks, or roots of the  
30 plant.

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

32  
33 4. Section 4 of P.L.2009, c.307 (C.24:6I-4) is amended to read  
34 as follows:

35 4. a. The **department** commission shall establish a registry  
36 of qualifying patients and their **primary** designated caregivers <sup>1</sup>,  
37 and shall issue a registry identification card, which shall be valid  
38 for two years, to a qualifying patient and **primary** each designated  
39 caregiver for the patient, if applicable, who submits and shall  
40 establish a means of identifying and verifying the registration status  
41 of patients and designated caregivers who are registered with the  
42 commission. Registration with the commission shall be valid for  
43 two years. A patient or designated caregiver shall be registered with  
44 the commission upon submitting<sup>1</sup> the following, in accordance with  
45 regulations adopted by the **department** commission:

1 (1) **[a certification that meets the requirements of section 5 of**  
2 **this act]** documentation of a health care practitioner's authorization  
3 for the medical use of cannabis;

4 (2) an application or renewal fee, which may be based on a  
5 sliding scale as determined by the **[commissioner]** executive  
6 director;

7 (3) the name, address, and date of birth of the patient and each  
8 designated caregiver, as applicable; and

9 (4) the name, address, and telephone number of the patient's  
10 **[physician]** health care practitioner.

11 Each qualifying patient may concurrently have up to two  
12 designated caregivers. A qualifying patient may petition the  
13 commission for approval to concurrently have more than two  
14 designated caregivers, which petition shall be approved if the  
15 commission finds that allowing the patient additional designated  
16 caregivers is necessary to meet the patient's treatment needs and is  
17 consistent with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

18 The commission shall establish a registry of institutional  
19 caregivers and shall <sup>1</sup>[issue a registry identification card, which  
20 shall be valid for one year, to an institutional caregiver who  
21 submits] establish a means of identifying and verifying the  
22 registration status of institutional caregivers who are registered with  
23 the commission. Registration with the commission shall be valid  
24 for one year. An institutional caregiver shall be registered with the  
25 commission upon submitting<sup>1</sup> the name, address, and telephone  
26 number of the institutional caregiver and of the health care facility  
27 at which the individual will be serving as institutional caregiver and  
28 a certification that meets the requirements of subsection h. of this  
29 section. The application or renewal fee for the institutional  
30 caregiver shall be paid by the health care facility at which the  
31 institutional caregiver will be serving as institutional caregiver. An  
32 institutional caregiver shall not be limited in the number of  
33 qualifying patients for whom the institutional caregiver may serve  
34 as institutional caregiver at one time, provided that each qualifying  
35 patient served by the institutional caregiver is a current patient or  
36 resident at the health care facility at which the institutional  
37 caregiver is authorized to serve as institutional caregiver, and the  
38 number of qualifying patients served by the institutional caregiver  
39 is commensurate with the institutional caregiver's ability to fully  
40 meet the treatment and related needs of each qualifying patient and  
41 attend to the institutional caregiver's other professional duties at the  
42 health care facility without jeopardizing the health or safety of any  
43 patient or resident at the facility.

44 b. Before <sup>1</sup>**[issuing a registry identification card]** registering  
45 an individual<sup>1</sup>, the [department] commission shall verify the  
46 information contained in the application or renewal form submitted  
47 pursuant to this section. In the case of a [primary] designated or

1 institutional caregiver, the **【department】** commission shall  
2 provisionally approve an application pending the results of a  
3 criminal history record background check, if the caregiver  
4 otherwise meets the requirements of **【this act】** P.L.2009, c.307  
5 (C.24:6I-1 et al.). The **【department】** commission shall approve or  
6 deny an application or renewal <sup>1</sup>and complete the registration  
7 process for successful applicants<sup>1</sup> within 30 days of receipt of the  
8 completed application or renewal <sup>1</sup>**【**, and shall issue a registry  
9 identification card within five days of approving the application or  
10 renewal**】**<sup>1</sup>. The **【department】** commission may deny an application  
11 or renewal only if the applicant fails to provide the information  
12 required pursuant to this section, or if the **【department】** commission  
13 determines that the information was incorrect or falsified or does  
14 not meet the requirements of **【this act】** P.L.2009, c.307 (C.24:6I-1  
15 et al.). Denial of an application shall be a final agency decision,  
16 subject to review by the Superior Court, Appellate Division.

17 c. (1) The **【commissioner】** executive director shall require  
18 each applicant seeking to serve as a **【primary】** designated or  
19 institutional caregiver to undergo a criminal history record  
20 background check; except that no criminal history record  
21 background check shall be required for an applicant seeking to  
22 serve as a designated caregiver if the applicant is an immediate  
23 family member of the patient, and no criminal history record  
24 background check shall be required for an applicant seeking to  
25 serve as an institutional caregiver if the applicant completed a  
26 criminal history record background check as a condition of  
27 professional licensure or certification. The **【commissioner】**  
28 executive director is authorized to exchange fingerprint data with  
29 and receive criminal history record background information from  
30 the Division of State Police and the Federal Bureau of Investigation  
31 consistent with the provisions of applicable federal and State laws,  
32 rules, and regulations. The Division of State Police shall forward  
33 criminal history record background information to the  
34 **【commissioner】** executive director in a timely manner when  
35 requested pursuant to the provisions of this section.

36 An applicant seeking to serve as a **【primary】** designated or  
37 institutional caregiver who is required to complete a criminal  
38 history record background check pursuant to this section shall  
39 submit to being fingerprinted in accordance with applicable State  
40 and federal laws, rules, and regulations. No check of criminal  
41 history record background information shall be performed pursuant  
42 to this section unless the applicant has furnished **【his】** the  
43 applicant's written consent to that check. An applicant who is  
44 required to complete a criminal history record background check  
45 pursuant to this section who refuses to consent to, or cooperate in,  
46 the securing of a check of criminal history record background

1 information shall not be considered for inclusion in the registry as a  
2 **【primary】** designated or institutional caregiver <sup>1</sup>**【or issuance of an**  
3 **identification card】**<sup>1</sup>. An applicant shall bear the cost for the  
4 criminal history record background check, including all costs of  
5 administering and processing the check.

6 (2) The **【commissioner】** executive director shall not approve an  
7 applicant seeking to serve as a **【primary】** designated or institutional  
8 caregiver who is required to complete a criminal history record  
9 background check pursuant to this section if the criminal history  
10 record background information of the applicant reveals a  
11 disqualifying conviction. For the purposes of this section, a  
12 disqualifying conviction shall mean a conviction of a crime  
13 involving any controlled dangerous substance or controlled  
14 substance analog as set forth in chapter 35 of Title 2C of the New  
15 Jersey Statutes except paragraph (4) of subsection a. of  
16 N.J.S.2C:35-10, or any similar law of the United States or of any  
17 other state.

18 (3) Upon receipt of the criminal history record background  
19 information from the Division of State Police and the Federal  
20 Bureau of Investigation, the **【commissioner】** executive director  
21 shall provide written notification to the applicant of **【his】** the  
22 applicant's qualification or disqualification for serving as a  
23 **【primary】** designated or institutional caregiver.

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

28 (4) The Division of State Police shall promptly notify the  
29 **【commissioner】** executive director in the event that an individual  
30 who was the subject of a criminal history record background check  
31 conducted pursuant to this section is convicted of a crime or offense  
32 in this State after the date the background check was performed.  
33 Upon receipt of that notification, the **【commissioner】** executive  
34 director shall make a determination regarding the continued  
35 eligibility of the applicant to serve as a **【primary】** designated or  
36 institutional caregiver.

37 (5) Notwithstanding the provisions of paragraph (2) of this  
38 subsection **【b. of this section】** to the contrary, no applicant shall be  
39 disqualified from serving as a **【registered primary】** designated or  
40 institutional caregiver on the basis of any conviction disclosed by a  
41 criminal history record background check conducted pursuant to  
42 this section if the individual has affirmatively demonstrated to the  
43 **【commissioner】** executive director clear and convincing evidence  
44 of rehabilitation. In determining whether clear and convincing  
45 evidence of rehabilitation has been demonstrated, the following  
46 factors shall be considered:

- 1 (a) the nature and responsibility of the position which the  
2 convicted individual would hold, has held, or currently holds;
- 3 (b) the nature and seriousness of the crime or offense;
- 4 (c) the circumstances under which the crime or offense  
5 occurred;
- 6 (d) the date of the crime or offense;
- 7 (e) the age of the individual when the crime or offense was  
8 committed;
- 9 (f) whether the crime or offense was an isolated or repeated  
10 incident;
- 11 (g) any social conditions which may have contributed to the  
12 commission of the crime or offense; and
- 13 (h) any evidence of rehabilitation, including good conduct in  
14 prison or in the community, counseling or psychiatric treatment  
15 received, acquisition of additional academic or vocational  
16 schooling, successful participation in correctional work-release  
17 programs, or the recommendation of those who have had the  
18 individual under their supervision.
- 19 d. <sup>1</sup>**[A registry identification card]** A verification of  
20 registration issued by the commission<sup>1</sup> shall contain the following  
21 information:
- 22 (1) (a) in the case of <sup>1</sup>**[a registry identification card for]**<sup>1</sup> a  
23 patient or designated caregiver <sup>1</sup>registration<sup>1</sup>, the name, address,  
24 and date of birth of the patient and **[primary]** each designated  
25 caregiver, if applicable; and
- 26 (b) in the case of an institutional caregiver, the caregiver's name  
27 and date of birth and the name and address of the health care  
28 facility at which the caregiver is serving as institutional caregiver;
- 29 (2) the expiration date of the <sup>1</sup>**[registry identification card]**  
30 registration<sup>1</sup>;
- 31 (3) photo identification of the <sup>1</sup>**[cardholder]** registrant<sup>1</sup>; and
- 32 (4) such other information that the **[department]** commission  
33 may specify by regulation.
- 34 e. (1) A patient who has been <sup>1</sup>**[issued a registry**  
35 **identification card]** registered by the commission<sup>1</sup> shall notify the  
36 **[department]** commission of any change in the patient's name,  
37 address, or **[physician]** health care practitioner or change in status  
38 of the patient's **[debilitating]** qualifying medical condition, within  
39 10 days of such change, or the **[registry identification card]**  
40 patient's registration shall be deemed null and void.
- 41 (2) A **[primary]** designated caregiver who has been <sup>1</sup>**[issued a**  
42 **registry identification card]** registered by the commission<sup>1</sup> shall  
43 notify the **[department]** commission of any change in the  
44 caregiver's name or address within 10 days of such change, or the  
45 <sup>1</sup>**[registry identification card]** caregiver's registration<sup>1</sup> shall be  
46 deemed null and void.

1       (3) An institutional caregiver who has been <sup>1</sup>issued a registry  
2 identification card <sup>1</sup>registered by the commission shall notify the  
3 commission of any change in the caregiver's name, address,  
4 employment by a health care facility at which the caregiver is  
5 registered to serve as institutional caregiver, or authorization from  
6 the health care facility to assist qualifying patients with the medical  
7 use of cannabis, within 10 days of such change, or the <sup>1</sup>registry  
8 identification card <sup>1</sup>caregiver's registration shall be deemed null  
9 and void and the individual shall be deemed ineligible to serve as an  
10 institutional caregiver for a period of not less than one year.

11       f. The <sup>1</sup>department <sup>1</sup>commission shall maintain a confidential  
12 list of the persons <sup>1</sup>to whom it has issued registry identification  
13 cards <sup>1</sup>registered with the commission. Individual names and  
14 other identifying information on the list, and information contained  
15 in any application form, or accompanying or supporting document  
16 shall be confidential, and shall not be considered a public record  
17 under P.L.1963, c.73 (C.47:1A-1 et seq.) <sup>1</sup>or <sup>1</sup>P.L.2001, c.404  
18 (C.47:1A-5 et al.), or the common law concerning access to  
19 government records, and shall not be disclosed except to:

20       (1) authorized employees of the <sup>1</sup>department <sup>1</sup>commission and  
21 the Division of Consumer Affairs in the Department of Law and  
22 Public Safety as necessary to perform official duties of the  
23 <sup>1</sup>department <sup>1</sup>commission and the division, as applicable; and

24       (2) authorized employees of State or local law enforcement  
25 agencies, only as necessary to verify that a person who is engaged  
26 in the suspected or alleged medical use of <sup>1</sup>marijuana <sup>1</sup>cannabis is  
27 lawfully <sup>1</sup>in possession of a registry identification card <sup>1</sup>registered  
28 with the commission.

29       g. Applying for <sup>1</sup>or receiving a registry card <sup>1</sup>registration or  
30 being registered by the commission <sup>1</sup> does not constitute a waiver of  
31 the qualifying patient's <sup>1</sup>patient-physician <sup>1</sup>practitioner-patient  
32 privilege.

33       h. An applicant seeking to serve as an institutional caregiver  
34 shall submit with the application a certification executed by the  
35 director or administrator of the health care facility employing the  
36 applicant attesting that:

37       (1) the facility has authorized the applicant to assist registered  
38 qualifying patients at the facility with the medical use of cannabis,  
39 including obtaining medical cannabis from a medical cannabis  
40 dispensary and assisting registered qualifying patients with the  
41 administration of medical cannabis;

42       (2) the facility has established protocols and procedures and  
43 implemented security measures to ensure that any medical cannabis  
44 present at the facility is stored in a safe and secure manner that  
45 prevents theft, diversion, adulteration, and access by unauthorized  
46 individuals;

1       (3) the facility has established protocols and procedures to  
2 review the medications and treatment plans of registered qualifying  
3 patients at the facility to ensure that the patient's medical use of  
4 cannabis will not result in adverse drug interactions, side effects, or  
5 other complications that could significantly jeopardize the health or  
6 safety of the patient;

7       (4) the facility will not charge a registered qualifying patient for  
8 medical cannabis obtained on the registered qualifying patient's  
9 behalf in an amount that exceeds the actual cost of the medical  
10 cannabis, plus any reasonable costs incurred in acquiring the  
11 medical cannabis;

12       (5) the facility has established protocols and procedures  
13 concerning whether, and to what extent, designated caregivers are  
14 permitted to assist registered qualifying patients with the medical  
15 use of cannabis while at the facility; and

16       (6) the facility will promptly notify the executive director in the  
17 event that:

18       (a) an institutional caregiver registered with the commission  
19 pursuant to this section ceases to be employed by the facility or  
20 ceases to be authorized by the facility to assist registered qualifying  
21 patients with the medical use of cannabis, in which case, upon  
22 receipt of the notification, the executive director shall immediately  
23 revoke the institutional caregiver's registration; or

24       (b) an institutional caregiver registered with the commission  
25 pursuant to this section, who completed a criminal history record  
26 background check as a condition of professional licensure or  
27 certification, is convicted of a crime or offense in this State after the  
28 date the criminal history background check was performed, in  
29 which case, upon receipt of that notification, the executive director  
30 shall make a determination regarding the continued eligibility of the  
31 applicant to serve as an institutional caregiver.

32       Nothing in this section shall be deemed to require any facility to  
33 authorize any employee of the facility to serve as an institutional  
34 caregiver or to issue a certification that meets the requirements of  
35 this subsection.

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

37  
38       5. (New section) a. A health care practitioner shall not be  
39 required to be listed publicly in any medical cannabis practitioner  
40 registry as a condition of authorizing patients for the medical use of  
41 cannabis.

42       b. When authorizing a qualifying patient who is a minor for the  
43 medical use of cannabis, if the treating health care practitioner is  
44 not a pediatric specialist, the treating health care practitioner shall,  
45 prior to authorizing the patient for the medical use of cannabis,  
46 obtain written confirmation from a health care practitioner who is a  
47 pediatric specialist establishing, in that health care practitioner's  
48 professional opinion, and following an examination of the minor

1 patient or review of the minor patient's medical record, that the  
2 minor patient is likely to receive therapeutic or palliative benefits  
3 from the medical use of cannabis to treat or alleviate symptoms  
4 associated with the patient's qualifying medical condition. If the  
5 treating health care practitioner is a pediatric specialist, no  
6 additional written confirmation from any other health care  
7 practitioner shall be required as a condition of authorizing the  
8 patient for the medical use of cannabis.

9 c. No authorization for the medical use of cannabis may be  
10 issued by a health care practitioner to the practitioner's own self or  
11 to a member of the practitioner's immediate family.

12 d. The commission shall establish a process to allow medical  
13 cannabis to be dispensed to a patient who has been authorized for  
14 the medical use of cannabis and who has initiated the process of  
15 registering with the commission pursuant to section 4 of P.L.2009,  
16 c.307 (C.24:6I-4), but whose registration has not been completed or  
17 subject to other final action by the commission. A patient may be  
18 dispensed medical cannabis in quantities of up to a two-week  
19 supply during the pendency of the patient's registration, after which  
20 time the patient may be dispensed medical cannabis in an amount  
21 consistent with the requirements of section 10 of P.L.2009, c.307  
22 (C.24:6I-10). The commission shall impose such restrictions on  
23 access to medical cannabis pursuant to this subsection as shall be  
24 necessary to protect against fraud, abuse, and diversion.

25  
26 6. (New section) a. Except as provided in subsection b. of this  
27 section, no health care practitioner who has authorized a patient for  
28 the medical use of cannabis pursuant to P.L.2009, c.307 (C.24:6I-1  
29 et al.) within the past 90 days, and no member of such health care  
30 practitioner's immediate family, shall be an interest holder in, or  
31 receive any form of direct or indirect compensation from, any  
32 medical cannabis cultivator, medical cannabis manufacturer,  
33 medical cannabis dispensary, or clinical registrant.

34 b. Nothing in subsection a. of this section shall be construed to  
35 prevent a health care practitioner from serving on the governing  
36 board of a medical cannabis cultivator, medical cannabis  
37 manufacturer, medical cannabis dispensary, or clinical registrant, or  
38 on the medical advisory board of a medical cannabis cultivator,  
39 medical cannabis manufacturer, medical cannabis dispensary, or  
40 clinical registrant established pursuant to section 15 of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill),  
42 or from receiving a reasonable stipend for such service, provided  
43 that:

44 (1) the stipend does not exceed the stipend paid to any other  
45 member of the governing board or medical advisory board for  
46 serving on the board; and

47 (2) the amount of the stipend is not based on patient volumes at  
48 any medical cannabis dispensary or clinical registrant or on the



1 number of authorizations for the medical use of cannabis issued by  
2 the health care practitioner pursuant to P.L.2009, c.307 (C.24:6I-1  
3 et al.).

4 c. A health care practitioner, or an immediate family member  
5 of a health care practitioner, who applies to be an owner, director,  
6 officer, or employee of a medical cannabis cultivator, medical  
7 cannabis manufacturer, medical cannabis dispensary, or clinical  
8 registrant, or who otherwise seeks to be an interest holder in, or  
9 receive any form of direct or indirect compensation from, a medical  
10 cannabis cultivator, medical cannabis manufacturer, medical  
11 cannabis dispensary, or clinical registrant, shall certify that the  
12 health care practitioner has not authorized a patient for the medical  
13 use of cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) within  
14 the 90 days immediately preceding the date of the application.

15 d. A person who violates subsection a. of this section shall be  
16 guilty of a crime of the fourth degree.

17  
18 7. (New section) a. An individual who is registered as a  
19 qualifying patient in another state or jurisdiction within the United  
20 States that authorizes the medical use of cannabis shall be  
21 considered a registered qualifying patient for the purposes of  
22 P.L.2009, c.307 (C.24:6I-1 et al.) for a period of up to six months,  
23 provided that the individual possesses both <sup>1</sup>【a valid patient registry  
24 card】 proof of registration in,<sup>1</sup> and a valid photo identification card  
25 issued by <sup>1</sup>,<sup>1</sup> the other state or jurisdiction. During the six month  
26 period, the individual shall be authorized to possess and use  
27 medical cannabis and engage in such other conduct related to  
28 medical cannabis in New Jersey as is consistent with the  
29 requirements of P.L.2009, c.307 (C.24:6I-1 et al.) and the laws of  
30 the state or jurisdiction <sup>1</sup>【that issued the patient's registry card】 in  
31 which the patient is registered<sup>1</sup>, except that medical cannabis shall  
32 not be dispensed to the individual unless a health care practitioner  
33 licensed in New Jersey issues written instructions for the individual  
34 that meet the requirements of section 10 of P.L.2009, c.307  
35 (C.24:6I-10). No individual shall be authorized to acquire, possess,  
36 use, or engage in other conduct in connection with medical cannabis  
37 in New Jersey pursuant to a medical cannabis registration from  
38 another State or jurisdiction for more than six months unless the  
39 individual registers with the commission as a qualifying patient  
40 pursuant to section 4 of P.L.2009, c.307 (C.24:6I-4).

41 b. An individual who is registered as a designated caregiver in  
42 another state or jurisdiction within the United States that authorizes  
43 the medical use of cannabis shall be considered a designated  
44 caregiver for the purposes of P.L.2009, c.307 (C.24:6I-1 et al.) for a  
45 period of up to six months, provided that the individual is in  
46 possession of both <sup>1</sup>【a valid registry card】 proof of registration in,<sup>1</sup>  
47 and a valid photo identification card issued by <sup>1</sup>,<sup>1</sup> the other state or

1 jurisdiction. During the six month period, the individual shall be  
2 authorized to assist a registered qualifying patient with the medical  
3 use of cannabis and engage in such other conduct in connection  
4 with medical cannabis in New Jersey as is consistent with the  
5 requirements of P.L.2009, c.307 (C.24:6I-1 et al.) and the laws of  
6 the state or jurisdiction <sup>1</sup>**【that issued the caregiver’s registry card】**  
7 in which the caregiver is registered<sup>1</sup>, except that medical cannabis  
8 shall not be dispensed to the individual on behalf of a registered  
9 qualifying patient unless a health care practitioner licensed in New  
10 Jersey issues written instructions for the registered qualifying  
11 patient that meet the requirements of section 10 of P.L.2009, c.307  
12 (C.24:6I-10). No individual shall be authorized to assist a registered  
13 qualifying patient with the medical use of cannabis or engage in  
14 other conduct in connection with medical cannabis in New Jersey  
15 pursuant to a medical cannabis registration from another State or  
16 jurisdiction for more than six months unless the individual registers  
17 with the commission as a designated caregiver pursuant to section 4  
18 of P.L.2009, c.307 (C.24:6I-4).

19 c. The commission shall seek to enter into reciprocity  
20 agreements with other states and jurisdictions within the United  
21 States that authorize the medical use of cannabis.  
22

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

25 6. a. The provisions of N.J.S.2C:35-18 shall apply to any  
26 qualifying patient, **【primary】** designated caregiver, **【alternative**  
27 **treatment center, physician】** institutional caregiver, health care  
28 facility, medical cannabis cultivator, medical cannabis  
29 manufacturer, medical cannabis dispensary, health care practitioner,  
30 academic medical center, clinical registrant, testing laboratory, or  
31 any other person acting in accordance with the provisions of  
32 P.L.2009, c.307 (C.24:6I-1 et al.) **【or】** , P.L.2015, c.158 (C.18A:40-  
33 12.22 et al.), or P.L. , c. (C. ) (pending before the  
34 Legislature as this bill).

35 b. A qualifying patient, **【primary】** designated caregiver,  
36 **【alternative treatment center, physician】** institutional caregiver,  
37 health care facility, medical cannabis cultivator, medical cannabis  
38 manufacturer, medical cannabis dispensary, health care practitioner,  
39 academic medical center, clinical registrant, testing laboratory, or  
40 any other person acting in accordance with the provisions of  
41 P.L.2009, c.307 (C.24:6I-1 et al.) **【or】** , P.L.2015, c.158 (C.18A:40-  
42 12.22 et al.), or P.L. , c. (C. ) (pending before the  
43 Legislature as this bill) shall not be subject to any civil or  
44 administrative penalty, or denied any right or privilege, including,  
45 but not limited to, civil penalty or disciplinary action by a  
46 professional licensing board, related to the medical use of  
47 **【marijuana】** cannabis as authorized under P.L.2009, c.307 (C.24:6I-

1 1 et al.) **[or]** , P.L.2015, c.158 (C.18A:40-12.22 et al.),  
2 or P.L. , c. (C. ) (pending before the Legislature as this  
3 bill).

4 c. **1**["Possession of"] Registration with the commission<sup>1</sup>, or  
5 application for <sup>1</sup>registration by the commission<sup>1</sup>, <sup>1</sup>["a registry  
6 identification card"]<sup>1</sup> shall not alone constitute probable cause to  
7 search the person or the property of the <sup>1</sup>["person possessing or  
8 applying for the registry identification card"] registrant or  
9 applicant<sup>1</sup>, or otherwise subject the person or **[his]** the person's  
10 property to inspection by any governmental agency.

11 d. The provisions of section 2 of P.L.1939, c.248 (C.26:2-82),  
12 relating to destruction of **[marijuana]** cannabis determined to exist  
13 by the **[department]** commission, shall not apply if a qualifying  
14 patient **[or primary]**, designated caregiver, or institutional caregiver  
15 **1**["has in his possession a registry identification card"] is registered  
16 with the commission<sup>1</sup> and <sup>1</sup>is in possession of<sup>1</sup> no more than the  
17 maximum amount of usable **[marijuana]** cannabis that may be  
18 obtained in accordance with section 10 of P.L.2009, c.307 (C.24:6I-  
19 10).

20 e. No person shall be subject to arrest or prosecution for  
21 constructive possession, conspiracy, or any other offense for simply  
22 being in the presence or vicinity of the medical use of **[marijuana]**  
23 cannabis as authorized under P.L.2009, c.307 (C.24:6I-1 et al.)  
24 **[or]** , P.L.2015, c.158 (C.18A:40-12.22 et al.), or P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill).

26 f. No custodial parent, guardian, or person who has legal  
27 custody of a qualifying patient who is a minor shall be subject to  
28 arrest or prosecution for constructive possession, conspiracy, or any  
29 other offense for assisting the minor in the medical use of  
30 **[marijuana]** cannabis as authorized under P.L.2009, c.307 (C.24:6I-

31 1 et al.) **[or]** , P.L.2015, c.158 (C.18A:40-12.22 et al.), or  
32 P.L. , c. (C. ) (pending before the Legislature as this bill).

33 g. For the purposes of medical care, including organ  
34 transplants, a qualifying patient's authorized use of medical  
35 cannabis in accordance with the provisions of P.L.2009, c.307  
36 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), and  
37 P.L. , c. (C. ) (pending before the Legislature as this bill),  
38 shall be considered equivalent to the authorized use of any other  
39 medication used at the direction of a health care practitioner, and  
40 shall not constitute the use of an illicit substance or otherwise  
41 disqualify a qualifying patient from needed medical care.

42 h. No public or private school or institution of higher education  
43 may refuse to enroll a person based solely on the person's status as  
44 a <sup>1</sup>["registry identification cardholder"] registrant with the  
45 commission<sup>1</sup>, unless failing to do so would result in the school or  
46 institution losing a monetary or licensing-related benefit granted

1 pursuant to federal law. No public or private school or institution  
2 of higher education shall be penalized or denied any benefit under  
3 State law solely on the basis of enrolling a person who is <sup>1</sup>[a  
4 registry identification cardholder] registered with the commission<sup>1</sup>.

5 i. No person shall refuse to rent, lease, or sublease any real  
6 property or part or portion thereof, or discriminate in the terms,  
7 conditions, or privileges of the rental or lease of any real property  
8 or part or portion thereof or in the furnishing of facilities or services  
9 in connection therewith, based solely on the status of the  
10 prospective tenant as a <sup>1</sup>[registry identification cardholder]  
11 registrant with the commission<sup>1</sup>, unless failing to do so would  
12 result in the person losing a monetary or licensing-related benefit  
13 granted pursuant to federal law. No such person shall be penalized  
14 or denied any benefit under State law solely on the basis of renting  
15 or leasing real property to a person who is <sup>1</sup>[a registry identification  
16 cardholder] registered with the commission<sup>1</sup>.

17 j. No person shall be denied, or subject to adverse action in  
18 connection with, any license, certification, or permit issued  
19 pursuant to State law solely based on the person's status as a  
20 <sup>1</sup>[registry identification cardholder] registrant with the  
21 commission<sup>1</sup>, unless issuance or continuance of the license,  
22 certification, or permit would result in the licensing or permitting  
23 agency losing federal certification, federal funding, or other  
24 benefits granted pursuant to federal law.

25 k. (1) Unless failing to do so would result in the health care  
26 facility losing a monetary or licensing-related benefit granted  
27 pursuant to federal law, a health care facility that employs or  
28 maintains a professional affiliation with a health care practitioner  
29 shall not take adverse employment action against the health care  
30 practitioner or otherwise limit, restrict, or terminate a professional  
31 affiliation with the health care practitioner solely based on the  
32 health care practitioner engaging in conduct authorized under  
33 P.L.2009, c.307 (C.24:6I-1 et al.) and P.L. , c. (C. )  
34 (pending before the Legislature as this bill), including, but not  
35 limited to, authorizing patients for the medical use of cannabis,  
36 issuing written instructions pursuant to section 10 of P.L.2009,  
37 c.307 (C.24:6I-10), and consulting with patients regarding the use  
38 of medical cannabis to treat the patient's qualifying medical  
39 condition.

40 (2) No health care facility shall be penalized or denied any  
41 benefit under State law solely on the basis of employing or  
42 maintaining a professional affiliation with a health care practitioner  
43 who engages in conduct authorized under P.L.2009, c.307 (C.24:6I-  
44 1 et al.) and P.L. , c. (C. ) (pending before the Legislature  
45 as this bill).

46 l. Unless failing to do so would result in the insurer or  
47 insurance association losing a monetary or licensing-related benefit

1 granted pursuant to federal law, an insurer or insurance association  
2 authorized to issue medical malpractice liability insurance in New  
3 Jersey shall not deny coverage to a health care practitioner, increase  
4 the amount of premiums or deductibles under the policy, or charge  
5 any additional fees in connection with the policy, solely based on  
6 the health care practitioner engaging in conduct authorized under  
7 P.L.2009, c.307 (C.24:6I-1 et al.) or P.L. , c. (C. ) (pending  
8 before the Legislature as this bill), including, but not limited to,  
9 authorizing qualifying patients for the medical use of cannabis,  
10 issuing written instructions pursuant to section 10 of P.L.2009,  
11 c.307 (C.24:6I-10), and consulting with patients regarding the use  
12 of medical cannabis to treat a qualifying medical condition. No  
13 insurer or insurance association shall be penalized or denied any  
14 benefit under State law solely on the basis of providing medical  
15 malpractice liability insurance to a health care practitioner who  
16 engages in conduct authorized under P.L.2009, c.307 (C.24:6I-  
17 1 et al.) or P.L. , c. (C. ) (pending before the Legislature as  
18 this bill).

19 m. A person's status as a registered qualifying patient, a  
20 designated or institutional caregiver, or an owner, director, officer,  
21 or employee of a medical cannabis cultivator, medical cannabis  
22 manufacturer, medical cannabis dispensary, or clinical registrant  
23 shall not constitute the sole grounds for entering an order that  
24 restricts or denies custody of, or visitation with, a minor child of the  
25 person.

26 <sup>1</sup>n. (1) No health care facility shall be penalized or denied any  
27 benefit under State law solely for permitting or prohibiting the  
28 handling, administration, usage, or storage of medical cannabis,  
29 provided that the facility's policies related to medical cannabis are  
30 consistent with all other facility policies concerning medication  
31 handling, administration, usage, or storage.

32 (2) No health care facility shall be penalized or denied any  
33 benefit under State law solely for prohibiting the smoking of  
34 medical cannabis on facility property in accordance with the  
35 facility's smoke free policy.<sup>1</sup>

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

37

38 9. (New section) a. It shall be unlawful to take any adverse  
39 employment action against an employee who is a registered  
40 qualifying patient based solely on the employee's status as a  
41 **<sup>1</sup>[registry identification cardholder]** registrant with the  
42 commission<sup>1</sup>.

43 b. (1) If an employer has a drug testing policy and an employee  
44 or job applicant tests positive for cannabis, the employer shall offer  
45 the employee or job applicant an opportunity to present a legitimate  
46 medical explanation for the positive test result, and shall provide  
47 written notice of the right to explain to the employee or job  
48 applicant.

1 (2) Within three working days after receiving notice pursuant to  
2 paragraph (1) of this subsection, the employee or job applicant may  
3 submit information to the employer to explain the positive test  
4 result, or may request a confirmatory retest of the original sample at  
5 the employee's or job applicant's own expense. As part of an  
6 employee's or job applicant's explanation for the positive test  
7 result, the employee or job applicant may present an authorization  
8 for medical cannabis issued by a health care practitioner, <sup>1</sup>[a  
9 registry identification card] proof of registration with the  
10 commission<sup>1</sup>, or both.

11 c. Nothing in this section shall be deemed to:

12 (1) restrict an employer's ability to prohibit, or take adverse  
13 employment action for, the possession or use of intoxicating  
14 substances during work hours; or

15 (2) require an employer to commit any act that would cause the  
16 employer to be in violation of federal law, that would result in a  
17 loss of a licensing-related benefit pursuant to federal law, or that  
18 would result in the loss of a federal contract or federal funding.

19 d. No employer shall be penalized or denied any benefit under  
20 State law solely on the basis of employing a person who is <sup>1</sup>[a  
21 registry identification cardholder] registered with the commission<sup>1</sup>.

22

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

25 7. a. (1) The [department] commission shall accept  
26 applications from entities for permits to operate as [alternative  
27 treatment centers and may charge a reasonable fee for the issuance  
28 of a permit under this section] medical cannabis cultivators,  
29 medical cannabis manufacturers, and medical cannabis dispensaries.

30 (2) (a) For a period of 18 months after the effective date of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill):

32 (i) an applicant may concurrently hold a medical cannabis  
33 cultivator permit and a medical cannabis manufacturer permit, but  
34 shall not be authorized to hold a medical cannabis dispensary  
35 permit; and

36 (ii) an applicant who holds a medical cannabis dispensary permit  
37 shall not be authorized to concurrently hold a medical cannabis  
38 cultivator permit or a medical cannabis manufacturer permit.

39 (b) Commencing 18 months after the effective date of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill), a permit  
41 holder shall be authorized to concurrently hold a medical cannabis  
42 cultivator permit, a medical cannabis manufacturer permit, and a  
43 medical cannabis dispensary permit, provided that no permit holder  
44 shall be authorized to concurrently hold more than one permit of  
45 each type. The permit holder may submit an application for a  
46 permit of any type that the permit holder does not currently hold  
47 prior to the expiration of the 18 month period described in

1 subparagraph (a) of this paragraph, provided that no permit shall be  
2 awarded to the permit holder during the 18 month period if issuance  
3 of the permit would violate the restrictions set forth in subparagraph  
4 (a) of this paragraph concerning the types of permits that may be  
5 concurrently held during the 18 month period.

6 (c) The provisions of subparagraph (a) of this paragraph shall  
7 not apply to any alternative treatment center that was issued a  
8 permit prior to the effective date of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill), to any alternative treatment  
10 center that was issued a permit after the effective date of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill) pursuant  
12 to an application submitted prior to the effective date of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill), or to one  
14 of the six alternative treatment centers issued a permit pursuant to  
15 section 11 of P.L. , c. (C. ) (pending before the Legislature  
16 as this bill) that are expressly exempt from the provisions of  
17 subsection (a) of this paragraph, which alternative treatment centers  
18 shall be deemed to concurrently hold a medical cannabis cultivator  
19 permit, a medical cannabis manufacturer permit, and a medical  
20 cannabis dispensary permit, and shall be authorized to engage in  
21 any conduct authorized pursuant to those permits in relation to the  
22 cultivation, manufacturing, and dispensing of medical cannabis. In  
23 addition, an alternative treatment center that was issued a permit  
24 prior to the effective date of P.L. , c. (C. ) (pending before  
25 the Legislature as this bill), an alternative treatment center that was  
26 issued a permit after the effective date of P.L. , c. (C. )  
27 (pending before the Legislature as this bill) pursuant to an  
28 application submitted prior to the effective date of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill), and the  
30 six alternative treatment center permits issued pursuant to section  
31 11 of P.L. , c. (C. ) (pending before the Legislature as this  
32 bill) that are expressly exempt from the provisions of subparagraph  
33 (a) of this paragraph shall, upon the effective date of P.L. ,  
34 c. (C. ) (pending before the Legislature as Senate Bill No.  
35 2703), be deemed to <sup>1</sup>either hold a Class 3 Cannabis Wholesaler  
36 license or<sup>1</sup> concurrently hold a Class 1 Cannabis Grower license, a  
37 Class 2 Cannabis Processor <sup>1</sup>License, a Class 3 Cannabis  
38 Wholesaler<sup>1</sup> license, and a Class 4 Cannabis <sup>1</sup>Retailer<sup>1</sup>  
39 license, plus an additional Class 4 Cannabis <sup>1</sup>Retailer<sup>1</sup>  
40 license for each satellite dispensary that was approved pursuant to  
41 an application submitted prior to <sup>3</sup>or within 18 months after<sup>3</sup> the  
42 effective date of P.L. , c. (C. ) (pending before the  
43 Legislature as this bill). <sup>1</sup>【The】 In no case may an alternative  
44 treatment center holding a Class 3 Cannabis Wholesaler license  
45 concurrently hold a Class I Cannabis Grower license, Class 2  
46 Cannabis Processor license, or Class 4 Cannabis Retailer license;  
47 and in no case may an alternative treatment center holding a Class 1

1 Cannabis Grower license, a Class 2 Cannabis Processor license, a  
2 Class 4 Cannabis Retailer license, or any combination thereof,  
3 concurrently hold a Class 3 Cannabis Wholesaler license. An<sup>1</sup>  
4 alternative treatment center <sup>1</sup>issued an adult use cannabis license  
5 pursuant to this subparagraph<sup>1</sup> shall be authorized to use the  
6 same premises for all activities authorized under P.L.2009, c.307  
7 (C.24:6I-1 et al.) and P.L. , c. (C. ) (pending before the  
8 Legislature as Senate Bill No. 2703) without being required to  
9 establish or maintain any physical barriers or separations between  
10 operations related to the medical use of cannabis and operations  
11 related to adult use cannabis, provided that the alternative treatment  
12 center shall be required to certify to the commission that the  
13 alternative treatment center has sufficient quantities of medical  
14 cannabis and medical cannabis products available to meet the  
15 reasonably anticipated treatment needs of registered qualifying  
16 patients as a condition of <sup>1</sup>[selling] engaging in activities related to  
17 the growing, producing, wholesaling, or retail sale of<sup>1</sup> adult use  
18 cannabis <sup>1</sup>[at retail] , as applicable<sup>1</sup>.

19 (d) No entity may be issued or concurrently hold more than one  
20 medical cannabis cultivator permit, one medical cannabis  
21 manufacturer permit, or one medical cannabis dispensary permit at  
22 one time, and no medical cannabis dispensary shall be authorized to  
23 establish a satellite location on or after the effective date of P.L. ,  
24 c (C. ) (pending before the Legislature as this bill), except that  
25 an alternative treatment center that was issued a permit prior to the  
26 effective date of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill) or that was issued a permit after the  
28 effective date of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill) pursuant to an application submitted prior to  
30 the effective date of P.L. , c. (C. ) (pending before the  
31 Legislature as this bill) shall be authorized to maintain any satellite  
32 dispensary that was approved pursuant to an application submitted  
33 prior to <sup>3</sup>or within 18 months after<sup>3</sup> the effective date of P.L. ,  
34 c. (C. ) (pending before the Legislature as this bill). <sup>3</sup>An  
35 alternative treatment center that was issued a permit after the  
36 effective date of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill) pursuant to an application submitted prior to  
38 the effective date of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill) shall be authorized to establish and maintain  
40 one additional satellite dispensary upon application to and approval  
41 by the commission, which approval shall not be unreasonably  
42 withheld.<sup>3</sup>

43 (e) No entity issued a medical cannabis cultivator, medical  
44 cannabis manufacturer, or medical cannabis dispensary permit may  
45 concurrently hold a clinical registrant permit issued pursuant to  
46 section 13 of P.L. , c. (C. ) (pending before the legislature  
47 as this bill, and no entity issued a clinical registrant permit pursuant



1 to section 13 of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill) may concurrently hold a medical cannabis  
3 cultivator permit, a medical cannabis manufacturer permit, or a  
4 medical cannabis dispensary permit.

5 (3) The **【department】** commission shall seek to ensure the  
6 availability of a sufficient number of **【alternative treatment centers】**  
7 medical cannabis cultivators, medical cannabis manufacturers, and  
8 medical cannabis dispensaries throughout the State, pursuant to  
9 need, including at least two each in the northern, central, and  
10 southern regions of the State. **【The first two centers issued a permit**  
11 **in each region shall be nonprofit entities, and centers subsequently】**  
12 Medical cannabis cultivators, medical cannabis manufacturers, and  
13 medical cannabis dispensaries issued permits pursuant to this  
14 section may be nonprofit or for-profit entities.

15 **【An alternative treatment center】**

16 (4) The commission shall periodically evaluate whether the  
17 number of medical cannabis cultivator, medical cannabis  
18 manufacturer, and medical cannabis dispensary permits issued are  
19 sufficient to meet the needs of qualifying patients in the State, and  
20 shall make requests for applications and issue such additional  
21 permits as shall be necessary to meet those needs. The types of  
22 permits requested and issued, and the locations of any additional  
23 permits that are authorized, shall be in the discretion of the  
24 executive director based on the needs of qualifying patients in the  
25 State.

26 (5) (a) A medical cannabis cultivator shall be authorized to:  
27 acquire a reasonable initial and ongoing inventory, as determined  
28 by the **【department】** commission, of **【marijuana】** cannabis seeds or  
29 seedlings and paraphernalia **【,】** ; possess, cultivate, plant, grow,  
30 harvest, **【process, display, manufacture,】** and package medical  
31 cannabis, including prerolled forms, for any authorized purpose,  
32 including, but not limited to, research purposes; and deliver,  
33 transfer, transport, distribute, supply, or sell **【, or dispense】** medical  
34 **【marijuana】** cannabis **【, or】** and related supplies to any medical  
35 cannabis cultivator, medical cannabis manufacturer, medical  
36 cannabis dispensary, or clinical registrant in the State. In no case  
37 shall a medical cannabis cultivator or clinical registrant operate or  
38 be located on land that is valued, assessed or taxed as an  
39 agricultural or horticultural use pursuant to the "Farmland  
40 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

41 (b) A medical cannabis manufacturer shall be authorized to:  
42 purchase or obtain medical cannabis from any medical cannabis  
43 cultivator, medical cannabis manufacturer, or clinical registrant in  
44 the State; possess and utilize medical cannabis in the manufacture,  
45 production, and creation of medical cannabis products; and deliver,  
46 transfer, transport, supply, or sell medical cannabis products and

1 related supplies to any medical cannabis manufacturer, medical  
2 cannabis dispensary, or clinical registrant in the State.

3 (c) A medical cannabis dispensary shall be authorized to:  
4 purchase or acquire medical cannabis from any medical cannabis  
5 cultivator, medical cannabis dispensary, or clinical registrant in the  
6 State and medical cannabis products and related supplies from any  
7 medical cannabis manufacturer, medical cannabis dispensary, or  
8 clinical registrant in the State; purchase or acquire paraphernalia  
9 from any legal source; and distribute, supply, sell, or dispense  
10 medical cannabis, medical cannabis products, paraphernalia, and  
11 related supplies to qualifying patients or their [primary] designated  
12 or institutional caregivers who are registered with the [department]  
13 commission pursuant to section 4 of [this act] P.L.2009, c.307  
14 (C.24:6I-4). [An alternative treatment center]

15 (6) A medical cannabis cultivator shall not be limited in the  
16 number of strains of medical [marijuana] cannabis cultivated, and a  
17 medical cannabis manufacturer shall not be limited in the number or  
18 type of medical cannabis products manufactured, produced, or  
19 created. A medical cannabis manufacturer may package, and a  
20 medical cannabis dispensary may directly dispense [marijuana]  
21 medical cannabis and medical cannabis products to qualifying  
22 patients and their designated and institutional caregivers in any  
23 authorized form. Authorized forms shall include dried form, oral  
24 lozenges, topical formulations, transdermal form, sublingual form,  
25 tincture form, or edible form, or any other form as authorized by the  
26 [commissioner] executive director. Edible form shall include  
27 tablets, capsules, drops or syrups, oils, and any other form as  
28 authorized by the [commissioner] executive director. [Edible  
29 forms shall be available only to qualifying patients who are minors.

30 Applicants for authorization as nonprofit alternative treatment  
31 centers shall be subject to all applicable State laws governing  
32 nonprofit entities, but]

33 (7) Nonprofit medical cannabis cultivators, medical cannabis  
34 manufacturers, and medical cannabis dispensaries need not be  
35 recognized as a 501(c)(3) organization by the federal Internal  
36 Revenue Service.

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

41 c. A person who has been convicted of a crime of the first,  
42 second, or third degree under New Jersey law or of a crime  
43 involving any controlled dangerous substance or controlled  
44 substance analog as set forth in chapter 35 of Title 2C of the New  
45 Jersey Statutes except paragraph (4) of subsection a. of  
46 N.J.S.2C:35-10, or any similar law of the United States or any other  
47 state shall not be issued a permit to operate as [an alternative

1 treatment center] a medical cannabis cultivator, medical cannabis  
2 manufacturer, medical cannabis dispensary, or clinical registrant or  
3 be a director, officer, or employee of [an alternative treatment  
4 center] a medical cannabis cultivator, medical cannabis  
5 manufacturer, medical cannabis dispensary, or clinical registrant,  
6 unless such conviction occurred after the effective date of [this act]  
7 P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of federal  
8 law relating to possession or sale of [marijuana] cannabis for  
9 conduct that is authorized under [this act] P.L.2009, c.307  
10 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), or  
11 P.L. , c. (C. ) (pending before the Legislature as this bill).

12 d. (1) The [commissioner] executive director shall require  
13 each applicant seeking a permit to operate as [an alternative  
14 treatment center] <sup>1</sup>, to be a director, officer, or employee of, or to  
15 be an investor in,<sup>1</sup> a medical cannabis cultivator, medical cannabis  
16 manufacturer, medical cannabis dispensary, or clinical registrant to  
17 undergo a criminal history record background check, except that no  
18 criminal history record background check shall be required for an  
19 '[applicant] individual<sup>1</sup> who holds less than a five percent  
20 investment interest in the medical cannabis cultivator, medical  
21 cannabis manufacturer, medical cannabis dispensary, or clinical  
22 registrant or who is a member of a group that holds less than a 20  
23 percent investment interest in the medical cannabis cultivator,  
24 medical cannabis manufacturer, medical cannabis dispensary, or  
25 clinical registrant where no member of the group holds more than a  
26 five percent interest in the total group investment interest, and the  
27 '[applicant] individual or group<sup>1</sup> lacks the authority to make  
28 controlling decisions regarding medical cannabis cultivator, medical  
29 cannabis manufacturer, medical cannabis dispensary, or clinical  
30 registrant operations.

31 In the event that an individual who is exempt from the criminal  
32 history record background check requirement of this section  
33 subsequently acquires an investment interest of five percent or more  
34 in the medical cannabis cultivator, medical cannabis manufacturer,  
35 medical cannabis dispensary, or clinical registrant, or a group that is  
36 exempt from the criminal history record background check  
37 requirement of this section subsequently acquires an investment  
38 interest of 20 percent or more in the medical cannabis cultivator,  
39 medical cannabis manufacturer, medical cannabis dispensary, or  
40 clinical registrant or any member of the group acquires more than a  
41 five percent interest in the total group investment interest, or the  
42 individual or group gains the authority to make controlling  
43 decisions regarding medical cannabis cultivator, medical cannabis  
44 manufacturer, medical cannabis dispensary, or clinical registrant  
45 operations, the individual or the members of the group, as  
46 applicable, shall notify the commission and shall complete a  
47 criminal history record background check <sup>1</sup>and provide all

1 information as may be required by the commission<sup>1</sup> no later than 30  
2 days after the date that such change occurs, or any permit issued to  
3 the individual or group shall be revoked and the individual or group  
4 shall be deemed ineligible to hold any ownership or investment  
5 interest in a medical cannabis cultivator, medical cannabis  
6 manufacturer, medical cannabis dispensary, or clinical registrant for  
7 a period of two years, commencing from the date of revocation.

8 For purposes of this section, the term "applicant" shall include  
9 any owner, director, officer, or employee of **[an alternative**  
10 **treatment center]** <sup>1</sup>, and any investor in,<sup>1</sup> a medical cannabis  
11 cultivator, medical cannabis manufacturer, medical cannabis  
12 dispensary, or clinical registrant <sup>1</sup>, but shall not include any  
13 individual or group that is exempt from the criminal history record  
14 background check requirements of this section, which individuals  
15 and groups shall not be required to complete any portion of an  
16 initial or renewal permit application unless the individual or group  
17 subsequently becomes subject to the criminal history record  
18 background check requirement as provided in this section, in which  
19 case the individual or group shall be required to provide all  
20 information as may be required by the commission within 30 days  
21 of the change or any permit issued to the individual or group shall  
22 be revoked and the individual or group shall be deemed ineligible to  
23 hold any ownership or investment interest in a medical cannabis  
24 cultivator, medical cannabis manufacturer, medical cannabis  
25 dispensary, or clinical registrant for a period of two years,  
26 commencing from the date of revocation<sup>1</sup>. The **[commissioner]**  
27 executive director is authorized to exchange fingerprint data with  
28 and receive criminal history record background information from  
29 the Division of State Police and the Federal Bureau of Investigation  
30 consistent with the provisions of applicable federal and State laws,  
31 rules, and regulations. The Division of State Police shall forward  
32 criminal history record background information to the  
33 **[commissioner]** executive director in a timely manner when  
34 requested pursuant to the provisions of this section.

35 An applicant who is required to undergo a criminal history  
36 record background check pursuant to this section shall submit to  
37 being fingerprinted in accordance with applicable State and federal  
38 laws, rules, and regulations. No check of criminal history record  
39 background information shall be performed pursuant to this section  
40 unless the applicant has furnished **[his]** the applicant's written  
41 consent to that check. An applicant who is required to undergo a  
42 criminal history record background check pursuant to this section  
43 who refuses to consent to, or cooperate in, the securing of a check  
44 of criminal history record background information shall not be  
45 considered for a permit to operate, or authorization to be employed  
46 at <sup>1</sup>or to be an investor in<sup>1</sup>, **[an alternative treatment center]** a  
47 medical cannabis cultivator, medical cannabis manufacturer,

1 medical cannabis dispensary, or clinical registrant. An applicant  
2 shall bear the cost for the criminal history record background check,  
3 including all costs of administering and processing the check.

4 (2) The **【commissioner】** executive director shall not approve an  
5 applicant for a permit to operate, or authorization to be employed at  
6 'or to be an investor in', **【an alternative treatment center】** a medical  
7 cannabis cultivator, medical cannabis manufacturer, medical  
8 cannabis dispensary, or clinical registrant if the criminal history  
9 record background information of the applicant reveals a  
10 disqualifying conviction as set forth in subsection c. of this section.

11 (3) Upon receipt of the criminal history record background  
12 information from the Division of State Police and the Federal  
13 Bureau of Investigation, the **【commissioner】** executive director  
14 shall provide written notification to the applicant of **【his】** the  
15 applicant's qualification for or disqualification for a permit to  
16 operate or be a director, officer, or employee of **【an alternative**  
17 **treatment center】** <sup>1</sup>, or an investor in,<sup>1</sup> a medical cannabis  
18 cultivator, medical cannabis manufacturer, medical cannabis  
19 dispensary, or clinical registrant.

20 If the applicant is disqualified because of a disqualifying  
21 conviction pursuant to the provisions of this section, the conviction  
22 that constitutes the basis for the disqualification shall be identified  
23 in the written notice.

24 (4) The Division of State Police shall promptly notify the  
25 **【commissioner】** executive director in the event that an individual  
26 who was the subject of a criminal history record background check  
27 conducted pursuant to this section is convicted of a crime or offense  
28 in this State after the date the background check was performed.  
29 Upon receipt of that notification, the **【commissioner】** executive  
30 director shall make a determination regarding the continued  
31 eligibility to operate or be a director, officer, or employee of **【an**  
32 **alternative treatment center】** <sup>1</sup>, or an investor in,<sup>1</sup> a medical  
33 cannabis cultivator, medical cannabis manufacturer, medical  
34 cannabis dispensary, or clinical registrant.

35 (5) Notwithstanding the provisions of subsection **【b.】** c. of this  
36 section to the contrary, the **【commissioner】** executive director may  
37 offer provisional authority for an applicant to be an owner, director,  
38 officer, or employee of **【an alternative treatment center】** <sup>1</sup>, or an  
39 investor in,<sup>1</sup> a medical cannabis cultivator, medical cannabis  
40 manufacturer, medical cannabis dispensary, or clinical registrant for  
41 a period not to exceed three months if the applicant submits to the  
42 **【commissioner】** executive director a sworn statement attesting that  
43 the person has not been convicted of any disqualifying conviction  
44 pursuant to this section.

45 (6) Notwithstanding the provisions of subsection **【b.】** c. of this  
46 section to the contrary, no applicant to be an owner, director,

1 officer, or employee of [an alternative treatment center] <sup>1</sup>, or an  
2 investor in, <sup>1</sup> a medical cannabis cultivator, medical cannabis  
3 manufacturer, medical cannabis dispensary, or clinical registrant  
4 shall be disqualified on the basis of any conviction disclosed by a  
5 criminal history record background check conducted pursuant to  
6 this section if the individual has affirmatively demonstrated to the  
7 **[commissioner]** executive director clear and convincing evidence  
8 of rehabilitation. In determining whether clear and convincing  
9 evidence of rehabilitation has been demonstrated, the following  
10 factors shall be considered:

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

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

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

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

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

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

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

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

29 e. The **[department]** commission shall issue a permit to **[a**  
30 **person to]** operate **[as an alternative treatment center]** or be an  
31 owner, director, officer, or employee of <sup>1</sup>, or an investor in, <sup>1</sup> a  
32 medical cannabis cultivator, medical cannabis manufacturer, or  
33 medical cannabis dispensary if the **[department]** commission finds  
34 that issuing such a permit would be consistent with the purposes of  
35 **[this act]** P.L.2009, c.307 (C.24:6I-1 et al.) and the requirements of  
36 this section and section 11 of P.L. , c. (C. ) (pending before  
37 the Legislature as this bill) are met **[and the department has verified**  
38 **the information contained in the application. The department shall**  
39 **approve or deny an application within 60 days after receipt of a**  
40 **completed application]**. The denial of an application shall be  
41 considered a final agency decision, subject to review by the  
42 Appellate Division of the Superior Court. **[The department may**  
43 **suspend or revoke a permit to operate as an alternative treatment**  
44 **center for cause, which shall be subject to review by the Appellate**  
45 **Division of the Superior Court]** An initial permit to operate a  
46 medical cannabis cultivator, medical cannabis manufacturer, or  
47 medical cannabis dispensary issued on or after the effective date of

1 P.L. , c. (C. ) (pending before the Legislature as this bill)  
2 shall be valid for three years. Medical cannabis cultivator, medical  
3 cannabis manufacturer, and medical cannabis dispensary permits  
4 shall be renewable biennially.

5 f. A person who has been issued a permit pursuant to this  
6 section , a conditional permit pursuant to section 11 of P.L. ,  
7 c. (C. ) (pending before the Legislature as this bill), or a  
8 clinical registrant permit pursuant to section 13 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill) shall  
10 display the permit or conditional permit at the front entrance to the  
11 premises of the [alternative treatment center] permitted facility at  
12 all times when the facility is engaged in conduct authorized  
13 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) involving medical  
14 cannabis, including, but not limited to, the cultivating,  
15 manufacturing, or dispensing of medical cannabis [marijuana is  
16 being produced, or dispensed to a registered qualifying patient or  
17 the patient's primary caregiver].

18 g. **[An alternative treatment center]** A medical cannabis  
19 cultivator, medical cannabis manufacturer, medical cannabis  
20 dispensary, or clinical registrant shall report any change in  
21 information to the **[department] commission** not later than 10 days  
22 after such change, or the permit shall be deemed null and void.

23 h. **[An alternative treatment center may charge a registered**  
24 **qualifying patient or primary caregiver for the reasonable costs**  
25 **associated with the production and distribution of marijuana for the**  
26 **cardholder]** (1) Each medical cannabis cultivator shall maintain  
27 and make available through its Internet website, if any, a standard  
28 price list that shall apply to all medical cannabis sold by the  
29 medical cannabis cultivator to other medical cannabis cultivators  
30 and to medical cannabis manufacturers, medical cannabis  
31 dispensaries, and clinical registrants, which prices shall be  
32 reasonable and consistent with the actual costs incurred by the  
33 medical cannabis cultivator in connection with cultivating the  
34 medical cannabis. The prices charged by the medical cannabis  
35 cultivator shall not deviate from the prices indicated on the  
36 facility's current price list.

37 (2) Each medical cannabis manufacturer shall maintain and  
38 make available through its Internet website, if any, a standard price  
39 list that shall apply to all medical cannabis products sold by the  
40 medical cannabis manufacturer to other medical cannabis  
41 manufacturers and to medical cannabis dispensaries and clinical  
42 registrants, which prices shall be reasonable and consistent with the  
43 actual costs incurred by the medical cannabis manufacturer in  
44 connection with producing the medical cannabis product. The  
45 prices charged by the medical cannabis manufacturer shall not  
46 deviate from the prices indicated on the facility's current price list.

1       (3) Each clinical registrant shall maintain and make available  
2 through its Internet website, if any, a standard price list that shall  
3 apply to all medical cannabis sold by the clinical registrant to other  
4 clinical registrants and to medical cannabis cultivators, medical  
5 cannabis manufacturers, and medical cannabis dispensaries and to  
6 all medical cannabis products sold by the clinical registrant to other  
7 clinical registrants and to medical cannabis manufacturers and  
8 medical cannabis dispensaries, which prices shall be reasonable and  
9 consistent with the actual costs incurred by the clinical registrant in  
10 connection with cultivating the medical cannabis or producing the  
11 medical cannabis product. The prices charged by the clinical  
12 registrant shall not deviate from the prices indicated on the clinical  
13 registrant's current price list. Any prices a clinical registrant  
14 charges to a qualifying patient, designated caregiver, or institutional  
15 caregiver for medical cannabis, medical cannabis products, and  
16 related supplies and paraphernalia shall be reasonable and  
17 consistent with the actual costs incurred by the medical cannabis  
18 dispensary in connection with cultivating, producing, acquiring, or  
19 dispensing the medical cannabis or medical cannabis product and  
20 related supplies and paraphernalia. A clinical registrant may  
21 establish a written policy for making medical cannabis available at  
22 a reduced price or without charge to qualifying patients who have a  
23 demonstrated financial hardship, as that term shall be defined by the  
24 commission by regulation.

25       (4) Any prices a medical cannabis dispensary charges to another  
26 medical cannabis dispensary or to a clinical registrant, qualifying  
27 patient, designated caregiver, or institutional caregiver for medical  
28 cannabis, medical cannabis products, and related supplies and  
29 paraphernalia shall be reasonable and consistent with the actual  
30 costs incurred by the medical cannabis dispensary in connection  
31 with acquiring and selling, transferring, or dispensing the medical  
32 cannabis or medical cannabis product and related supplies and  
33 paraphernalia. A medical cannabis dispensary may establish a  
34 written policy for making medical cannabis available at a reduced  
35 price or without charge to qualifying patients who have a  
36 demonstrated financial hardship, as that term shall be defined by the  
37 commission by regulation.

38       (5) A price list required under paragraphs (1), (2), or (3) of this  
39 subsection may be revised no more than once per month, and each  
40 medical cannabis cultivator, medical cannabis manufacturer, and  
41 clinical registrant shall be responsible for ensuring that the  
42 commission has a copy of the facility's current price list. A  
43 medical cannabis cultivator, medical cannabis manufacturer, or  
44 clinical registrant shall be liable to a civil penalty of \$1,000 for  
45 each sale that occurs at a price that deviates from the entity's  
46 current price list, and to a civil penalty of \$10,000 for each week  
47 during which the entity's current price list is not on file with the  
48 commission. Any civil penalties collected by the commission



1 pursuant to this section shall be used by the commission for the  
2 purposes of administering the State medical cannabis program.

3 i. The **【commissioner】** executive director shall adopt  
4 regulations to:

5 (1) require such written documentation of each delivery of  
6 cannabis to, and pickup of cannabis for, a registered qualifying  
7 patient, including the date and amount dispensed, to be maintained  
8 in the records of the **【alternative treatment center】** medical cannabis  
9 dispensary or clinical registrant, as the **【commissioner】** executive  
10 director determines necessary to ensure effective documentation of  
11 the operations of each **【alternative treatment center】** medical  
12 cannabis dispensary or clinical registrant;

13 (2) monitor, oversee, and investigate all activities performed by  
14 **【an alternative treatment center】** medical cannabis cultivators,  
15 medical cannabis manufacturers, medical cannabis dispensaries, and  
16 clinical registrants; 【and】

17 (3) ensure adequate security of all facilities 24 hours per day **【,**  
18 including production and retail locations,】 and security of all  
19 delivery methods to registered qualifying patients; and

20 (4) establish thresholds for administrative action to be taken  
21 against a medical cannabis cultivator, medical cannabis  
22 manufacturer, medical cannabis dispensary, or clinical registrant  
23 and its employees, officers, investors, directors, or governing board  
24 pursuant to subsection m. of this section, including, but not limited  
25 to, specific penalties or disciplinary actions that may be imposed in  
26 a summary proceeding.

27 j. (1) Each medical cannabis cultivator, medical cannabis  
28 manufacturer, medical cannabis dispensary, and clinical registrant  
29 shall require the owners, directors, officers, and employees at the  
30 permitted facility to complete at least eight hours of ongoing  
31 training each calendar year. The training shall be tailored to the  
32 roles and responsibilities of the individual’s job function, and shall  
33 include training on confidentiality and such other topics as shall be  
34 required by the commission.

35 (2) Each medical cannabis dispensary and clinical registrant  
36 shall consider whether to make interpreter services available to the  
37 population served, including for individuals with a visual or hearing  
38 impairment. The commission shall provide assistance to any  
39 medical cannabis dispensary or clinical registrant that seeks to  
40 provide such services in locating appropriate interpreter resources.  
41 A medical cannabis dispensary or clinical registrant shall assume  
42 the cost of providing interpreter services pursuant to this  
43 subsection.

44 k. (1) A medical cannabis cultivator, medical cannabis  
45 manufacturer, or medical cannabis dispensary that seeks to sell or  
46 transfer its permit to another entity shall apply to the commission  
47 for approval of the sale or transfer. The commission shall not

1 approve the sale or transfer of a permit until each applicant at the  
2 entity applying to purchase or receive the transfer of the permit  
3 undergoes a criminal history record background check pursuant to  
4 subsection d. of this section and the commission finds that the sale  
5 or transfer of the permit would be consistent with the purposes of  
6 P.L.2009, c.307 (C.24:6I-1 et al.). The denial of an application to  
7 sell or transfer a medical cannabis cultivator, medical cannabis  
8 manufacturer, or medical cannabis dispensary permit shall be  
9 considered a final agency decision, subject to review by the  
10 Appellate Division of the Superior Court.

11 (2) If a nonprofit medical cannabis cultivator, medical cannabis  
12 manufacturer, or medical cannabis dispensary proposes to sell or  
13 transfer its permit <sup>1</sup>and other assets<sup>1</sup> to a for-profit entity, its board  
14 of directors may proceed with the sale or transfer upon receiving  
15 approval for the sale or transfer from the commission pursuant to  
16 paragraph (1) of this subsection. In the case of a nonprofit  
17 alternative treatment center that was issued a permit prior to the  
18 effective date of P.L. , c. (C. ) (pending before the Legislature  
19 as this bill) or that was issued a permit after the effective date of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill)  
21 pursuant to an application submitted prior to the effective date of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill),  
23 any such transfer shall not be subject to the requirements of the  
24 “New Jersey Nonprofit Corporation Act,” N.J.S.15A:1-1 et seq.,  
25 provided that, prior to or at the time of the sale or transfer, all debts  
26 and obligations of the nonprofit entity are either paid in full or  
27 assumed by the for-profit entity purchasing or acquiring the permit,  
28 or a reserve fund is established for the purpose of paying in full the  
29 debts and obligations of the nonprofit entity <sup>1</sup>, and the for-profit  
30 entity pays the full value of all assets held by the nonprofit entity,  
31 as reflected on the nonprofit entity’s balance sheet, in addition to  
32 the agreed-upon and commission-approved price for the sale or  
33 transfer of the entity’s alternative treatment center permit<sup>1</sup>.

34 l. No employee of any department, division, agency, board, or  
35 other State, county, or local government entity involved in the  
36 process of reviewing, processing, or making determinations with  
37 regard to medical cannabis cultivator, medical cannabis  
38 manufacturer, medical cannabis dispensary, or clinical registrant  
39 permit applications shall have any direct or indirect financial  
40 interest in the cultivating, manufacturing, or dispensing of medical  
41 cannabis or related paraphernalia, or otherwise receive anything of  
42 value from an applicant for a medical cannabis cultivator, medical  
43 cannabis manufacturer, medical cannabis dispensary, or clinical  
44 registrant permit in exchange for reviewing, processing, or making  
45 any recommendations with respect to a permit application.

46 m. In the event that a medical cannabis cultivator, medical  
47 cannabis manufacturer, medical cannabis dispensary, or clinical  
48 registrant fails to comply with any requirements set forth in

1 P.L.2009, c.307 (C.24:6I-1 et al.), P.L. , c. (C. ) (pending  
2 before the Legislature as this bill), or any related law or regulation,  
3 the commission may invoke penalties or take administrative action  
4 against the medical cannabis cultivator, medical cannabis  
5 manufacturer, medical cannabis dispensary, or clinical registrant  
6 and its employees, officers, investors, directors, or governing board,  
7 including, but not limited to, assessing fines, referring matters to  
8 another State agency, and suspending or terminating any permit  
9 held by the medical cannabis cultivator, medical cannabis  
10 manufacturer, medical cannabis dispensary, or clinical registrant.  
11 Any penalties imposed or administrative actions taken by the  
12 commission pursuant to this subsection may be imposed in a  
13 summary proceeding.

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

15

16 11. (New section) The commission shall, no later than 90 days  
17 after the effective date of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill) or upon adoption of rules and regulations as  
19 provided in subsection c. of section 18 of P.L.2009, c.307 (C.24:6I-  
20 16), whichever occurs first, begin accepting and processing  
21 applications for new medical cannabis cultivator, medical cannabis  
22 manufacturer, and medical cannabis dispensary permits.  
23 Notwithstanding the provisions of subparagraph (a) of paragraph (2)  
24 of subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7), the first  
25 six alternative treatment center permits issued by the commission  
26 pursuant to an application submitted on or after the effective date of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill)  
28 shall be deemed to concurrently hold a medical cannabis cultivator  
29 permit, a medical cannabis manufacturer permit, and a medical  
30 cannabis dispensary permit. Any permits issued by the commission  
31 thereafter shall be subject to the provisions of subparagraph (a) of  
32 paragraph (2) of subsection a. of section 7 of P.L.2009, c.307  
33 (C.24:6I-7). The commission may establish nonrefundable  
34 application fees for permit applications and permit fees for  
35 successful applicants.

36 The commission shall make a determination as to any permit  
37 application no later than 90 days after receiving the application,  
38 which may include a determination that the commission reasonably  
39 requires more time to adequately review the application. The  
40 commission may issue a conditional permit to an applicant pending  
41 the commission's final determination on the applicant's permit  
42 application, provided the applicant submits a sworn statement  
43 attesting that no person named in the permit application has been  
44 convicted of any disqualifying conviction pursuant to subsection c.  
45 of section 7 of P.L.2009, c.307 (C.24:6I-7) or that, if a person  
46 named in the application has been convicted of a disqualifying  
47 conviction, the person has or will submit evidence of rehabilitation.  
48 The commission shall determine by regulation which permit

1 requirements are necessary for the issuance of a conditional permit  
2 pursuant to this section and the scope of conduct authorized under a  
3 conditional permit, and shall establish the terms, conditions, and  
4 restrictions for such conditional permit as may be necessary and  
5 appropriate.

6 The commission shall issue a permit to an approved applicant at  
7 such time as the commission completes the application review  
8 process and any mandatory inspections, and determines that the  
9 applicant is in compliance with and is implementing the plans,  
10 procedures, protocols, actions, or other measures set forth in the  
11 applicant's permit application submitted pursuant to section 12 of  
12 P.L. , c. (C. ) (pending before the Legislature as this bill),  
13 did maintain compliance with the terms, conditions, or restrictions  
14 of a conditional permit issued to the applicant, if applicable, and is  
15 otherwise in compliance with the requirements of P.L.2009, c.307  
16 (C.24:6I-1 et al.) and P.L. , c. (C. ) (pending before the  
17 Legislature as this bill).

18

19 12. (New section) a. Each application for an initial three-year  
20 medical cannabis cultivator permit, medical cannabis manufacturer  
21 permit, and medical cannabis dispensary permit, and each  
22 application for biennial renewal of such permit, shall be submitted  
23 to the commission. A full, separate application shall be required for  
24 each initial permit requested by the applicant and for each location  
25 at which an applicant seeks to operate, regardless of whether the  
26 applicant was previously issued, or currently holds, a medical  
27 cannabis cultivator, medical cannabis manufacturer, medical  
28 cannabis dispensary, or clinical registrant permit. Renewal  
29 applications shall be submitted to the commission on a form and in  
30 a manner as shall be specified by the commission no later than 90  
31 days before the date the current permit will expire.

32 b. An initial permit application shall be evaluated according to  
33 criteria to be developed by the commission. The commission shall  
34 determine the point values to be assigned to each criterion, which  
35 shall include bonus points for applicants who are residents of New  
36 Jersey.

37 c. The criteria to be developed by the commission pursuant to  
38 subsection b. of this section shall include, in addition to the criteria  
39 set forth in subsections d. and e. of this section and any other  
40 criteria developed by the commission, an analysis of the applicant's  
41 operating plan, excluding safety and security criteria, which shall  
42 include the following:

43 (1) In the case of an applicant for a medical cannabis cultivator  
44 permit, the operating plan summary shall include a written  
45 description concerning the applicant's qualifications for, experience  
46 in, and knowledge of each of the following topics:

47 (a) State-authorized cultivation of medical cannabis;

- 1 (b) conventional horticulture or agriculture, familiarity with
  - 2 good agricultural practices, and any relevant certifications or
  - 3 degrees;
  - 4 (c) quality control and quality assurance;
  - 5 (d) recall plans;
  - 6 (e) packaging and labeling;
  - 7 (f) inventory control and tracking software or systems for the
  - 8 production of medical cannabis;
  - 9 (g) analytical chemistry and testing of medical cannabis;
  - 10 (h) water management practices;
  - 11 (i) odor mitigation practices;
  - 12 (j) onsite and offsite recordkeeping;
  - 13 (k) strain variety and plant genetics;
  - 14 (l) pest control and disease management practices, including
  - 15 plans for the use of pesticides, nutrients, and additives;
  - 16 (m) waste disposal plans; and
  - 17 (n) compliance with applicable laws and regulations.
- 18 (2) In the case of an applicant for a medical cannabis
- 19 manufacturer permit, the operating plan summary shall include a
- 20 written description concerning the applicant's qualifications for,
- 21 experience in, and knowledge of each of the following topics:
- 22 (a) State-authorized manufacture, production, and creation of
  - 23 cannabis products using appropriate extraction methods, including
  - 24 intended use and sourcing of extraction equipment and associated
  - 25 solvents or intended methods and equipment for non-solvent
  - 26 extraction;
  - 27 (b) pharmaceutical manufacturing, good manufacturing
  - 28 practices, and good laboratory practices;
  - 29 (c) quality control and quality assurance;
  - 30 (d) recall plans;
  - 31 (e) packaging and labeling;
  - 32 (f) inventory control and tracking software or systems for the
  - 33 production of medical cannabis;
  - 34 (g) analytical chemistry and testing of medical cannabis and
  - 35 medical cannabis products and formulations;
  - 36 (h) water management practices;
  - 37 (i) odor mitigation practices;
  - 38 (j) onsite and offsite recordkeeping;
  - 39 (k) a list of product formulations or products proposed to be
  - 40 manufactured with estimated cannabinoid profiles, if known,
  - 41 including varieties with high cannabidiol content;
  - 42 (l) intended use and sourcing of all non-cannabis ingredients
  - 43 used in the manufacture, production, and creation of cannabis
  - 44 products, including methods to verify or ensure the safety and
  - 45 integrity of those ingredients and their potential to be or contain
  - 46 allergens;
  - 47 (m) waste disposal plans; and
  - 48 (n) compliance with applicable laws and regulations.

- 1 (3) In the case of an applicant for a medical cannabis dispensary  
2 permit, the operating plan summary shall include a written  
3 description concerning the applicant's qualifications for, experience  
4 in, and knowledge of each of the following topics:
- 5 (a) State-authorized dispensation of medical cannabis to  
6 qualifying patients;
  - 7 (b) healthcare, medicine, and treatment of patients with  
8 qualifying medical conditions;
  - 9 (c) medical cannabis product evaluation procedures;
  - 10 (d) recall plans;
  - 11 (e) packaging and labeling;
  - 12 (f) inventory control and point-of-sale software or systems for  
13 the sale of medical cannabis;
  - 14 (g) patient counseling procedures;
  - 15 (h) the routes of administration, strains, varieties, and  
16 cannabinoid profiles of medical cannabis and medical cannabis  
17 products;
  - 18 (i) odor mitigation practices;
  - 19 (j) onsite and offsite recordkeeping;
  - 20 (k) compliance with State and federal patient privacy rules;
  - 21 (l) waste disposal plans; and
  - 22 (m) compliance with applicable laws and regulations.
- 23 d. The criteria to be developed by the commission pursuant to  
24 subsection b. of this section shall include, in addition to the criteria  
25 set forth in subsections c. and e. of this section and any other  
26 criteria developed by the commission, an analysis of the following  
27 factors, if applicable:
- 28 (1) The applicant's environmental impact plan.
  - 29 (2) A summary of the applicant's safety and security plans and  
30 procedures, which shall include descriptions of the following:
    - 31 (a) plans for the use of security personnel, including  
32 contractors;
    - 33 (b) the experience or qualifications of security personnel and  
34 proposed contractors;
    - 35 (c) security and surveillance features, including descriptions of  
36 any alarm systems, video surveillance systems, and access and  
37 visitor management systems, along with drawings identifying the  
38 proposed locations for surveillance cameras and other security  
39 features;
    - 40 (d) plans for the storage of medical cannabis and medical  
41 cannabis products, including any safes, vaults, and climate control  
42 systems that will be utilized for this purpose;
    - 43 (e) a diversion prevention plan;
    - 44 (f) an emergency management plan;
    - 45 (g) procedures for screening, monitoring, and performing  
46 criminal history record background checks of employees;
    - 47 (h) cybersecurity procedures, including, in the case of an  
48 applicant for a medical cannabis dispensary permit, procedures for

1 collecting, processing, and storing patient data, and the applicant's  
2 familiarity with State and federal privacy laws;

3 (i) workplace safety plans and the applicant's familiarity with  
4 federal Occupational Safety and Health Administration regulations;

5 (j) the applicant's history of workers' compensation claims and  
6 safety assessments;

7 (k) procedures for reporting adverse events; and

8 (l) a sanitation practices plan.

9 (3) A summary of the applicant's business experience, including  
10 the following, if applicable:

11 (a) the applicant's experience operating businesses in highly-  
12 regulated industries;

13 (b) the applicant's experience in operating alternative treatment  
14 centers and related medical cannabis production and dispensation  
15 entities under the laws of New Jersey or any other state or  
16 jurisdiction within the United States; and

17 (c) the applicant's plan to comply with and mitigate the effects  
18 of 26 U.S.C. s.280E on cannabis businesses, and for evidence that  
19 the applicant is not in arrears with respect to any tax obligation to  
20 the State.

21 In evaluating the experience described under subparagraphs (a),  
22 (b), and (c) of this paragraph, the commission shall afford the  
23 greatest weight to the experience of the applicant itself, controlling  
24 owners, and entities with common ownership or control with the  
25 applicant; followed by the experience of those with a 15 percent or  
26 greater ownership interest in the applicant's organization; followed  
27 by interest holders in the applicant's organization; followed by  
28 other officers, directors, and bona fide full-time employees of the  
29 applicant as of the submission date of the application.

30 (4) A description of the proposed location for the applicant's  
31 site, including the following, if applicable:

32 (a) the proposed location, the surrounding area, and the  
33 suitability or advantages of the proposed location, along with a  
34 floor plan and optional renderings or architectural or engineering  
35 plans;

36 (b) the submission of zoning approvals for the proposed  
37 location, which shall consist of a letter or affidavit from appropriate  
38 municipal officials that the location will conform to municipal  
39 zoning requirements allowing for such activities related to the  
40 cultivation, manufacturing, or dispensing of medical cannabis,  
41 cannabis products, and related supplies as will be conducted at the  
42 proposed facility; and

43 (c) the submission of proof of local support for the suitability of  
44 the location, which may be demonstrated by a resolution adopted by  
45 the municipality's governing body indicating that the intended  
46 location is appropriately located or otherwise suitable for such  
47 activities related to the cultivation, manufacturing, or dispensing of

1 medical cannabis, cannabis products, and related supplies as will be  
2 conducted at the proposed facility.

3 Notwithstanding any other provision of this subsection, an  
4 application shall be disqualified from consideration unless it  
5 includes documentation demonstrating that the applicant will have  
6 final control of the premises upon approval of the application,  
7 including, but not limited to, a lease agreement, contract for sale,  
8 title, deed, or similar documentation. In addition, if the applicant  
9 will lease the premises, the application will be disqualified from  
10 consideration unless it includes certification from the landlord that  
11 the landlord is aware that the tenant's use of the premises will  
12 involve activities related to the cultivation, manufacturing, or  
13 dispensing of medical cannabis and medical cannabis products. An  
14 application shall not be disqualified from consideration if the  
15 application does not include the materials described in  
16 subparagraphs (b) or (c) of this paragraph.

17 (5) A community impact, social responsibility, and research  
18 statement, which may include, but shall not be limited to, the  
19 following:

20 (a) a community impact plan summarizing how the applicant  
21 intends to have a positive impact on the community in which the  
22 proposed entity is to be located, which shall include an economic  
23 impact plan, a description of outreach activities, and any financial  
24 assistance or discount plans the applicant will provide to qualifying  
25 patients and designated caregivers;

26 (b) a written description of the applicant's record of social  
27 responsibility, philanthropy, and ties to the proposed host  
28 community;

29 (c) a written description of any research the applicant has  
30 conducted on the medical efficacy or adverse effects of cannabis  
31 use and the applicant's participation in or support of cannabis-  
32 related research and educational activities; and

33 (d) a written plan describing any research and development  
34 regarding the medical efficacy or adverse effects of cannabis, and  
35 any cannabis-related educational and outreach activities, which the  
36 applicant intends to conduct if issued a permit by the commission.

37 In evaluating the information submitted pursuant to  
38 subparagraphs (b) and (c) of this paragraph, the commission shall  
39 afford the greatest weight to the experience of the applicant itself,  
40 controlling owners, and entities with common ownership or control  
41 with the applicant; followed by the experience of those with a 15  
42 percent or greater ownership interest in the applicant's organization;  
43 followed by interest holders in the applicant's organization;  
44 followed by other officers, directors, and bona fide full-time  
45 employees of the applicant as of the submission date of the  
46 application.

47 (6) A workforce development and job creation plan, which may  
48 include, but shall not be limited to a description of the applicant's



1 workforce development and job creation plan, which may include  
2 information on the applicant's history of job creation and planned  
3 job creation at the proposed facility; education, training, and  
4 resources to be made available for employees; any relevant  
5 certifications; and an optional diversity plan.

6 (7) A business and financial plan, which may include, but shall  
7 not be limited to, the following:

8 (a) an executive summary of the applicant's business plan;

9 (b) a demonstration of the applicant's financial ability to  
10 implement its business plan, which may include, but shall not be  
11 limited to, bank statements, business and individual financial  
12 statements, net worth statements, and debt and equity financing  
13 statements; and

14 (c) a description of the applicant's experience complying with  
15 guidance pertaining to cannabis issued by the Financial Crimes  
16 Enforcement Network under 31 U.S.C. s.5311 et seq., the federal  
17 "Bank Secrecy Act", which may be demonstrated by submitting  
18 letters regarding the applicant's banking history from banks or  
19 credit unions that certify they are aware of the business activities of  
20 the applicant, or entities with common ownership or control of the  
21 applicant's organization, in any state where the applicant has  
22 operated a business related to medical cannabis. For the purposes  
23 of this subparagraph, the commission shall consider only bank  
24 references involving accounts in the name of the applicant or of an  
25 entity with common ownership or control of the applicant's  
26 organization. An applicant who does not submit the information  
27 described in this subparagraph shall not be disqualified from  
28 consideration.

29 (8) Whether any of the applicant's majority or controlling  
30 owners were previously approved by the commission to serve as an  
31 officer, director, principal, or key employee of an alternative  
32 treatment center, provided any such individual served in that  
33 capacity at the alternative treatment center for six or more months;

34 (9) Whether the applicant can demonstrate that its governance  
35 structure includes the involvement of a school of medicine or  
36 osteopathic medicine licensed and accredited in the United States,  
37 or a general acute care hospital, ambulatory care facility, adult day  
38 care services program, or pharmacy licensed in New Jersey,  
39 provided that:

40 (a) the school, hospital, facility, or pharmacy has conducted or  
41 participated in research approved by an institutional review board  
42 related to cannabis involving the use of human subjects, except in  
43 the case of an accredited school of medicine or osteopathic  
44 medicine that is located and licensed in New Jersey;

45 (b) the school, hospital, facility, or pharmacy holds a profit  
46 share or ownership interest in the applicant's organization of 10  
47 percent or more, except in the case of an accredited school of

1 medicine or osteopathic medicine that is located and licensed in  
2 New Jersey; and

3 (c) the school, hospital, facility, or pharmacy participates in  
4 major decision-making activities within the applicant's  
5 organization, which may be demonstrated by representation on the  
6 board of directors of the applicant's organization.

7 (10) The proposed composition of the applicant's medical  
8 advisory board established pursuant to section 15 of P.L. ,  
9 c. (C. ) (pending before the Legislature as this bill), if any.

10 (11) Any other information the commission deems relevant in  
11 determining whether to grant a permit to the applicant.

12 e. In addition to the information to be submitted pursuant to  
13 subsections c. and d. of this section, the commission shall require  
14 all permit applicants, other than applicants issued a conditional  
15 license, to submit an attestation signed by a bona fide labor  
16 organization stating that the applicant has entered into a labor peace  
17 agreement with such bona fide labor organization. The  
18 maintenance of a labor peace agreement with a bona fide labor  
19 organization shall be an ongoing material condition of maintaining  
20 a medical cannabis cultivator, medical cannabis manufacturer, or  
21 medical cannabis dispensary permit. The submission of an  
22 attestation and maintenance of a labor peace agreement with a bona  
23 fide labor organization by an applicant issued a conditional permit  
24 pursuant to section 11 of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill) shall be a requirement for final approval for  
26 a permit; failure to enter into a collective bargaining agreement  
27 within 200 days of the opening of a medical cannabis cultivator,  
28 medical cannabis manufacturer, or medical cannabis dispensary  
29 shall result in the suspension or revocation of such permit or  
30 conditional permit. In reviewing initial permit applications, the  
31 commission shall give priority to the following:

32 (1) Applicants that are party to a collective bargaining  
33 agreement with a labor organization that currently represents, or is  
34 actively seeking to represent cannabis workers in New Jersey.

35 (2) Applicants that are party to a collective bargaining  
36 agreement with a labor organization that currently represents  
37 cannabis workers in another state.

38 (3) Applicants that include a significantly involved person or  
39 persons lawfully residing in New Jersey for at least two years as of  
40 the date of the application.

41 (4) Applicants that submit an attestation affirming that they will  
42 use best efforts to utilize union labor in the construction or retrofit  
43 of the facilities associated with the permitted entity.

44 f. In reviewing an initial permit application, unless the  
45 information is otherwise solicited by the commission in a specific  
46 application question, the commission's evaluation of the application  
47 shall be limited to the experience and qualifications of the  
48 applicant's organization, including any entities with common

1 ownership or control of the applicant's organization, controlling  
2 owners or interest holders in the applicant's organization, and the  
3 officers, directors, and current full-time existing employees of the  
4 applicant's organization. Responses pertaining to consultants,  
5 independent contractors, applicants who are exempt from the  
6 criminal history record background check requirements of section 7  
7 of P.L.2009, c.307 (C.24:6I-7), and prospective or part-time  
8 employees of the entity shall not be considered. Each applicant  
9 shall certify as to the status of the individuals and entities included  
10 in the application.

11 g. The commission shall develop policies and procedures to  
12 promote and encourage full participation in the medical cannabis  
13 industry by individuals from communities that have historically  
14 experienced disproportionate harm under the State's cannabis  
15 prohibition and enforcement laws, and to have a positive effect on  
16 those communities. The commission shall conduct a disparity study  
17 to determine whether race-based measures should be considered  
18 when issuing permits pursuant to this section, and shall require that  
19 at least <sup>1</sup>~~25~~ 30<sup>1</sup> percent of the total number of new medical  
20 cannabis cultivator permits, medical cannabis manufacturer permits,  
21 and medical cannabis dispensary permits issued on or after the  
22 effective date of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill) are issued <sup>1</sup>~~to a qualified applicant that~~ as  
24 follows<sup>1</sup>:

25 (1) at least 15 percent of the total number of new medical  
26 cannabis cultivator permits, medical cannabis manufacturer  
27 permits, and medical cannabis dispensary permits issued on or after  
28 the effective date of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill) shall be issued to a qualified applicant that<sup>1</sup>  
30 has been certified as a minority business <sup>1</sup>~~or as a women's~~  
31 ~~business~~<sup>1</sup> pursuant to P.L.1986, c.195 (C.52:27H-21.18 et seq.);  
32 and<sup>1</sup>

33 (2) <sup>1</sup>~~has been certified as a veteran-owned business pursuant to~~  
34 ~~P.L.2011, c.147 (C.52:32-49 et seq.);~~

35 (3) at least 15 percent of the total number of new medical  
36 cannabis cultivator permits, medical cannabis manufacturer  
37 permits, and medical cannabis dispensary permits issued on or after  
38 the effective date of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill) shall be issued to a qualified applicant that  
40 has been certified as a women's business pursuant to P.L.1986,  
41 c.195 (C.52:27H-21.18 et seq.) or that<sup>1</sup> is a disabled-veterans'  
42 business, as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2)  
43 ; <sup>1</sup>or

44 (4) has been certified by the United States Small Business  
45 Administration or other issuing agency of the federal government as  
46 a minority-owned business, women-owned business, or service-  
47 disabled veteran-owned business<sup>1</sup>.

1 In selecting among applicants who meet these criteria, the  
2 commission shall grant a higher preference to applicants with up to  
3 two of the certifications described in this subsection.

4 h. The commission shall give special consideration to any  
5 applicant that has entered into an agreement with an institution of  
6 higher education to create an integrated curriculum involving the  
7 cultivation, manufacturing, and dispensing of medical cannabis,  
8 provided that the curriculum is approved by both the commission  
9 and the Department of Education and the applicant agrees to  
10 maintain the integrated curriculum in perpetuity. An integrated  
11 curriculum permit shall be subject to revocation if the IC permit  
12 holder fails to maintain or continue the integrated curriculum. In  
13 the event that, because of circumstances outside an IC permit  
14 holder's control, the IC permit holder will no longer be able to  
15 continue an integrated curriculum, the IC permit holder shall notify  
16 the commission and shall make reasonable efforts to establish a new  
17 integrated curriculum with an institution of higher education,  
18 subject to approval by the commission and the Department of  
19 Education. If the IC permit holder is unable to establish a new  
20 integrated curriculum within six months after the date the current  
21 integrated curriculum arrangement ends, the commission shall  
22 revoke the entity's IC permit, unless the commission finds there are  
23 extraordinary circumstances that justify allowing the permit holder  
24 to retain the permit without an integrated curriculum and the  
25 commission finds that allowing the permit holder to retain the  
26 permit would be consistent with the purposes of P.L.2009, c.307  
27 (C.24:6I-1 et al.), in which case the IC permit shall convert to a  
28 regular permit of the same type. The commission may revise the  
29 application and permit fees or other conditions for an IC permit as  
30 may be necessary to encourage applications for IC permits.

31 i. Application materials submitted to the commission pursuant  
32 to this section shall not be considered a public record pursuant to  
33 P.L.1963, c.73 <sup>1</sup>【, P.L.2001, c.404】<sup>1</sup> (C.47:1A-1 et <sup>1</sup>【al.】, or the  
34 common law concerning access to public records】 seq.) or  
35 P.L.2001, c.404 (C.47:1A-5 et al.)<sup>1</sup>.

36 j. If the commission notifies an applicant that it has performed  
37 sufficiently well on multiple applications to be awarded more than  
38 one medical cannabis cultivator permit, more than one medical  
39 cannabis manufacturer permit, or more than one medical cannabis  
40 dispensary permit by the commission, the applicant shall notify the  
41 commission, within seven business days after receiving such notice,  
42 as to which permit it will accept. For any permit award declined by  
43 an applicant pursuant to this subsection, the commission shall, upon  
44 receiving notice from the applicant of the declination, award the  
45 permit to the applicant for that permit type who, in the  
46 determination of the commission, best satisfies the commission's  
47 criteria while meeting the commission's determination of Statewide  
48 need. If an applicant fails to notify the commission as to which

1 permit it will accept, the commission shall have the discretion to  
2 determine which permit it will award to the applicant, based on the  
3 commission's determination of Statewide need and other  
4 applications submitted for facilities to be located in the affected  
5 regions.

6  
7 13. (New section) a. The commission shall issue clinical  
8 registrant permits to qualified applicants that meet the requirements  
9 of this section. In addition to any other requirements as the  
10 commission establishes by regulation regarding application for and  
11 issuance of a clinical registrant permit, each clinical registrant  
12 applicant shall:

13 (1) complete a criminal history record background check that  
14 meets the requirements of subsection d. of section 7 of P.L.2009,  
15 c.307 (C.24:6I-7);

16 (2) submit to the commission any required application and  
17 permit fees;

18 (3) submit to the commission written documentation of an  
19 existing contract with an academic medical center that meets the  
20 requirements of subsection c. of this section; and

21 (4) submit to the commission documentation that the applicant  
22 has a minimum of \$15 million in capital.

23 b. The commission shall, no later than 90 days after the  
24 effective date of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill) or upon adoption of rules and regulations as  
26 provided in subsection c. of section 18 of P.L.2009, c.307 (C.24:6I-  
27 16), whichever occurs first, begin accepting and processing  
28 applications for four clinical registrant permits. Thereafter, the  
29 commission shall accept applications for and issue such additional  
30 clinical registrant permits as it determines to be necessary and  
31 consistent with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.)  
32 and P.L. , c. (C. ) (pending before the Legislature as this  
33 bill). The commission shall make a determination as to a clinical  
34 registrant permit application no later than 90 days after receiving  
35 the application, which may include a determination that the  
36 commission reasonably requires more time to adequately review the  
37 application.

38 c. A contract between a clinical registrant and an academic  
39 medical center shall include a commitment by the academic medical  
40 center, or its affiliate, to engage in clinical research related to the  
41 use of medical cannabis in order to advise the clinical registrant  
42 concerning patient health and safety, medical applications, and  
43 dispensing and management of controlled substances, among other  
44 areas. A clinical registrant issued a permit pursuant to this section  
45 shall have a written contractual relationship with no more than one  
46 academic medical center.

47 d. A clinical registrant issued a permit pursuant to this section  
48 shall be authorized to engage in all conduct involving the

1 cultivation, processing, and dispensing of medical cannabis as is  
2 authorized for an entity holding medical cannabis cultivator,  
3 medical cannabis manufacturer, and medical cannabis dispensary  
4 permits pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and P.L. , c.  
5 (C. ) (pending before the Legislature as this bill), including  
6 dispensing medical cannabis and medical cannabis products to  
7 qualifying patients and designated and institutional caregivers. The  
8 clinical registrant shall additionally be authorized to engage in  
9 clinical research involving medical cannabis using qualifying  
10 patients who consent to being part of such research, subject to any  
11 restrictions established by the commission.

12 e. A clinical registrant issued a permit pursuant to this section  
13 may apply to the commission for a 'Class 3 Cannabis Wholesaler  
14 license or for a' Class 1 Cannabis Grower license, a Class 2  
15 Cannabis Processor '[License, a Class 3 Cannabis Wholesaler]'  
16 license, and a Class 4 Cannabis '[Retail] Retailer' license, and  
17 shall be authorized to '[concurrently hold one of each license type  
18 and]' engage in any activities authorized pursuant to '[the] any  
19 such' license 'issued, provided that:

20 (1) a clinical registrant may concurrently hold a Class 1  
21 Cannabis Grower license, a Class 2 Cannabis Processor license, and  
22 a Class 4 Cannabis Retailer license;

23 (2) a clinical registrant that is issued a Class 3 Cannabis  
24 Wholesaler license shall not be authorized to concurrently hold a  
25 Class 1 Cannabis Grower license, a Class 2 Cannabis Processor  
26 license, or a Class 4 Cannabis Retailer license; and

27 (3) a clinical registrant that has been issued a Class 1 Cannabis  
28 Grower license, a Class 2 Cannabis Processor license, or a Class 4  
29 Cannabis Retailer license shall not be authorized to concurrently  
30 hold a Class 3 Cannabis Wholesaler license'.

31 '[The] A' clinical registrant 'issued an adult use cannabis  
32 license pursuant to this subsection' shall be authorized to use the  
33 same premises for all activities authorized under P.L.2009, c.307  
34 (C.24:6I-1 et al.) and P.L. , c. (C. ) (pending before the  
35 Legislature as Senate Bill No. 2703) without being required to  
36 establish or maintain any physical barriers or separations between  
37 operations related to the medical use of cannabis and operations  
38 related to adult use cannabis, provided that the clinical registrant  
39 shall be required to certify to the commission that the clinical  
40 registrant has sufficient quantities of medical cannabis and medical  
41 cannabis products available to meet the reasonably anticipated  
42 treatment needs of registered qualifying patients as a condition of  
43 '[selling] engaging in activities related to the growing, producing,  
44 wholesaling, or retail sale of' adult use cannabis '[at retail] , as  
45 applicable'.

46 f. (1) A clinical registrant issued a permit pursuant to this  
47 section may conduct authorized activities related to medical

1 cannabis and, if applicable, adult use cannabis, at more than one  
2 physical location, provided that each location is approved by the  
3 commission and is in the same region in which the academic  
4 medical center with which the clinical registrant has a contract is  
5 located.

6 (2) A clinical registrant may apply to the commission for  
7 approval to relocate an approved facility to another location in the  
8 same region, which application shall be approved unless the  
9 commission makes a specific determination that the proposed  
10 relocation would be inconsistent with the purposes of P.L.2009,  
11 c.307 (C.24:6I-1 et al.) and P.L. , c. (C. ) (pending before the  
12 Legislature as this bill). The denial of an application for relocation  
13 submitted pursuant to this paragraph shall be considered a final  
14 agency decision, subject to review by the Appellate Division of the  
15 Superior Court.

16 (3) The commission may authorize a clinical registrant to  
17 dispense medical cannabis and medical cannabis products from  
18 more than one physical location if the commission determines that  
19 authorizing additional dispensing locations is necessary for the  
20 clinical registrant to best serve and treat qualifying patients and  
21 clinical trial participants.

22 g. A clinical registrant permit shall not be sold or transferred to  
23 any other entity unless the commission finds that the sale or transfer  
24 of the permit is necessary to continue essential clinical research or  
25 the commission finds that the sale or transfer is otherwise consistent  
26 with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.) and P.L. ,  
27 c. (C. ) (pending before the Legislature as this bill). No sale  
28 or transfer of a clinical registrant permit shall be approved until  
29 each applicant at the entity applying to purchase or receive the  
30 transfer of the permit undergoes a criminal history record  
31 background check pursuant to subsection d. of section 7 of  
32 P.L.2009, c.307 (C.24:6I-7).

33 h. Clinical registrant permits shall be valid for the term of the  
34 contractual relationship between the academic medical center and  
35 the clinical registrant. The commission may renew a clinical  
36 registrant permit to correspond to any renewal of the contractual  
37 relationship between the academic medical center and the clinical  
38 registrant.

39 i. Each clinical registrant shall submit the results of the clinical  
40 research obtained through an approved clinical registrant permit to  
41 the commission no later than one year following the conclusion of  
42 the research study or publication of the research study in a peer-  
43 reviewed medical journal. Nothing in this subsection shall be  
44 deemed to require the disclosure of any clinical research that would  
45 infringe on the intellectual property of the clinical registrant or on  
46 the confidentiality of patient information.

47 j. Application materials submitted to the commission pursuant  
48 to this section shall not be considered a public record pursuant to

1 P.L.1963, c.73 <sup>1</sup>【, P.L.2001, c.404】<sup>1</sup> (C.47:1A-1 et <sup>1</sup>【al.】, or the  
2 common law concerning access to public records】 seq.) or  
3 P.L.2001, c.404 (C.47:1A-5 et al.)<sup>1</sup>.  
4

5 14. (New section) a. (1) The commission shall, within 18  
6 months following the commission’s organization, and every three  
7 years thereafter, conduct a feasibility study concerning the potential  
8 for establishing a cannabis research and development permit type.  
9 In order to advance scientific and medical understanding concerning  
10 the potential uses of medical cannabis, and to ensure ongoing  
11 quality control in the collection of data and the aggregation of  
12 clinical, translational, and other research, the feasibility study shall  
13 assess the medical cannabis market and industry, current  
14 perspectives in the scientific and medical communities on medical  
15 cannabis, as well as those of other relevant disciplines, to determine  
16 the potential benefits of establishing a research and development  
17 permit type. Any cannabis research and development permit  
18 established by the commission shall be limited to advancing the use  
19 of cannabis as medicine, improving the lives of current registered  
20 qualifying patients as well as future patients who could derive  
21 therapeutic benefit from the use of cannabis, and furthering the  
22 knowledge of cannabis in the scientific and medical communities.

23 (2) The commission shall additionally assess the feasibility of  
24 securing State funding to support the award of a monetary grant in  
25 conjunction with the issuance of a cannabis research and  
26 development permit to a successful applicant, following a  
27 competitive application process, as well as assess potential future  
28 regulations to apply to any cannabis research and development  
29 permits that are supported by private investment.

30 (3) Each feasibility study conducted pursuant to this subsection  
31 shall include at least one public hearing, at which the commission  
32 shall receive testimony from interested members of the public.

33 (4) The commission shall submit a report of its findings and  
34 conclusions to the Governor and, pursuant to section 2 of P.L.1991,  
35 c.164 (C.52:14-19.1), to the Legislature, within 90 days following  
36 the conclusion of each feasibility study.

37 b. The requirement to complete a feasibility study pursuant to  
38 subsection a. of this section shall expire at such time as the  
39 commission establishes a cannabis research and development permit  
40 type and promulgates rules and regulations with regard to the  
41 permit pursuant to the “Administrative Procedure Act,” P.L.1968,  
42 c.410 (C.52:14B-1 et seq.).

43 c. The commission may establish, by regulation, such  
44 additional permit types in connection with medical cannabis as the  
45 commission deems necessary and appropriate to maximize the  
46 effectiveness and efficiency of the State medical cannabis program  
47 and meet the needs of qualifying patients, health care practitioners,  
48 medical cannabis cultivators, medical cannabis manufacturers,



1 medical cannabis dispensaries, and related entities. Such permits  
2 may include, but shall not be limited to, permits authorizing  
3 pharmacy practice sites licensed pursuant to  
4 P.L.2003, c.280 (C.45:14-40 et seq.) to be authorized to dispense  
5 medical cannabis to qualifying patients and their designated and  
6 institutional caregivers.

7  
8 15. (New section) a. A medical cannabis cultivator, medical  
9 cannabis manufacturer, medical cannabis dispensary, or clinical  
10 registrant may appoint a medical advisory board to provide advice  
11 to the medical cannabis cultivator, medical cannabis manufacturer,  
12 medical cannabis dispensary, or clinical registrant on all aspects of  
13 its business.

14 b. A medical advisory board appointed pursuant to this section  
15 shall comprise five members: three health care practitioners  
16 licensed or certified to practice in New Jersey; one qualifying  
17 patient who resides in the same area in which the medical cannabis  
18 cultivator, medical cannabis manufacturer, medical cannabis  
19 dispensary, or clinical registrant is located; and one individual who  
20 owns a business in the same area in which the medical cannabis  
21 cultivator, medical cannabis manufacturer, medical cannabis  
22 dispensary, or clinical registrant is located. No owner, director,  
23 officer, or employee of a medical cannabis cultivator, medical  
24 cannabis manufacturer, medical cannabis dispensary, or clinical  
25 registrant may serve on a medical advisory board. The membership  
26 of a medical advisory board shall be subject to commission  
27 approval.

28 c. A medical advisory board appointed pursuant to this section  
29 shall meet at least two times per calendar year.

30  
31 16. (New section) a. (1) An organization issued a permit to  
32 operate a medical cannabis cultivator, medical cannabis  
33 manufacturer, medical cannabis dispensary, or clinical registrant  
34 shall not be eligible for a State or local economic incentive.

35 (2) The issuance of a permit to operate a medical cannabis  
36 cultivator, medical cannabis manufacturer, cannabis dispensary, or  
37 clinical registrant to an organization that has been awarded a State  
38 or local economic incentive shall invalidate the right of the  
39 organization to benefit from the economic incentive as of the date  
40 of issuance of the permit, except that an academic medical center  
41 that has entered into a contractual relationship with a clinical  
42 registrant shall not have any right to benefit from an economic  
43 incentive invalidated pursuant to this paragraph on the basis of that  
44 contractual relationship.

45 b. (1) A property owner, developer, or operator of a project to  
46 be used, in whole or in part, as a medical cannabis cultivator,  
47 medical cannabis manufacturer, medical cannabis dispensary, or  
48 clinical registrant shall not be eligible for a State or local economic

1 incentive during the period of time that the economic incentive is in  
2 effect.

3 (2) The issuance of a permit to operate a medical cannabis  
4 cultivator, medical cannabis manufacturer, medical cannabis  
5 dispensary, or clinical registrant at a location that is the subject of a  
6 State or local economic incentive shall invalidate the right of a  
7 property owner, developer, or operator to benefit from the economic  
8 incentive as of the date of issuance of the permit, except that an  
9 academic medical center that has entered into a contractual  
10 relationship with a clinical registrant shall not have any right to  
11 benefit from an economic incentive invalidated pursuant to this  
12 paragraph on the basis of that contractual relationship.

13 c. As used in this section:

14 "Business" means any non-governmental person, association,  
15 for-profit or non-profit corporation, joint venture, limited liability  
16 company, partnership, sole proprietorship, or other form of business  
17 organization or entity.

18 "Governmental entity" means the State, a local unit of  
19 government, or a State or local government agency or authority.

20 "State or local economic incentive" means a financial incentive,  
21 awarded by a governmental entity to a business, or agreed to  
22 between a governmental entity and a business, for the purpose of  
23 stimulating economic development or redevelopment in New  
24 Jersey, including, but not limited to, a bond, grant, loan, loan  
25 guarantee, matching fund, tax credit, or other tax expenditure.

26 "Tax expenditure" means the amount of foregone tax collections  
27 due to any abatement, reduction, exemption, credit, or transfer  
28 certificate against any State or local tax.

29

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

32 8. The provisions of **[this act]** P.L.2009, c.307 (C.24:6I-  
33 1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), and  
34 P.L. , c. (C. ) (pending before the Legislature as this bill)  
35 shall not be construed to permit a person to:

36 a. operate, navigate, or be in actual physical control of any  
37 vehicle, aircraft, railroad train, stationary heavy equipment or vessel  
38 while under the influence of **[marijuana]** cannabis; or

39 b. smoke **[marijuana]** cannabis in a school bus or other form of  
40 public transportation, in a private vehicle unless the vehicle is not in  
41 operation, on any school grounds, in any correctional facility, at any  
42 public park or beach, at any recreation center, or in any place where  
43 smoking is prohibited pursuant to N.J.S.2C:33-13.

44 A person who commits an act as provided in this section shall be  
45 subject to such penalties as are provided by law.

46 (cf: P.L.2009, c.307, c.8)

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

3 10. a. A **【physician】** health care practitioner shall provide  
4 written instructions for a registered qualifying patient or **【his】** the  
5 patient's designated caregiver, or an institutional caregiver acting  
6 on behalf of the patient, to present to **【an alternative treatment**  
7 **center】** a medical cannabis dispensary or a clinical registrant  
8 concerning the total amount of usable **【marijuana】** cannabis that a  
9 patient may be dispensed, in weight, in a 30-day period, which  
10 amount shall not exceed **【two ounces.** If no amount is noted, the  
11 maximum amount that may be dispensed at one time is two ounces**】**  
12 the maximum amount that may be authorized for the patient  
13 pursuant to subsection f. of this section.

14 b. A **【physician】** health care practitioner may issue multiple  
15 written instructions at one time authorizing the patient to receive a  
16 total of up to a **【90-day】** one year supply, provided that the  
17 following conditions are met:

18 (1) Each separate set of instructions shall be issued for a  
19 legitimate medical purpose by the **【physician】** health care  
20 practitioner, as provided in **【this act】** P.L.2009, c.307 (C.24:6I-  
21 1 et al.);

22 (2) Each separate set of instructions shall indicate the earliest  
23 date on which a **【center】** dispensary or clinical registrant may  
24 dispense the **【marijuana】** cannabis, except for the first dispensation  
25 if it is to be filled immediately; and

26 (3) The **【physician】** health care practitioner has determined that  
27 providing the patient with multiple instructions in this manner does  
28 not create an undue risk of diversion or abuse.

29 c. A registered qualifying patient or **【his primary】** the patient's  
30 designated caregiver, or an institutional caregiver acting on behalf  
31 of a qualifying patient, shall present <sup>1</sup>verification of<sup>1</sup> the patient's or  
32 caregiver's <sup>1</sup>**【registry identification card】** registration with the  
33 commission<sup>1</sup>, as applicable, and these written instructions to **【the**  
34 **alternative treatment center】** any medical cannabis dispensary or  
35 clinical registrant, which shall verify and log the documentation  
36 presented. An institutional caregiver shall additionally present an  
37 authorization executed by the patient certifying that the institutional  
38 caregiver is authorized to obtain medical cannabis on behalf of the  
39 patient. A **【physician】** health care practitioner may provide a copy  
40 of a written instruction by electronic or other means, as determined  
41 by the **【commissioner】** executive director, directly to **【an**  
42 **alternative treatment center】** a medical cannabis dispensary or a  
43 clinical registrant on behalf of a registered qualifying patient. The  
44 dispensation of **【marijuana】** medical cannabis pursuant to any  
45 written instructions shall occur within one month of the date that

- 1 the instructions were written or become eligible for dispensing,  
2 whichever is later, or the instructions are void.
- 3 d. **【A patient may be registered at only one alternative**  
4 **treatment center at any time.】** (deleted by amendment, P.L. , c. )  
5 (pending before the Legislature as this bill)
- 6 e. Prior to dispensing medical cannabis to a qualifying patient,  
7 the patient's designated caregiver, or an institutional caregiver, the  
8 medical cannabis dispensary or clinical registrant shall access the  
9 system established pursuant to section 11 of P.L.2009, c.307  
10 (C.45:1-45.1) to ascertain whether medical cannabis was dispensed  
11 for the patient by any medical cannabis dispensary or clinical  
12 registrant within the preceding 30 days. Upon dispensing medical  
13 cannabis to a qualifying patient, the patient's designated caregiver,  
14 or an institutional caregiver, the medical cannabis dispensary or  
15 clinical registrant shall transmit to the patient's health care  
16 practitioner information concerning the amount, strain, and form of  
17 medical cannabis that was dispensed.
- 18 f. (1) Except as provided in paragraph (2) of this subsection,  
19 the maximum amount of usable cannabis that a patient may be  
20 dispensed, in weight, in a 30-day period, shall be:
- 21 (a) until January 1, 2019, two ounces in dried form or the  
22 equivalent amount in any other form;
- 23 (b) on or after January 1, 2019 and continuing until July 1,  
24 2019, two and one-half ounces in dried form or the equivalent  
25 amount in any other form; and
- 26 (c) on or after July 1, 2019, three ounces in dried form or the  
27 equivalent amount in any other form.
- 28 (2) The monthly limits set forth in paragraph (1) of this  
29 subsection shall not apply to patients who are terminally ill or who  
30 are currently receiving hospice care through a licensed hospice,  
31 which patients may be dispensed an unlimited amount of medical  
32 cannabis. Qualifying patients who are not receiving hospice care or  
33 who are not terminally ill may petition the commission, on a form  
34 and in a manner as the commission shall require by regulation, for  
35 an exemption from the monthly limits set forth in paragraph (1) of  
36 this paragraph, which petition the commission shall approve if the  
37 commission finds that granting the exemption is necessary to meet  
38 the patient's treatment needs and is consistent with the provisions of  
39 P.L.2009, c.307 (C.24:6I-1 et al.).
- 40 g. The executive director shall establish, by regulation,  
41 curricula for health care practitioners and for staff at medical  
42 cannabis dispensaries and clinical registrants:
- 43 (1) The curriculum for health care practitioners shall be  
44 designed to assist practitioners in counseling patients with regard to  
45 the quantity, dosing, and administration of medical cannabis as  
46 shall be appropriate to treat the patient's qualifying medical  
47 condition. Health care practitioners shall complete the curriculum

1 as a condition of authorizing patients for the medical use of  
2 cannabis; and

3 (2) The curriculum for employees of medical cannabis  
4 dispensaries and clinical registrants shall be designed to assist the  
5 employees in counseling patients with regard to determining the  
6 strain and form of medical cannabis that is appropriate to treat the  
7 patient's qualifying medical condition. Employees of medical  
8 cannabis dispensaries and clinical registrants shall be required to  
9 complete the curriculum as a condition of registration with the  
10 commission. Completion of the curriculum may constitute part of  
11 the annual training required pursuant to paragraph (1) of subsection  
12 j. of section 7 of P.L.2009, c.307 (C.24:6I-7).

13 h. Commencing July 1, 2020, the amount of the sales tax that  
14 may be imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
15 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical  
16 cannabis dispensary or clinical registrant shall not exceed five  
17 percent.

18 Commencing July 1, 2022, the amount of the sales tax that may  
19 be imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
20 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical  
21 cannabis dispensary or clinical registrant shall not exceed three  
22 percent.

23 Commencing July 1, 2023, the amount of the sales tax that may  
24 be imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
25 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical  
26 cannabis dispensary or clinical registrant shall not exceed one  
27 percent.

28 Commencing July 1, 2024, medical cannabis dispensed by a  
29 medical cannabis dispensary or clinical registrant shall not be  
30 subject to any tax imposed under the "Sales and Use Tax Act,"  
31 P.L.1966, c.30 (C.54:32B-1 et seq.).

32 <sup>1</sup>Any revenue collected pursuant to a tax imposed on the sale of  
33 medical cannabis under the "Sales and Use Tax Act," P.L.1966,  
34 c.30 (C.54:32B-1 et seq.), shall be exclusively appropriated to  
35 programs for the treatment of mental health and substance use  
36 disorders.<sup>1</sup>

37 (cf: P.L.2009, c.307, s.10)

38

39 19. Section 13 of P.L.2009, c.307 (C.24:6I-11) is amended to  
40 read as follows:

41 13. a. The **【commissioner】** executive director may accept  
42 from any governmental department or agency, public or private  
43 body or any other source grants or contributions to be used in  
44 carrying out the purposes of **【this act】** P.L.2009, c.307 (C.24:6I-1  
45 et al.) and P.L. , c. (C. ) (pending before the Legislature as  
46 this bill).

1        b. All fees collected pursuant to **【this act】** P.L.2009, c.307  
2 (C.24:6I-1 et al.) and P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), including those from qualifying patients,  
4 designated and institutional caregivers, and **【alternative treatment**  
5 centers<sup>1</sup> initial, modification and renewal applications for  
6 alternative treatment centers, including medical cannabis  
7 cultivators, medical cannabis manufacturers, medical cannabis  
8 dispensaries, and clinical registrants, shall be used to offset the cost  
9 of the **【department's】** commission's administration of the  
10 provisions of **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.) and  
11 P.L. , c. (C. ) (pending before the Legislature as this bill).  
12 (cf: P.L.2009, c.307, s.13)

13  
14        20. Section 14 of P.L.2009, c.307 (C.24:6I-12) is amended to  
15 read as follows:

16        14. a. The commissioner, or after the effective date of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
18 executive director, shall report to the Governor, and to the  
19 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1):

20        (1) no later than one year after the effective date of **【this act】**  
21 P.L.2009, c.307 (C.24:6I-1 et al.), on the actions taken to  
22 implement the provisions of **【this act】** P.L.2009, c.307 (C.24:6I-  
23 1 et al.); and

24        (2) annually thereafter on the number of applications for  
25 **1【registry identification cards】** registration with the commission<sup>1</sup>,  
26 the number of qualifying patients registered, the number of  
27 **【primary】** designated and institutional caregivers registered, the  
28 nature of the **【debilitating】** qualifying medical conditions of the  
29 patients, the number of **1【registry identification cards】**  
30 registrations<sup>1</sup> revoked, the number of **【alternative treatment center】**  
31 medical cannabis cultivator, medical cannabis manufacturer, and  
32 medical cannabis dispensary permits issued and revoked, the  
33 number and type of integrated curricula approved, established, and  
34 maintained in connection with an IC permit, the number of testing  
35 laboratories licensed, the number of clinical registrant permits  
36 issued and the nature of the clinical research conducted by each  
37 clinical registrant, any incidents of diversion of medical cannabis,  
38 information concerning racial, ethnic, and gender diversity in the  
39 individuals issued and currently holding permits issued by the  
40 commission, statistics concerning arrests for drug offenses  
41 throughout the State and in areas where medical cannabis  
42 dispensaries are located, including information concerning racial  
43 disparities in arrest rates for drug offenses generally and cannabis  
44 offenses in particular, and the number of **【physicians providing**  
45 **certifications for】** health care practitioners authorizing patients for  
46 the medical use of cannabis, including the types of license or  
47 certification held by those practitioners.

1        b. The reports shall not contain any identifying information of  
2 patients, caregivers, or **physicians** health care practitioners.

3        c. Within two years after the effective date of **this act**  
4 P.L.2009, c.307 (C.24:6I-1 et al.) and every two years thereafter,  
5 the commissioner or, after the effective date of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill),  
7 the executive director, shall: evaluate whether there are sufficient  
8 numbers of **alternative treatment centers** medical cannabis  
9 cultivators, medical cannabis manufacturers, medical cannabis  
10 dispensaries, and clinical registrants to meet the needs of registered  
11 qualifying patients throughout the State; evaluate whether the  
12 maximum amount of medical **marijuana** cannabis allowed  
13 pursuant to **this act** P.L.2009, c.307 (C.24:6I-1 et al.) is sufficient  
14 to meet the medical needs of qualifying patients; and determine  
15 whether any **alternative treatment center** medical cannabis  
16 cultivator, medical cannabis manufacturer, medical cannabis  
17 dispensary, or clinical registrant has charged excessive prices **for**  
18 **marijuana** in connection with medical cannabis **that the center**  
19 **dispensed**.

20        The commissioner or, after the effective date of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill),  
22 the executive director, shall report his findings no later than two  
23 years after the effective date of **this act** P.L.2009, c.307 (C.24:6I-  
24 1 et al.), and every two years thereafter, to the Governor, and to the  
25 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).  
26 (cf: P.L.2009, c.307, s.14)

27  
28        21. Section 15 of P.L.2009, c.307 (C.24:6I-13) is amended to  
29 read as follows:

30        15. a. The **Department of Health** Cannabis Regulatory  
31 Commission is authorized to exchange fingerprint data with, and  
32 receive information from, the Division of State Police in the  
33 Department of Law and Public Safety and the Federal Bureau of  
34 Investigation for use in reviewing applications for individuals  
35 **seeking** who are required to complete a criminal history record  
36 background check in connection with applications to serve as  
37 **primary** designated caregivers or institutional caregivers pursuant  
38 to section 4 of P.L.2009, c.307 (C.24:6I-4), for licenses to operate  
39 as, or to be a director, officer, or employee of, medical cannabis  
40 testing laboratories pursuant to section 25 of P.L. , c. (C. )  
41 (pending before the Legislature as this bill), for permits to operate  
42 as, or to be a director, officer, or employee of <sup>1</sup>, or an investor in,<sup>1</sup>  
43 clinical registrants pursuant to section 13 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill), and for permits to  
45 operate as, or to be a director, officer, or employee of, **alternative**  
46 **treatment centers** <sup>1</sup>, or an investor in,<sup>1</sup> medical cannabis

1 cultivators, medical cannabis manufacturers, and medical cannabis  
2 dispensaries pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7).  
3 b. The Division of State Police shall promptly notify the  
4 **【Department of Health】** Cannabis Regulatory Commission in the  
5 event an applicant seeking to serve as a **【primary】** designated or  
6 institutional caregiver, an applicant for a license to operate as, or to  
7 be a director, officer, or employee of, a medical cannabis testing  
8 laboratory, an applicant for a license to operate as, or to be a  
9 director, officer, or employee of, <sup>1</sup>or an investor in,<sup>1</sup> a clinical  
10 registrant, or an applicant for a permit to operate as, or to be a  
11 director, officer, or employee of, 【an alternative treatment center】  
12 <sup>1</sup>or an investor in,<sup>1</sup> a medical cannabis cultivator, medical cannabis  
13 manufacturer, or medical cannabis dispensary, who was the subject  
14 of a criminal history record background check conducted pursuant  
15 to subsection a. of this section, is convicted of a crime involving  
16 possession or sale of a controlled dangerous substance.  
17 (cf: P.L.2012, c.17, s.91)  
18

19 22. Section 16 of P.L.2009, c.307 (C.24:6I-14) is amended to  
20 read as follows:

21 16. Nothing in **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.),  
22 P.L.2015, c.158 (C.18A:40-12.22 et al.), or P.L. , c. (C. )  
23 (pending before the Legislature as this bill) shall be construed to  
24 require a government medical assistance program or private health  
25 insurer to reimburse a person for costs associated with the medical  
26 use of **【marijuana, or an employer to accommodate the medical use**  
27 **of marijuana in any workplace】** cannabis, or to restrict or otherwise  
28 affect the distribution, sale, prescribing, and dispensing of any  
29 product that has been approved for marketing as a prescription drug  
30 or device by the federal Food and Drug Administration.  
31 (cf: P.L.2009, c.307, s.16)  
32

33 23. Section 18 of P.L.2009, c.307 (C.24:6I-16) is amended to  
34 read as follows:

35 18. a. Pursuant to the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner or, after the  
37 effective date of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), the executive director, shall promulgate  
39 rules and regulations to effectuate the purposes of **【this act】**  
40 P.L.2009, c.307 (C.24:6I-1 et al.), in consultation with the  
41 Department of Law and Public Safety.  
42 b. Notwithstanding any provision of P.L.1968, c.410  
43 (C.52:14B-1 et seq.) to the contrary, the commissioner shall adopt,  
44 immediately upon filing with the Office of Administrative Law and  
45 no later than the 90th day after the effective date of **【this act】**  
46 P.L.2009, c.307 (C.24:6I-1 et al.), such regulations as the  
47 commissioner deems necessary to implement the provisions of **【this**



1 act] P.L.2009, c.307 (C.24:6I-1 et al.). Regulations adopted  
2 pursuant to this subsection shall be effective until the adoption of  
3 rules and regulations pursuant to subsection a. of this section and  
4 may be amended, adopted, or readopted by the commissioner in  
5 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1  
6 et seq.).

7 c. No later than 90 days after the effective date of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill),  
9 the executive director shall promulgate rules and regulations to  
10 effectuate the purposes of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill). Rules and regulations adopted pursuant to  
12 this subsection shall, at a minimum:

13 (1) Specify the number of new medical cannabis cultivator,  
14 medical cannabis manufacturer, and medical cannabis dispensary  
15 permits the commission will issue in the first year next following  
16 the effective date of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill); and

18 (2) Establish recommended dosage guidelines for medical  
19 cannabis in each form available to qualifying patients that are  
20 equivalent to one ounce of medical cannabis in dried form. The  
21 executive director shall periodically review and update the dosage  
22 guidelines as appropriate, including to establish dosage guidelines  
23 for new forms of medical cannabis that become available.

24 (cf: P.L.2009, c.307, s.18)

25

26 24. (New section) a. Each batch of medical cannabis cultivated  
27 by a medical cannabis cultivator or a clinical registrant and each  
28 batch of a medical cannabis product produced by a medical  
29 cannabis manufacturer or a clinical registrant shall be tested in  
30 accordance with the requirements of section 26 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) by  
32 a laboratory licensed pursuant to section 25 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill). The laboratory  
34 performing the testing shall produce a written report detailing the  
35 results of the testing, a summary of which shall be included in any  
36 packaging materials for medical cannabis and medical cannabis  
37 products dispensed to qualifying patients and their designated and  
38 institutional caregivers. The laboratory may charge a reasonable  
39 fee for any test performed pursuant to this section.

40 b. The requirements of subsection a. of this section shall take  
41 effect at such time as the executive director certifies that a  
42 sufficient number of laboratories have been licensed pursuant to  
43 section 25 of P.L. , c. (C. ) (pending before the Legislature  
44 as this bill) to ensure that all medical cannabis and medical  
45 cannabis products can be promptly tested and labeled without  
46 disrupting patient access to medical cannabis.

1       25. (New section) a. A laboratory that performs testing services  
2 pursuant to section 24 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill) shall be licensed by the commission and  
4 may be subject to inspection by the commission to determine the  
5 condition and calibration of any equipment used for testing  
6 purposes and to ensure that testing is being performed in  
7 accordance with the requirements of section 26 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill).

9       b. There shall be no upper limit on the number of laboratories  
10 that may be licensed to perform testing services.

11       c. A person who has been convicted of a crime involving any  
12 controlled dangerous substance or controlled substance analog as  
13 set forth in chapter 35 of Title 2C of the New Jersey Statutes except  
14 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law  
15 of the United States or any other state shall not be issued a license  
16 to operate as or be a director, officer, or employee of a medical  
17 cannabis testing laboratory, unless such conviction occurred after  
18 the effective date of P.L.2009, c.307 (C.24:6I-1 et al.) and was for a  
19 violation of federal law relating to possession or sale of cannabis  
20 for conduct that is authorized under P.L.2009, c.307 (C.24:6I-  
21 1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), or  
22 P.L. , c. (C. ) (pending before the Legislature as this bill).

23       d. (1) The executive director shall require each applicant for  
24 licensure as a medical cannabis testing laboratory to undergo a  
25 criminal history record background check, except that no criminal  
26 history record background check shall be required for an applicant  
27 who completed a criminal history record background check as a  
28 condition of professional licensure or certification.

29       For purposes of this section, the term "applicant" shall include  
30 any owner, director, officer, or employee of a medical cannabis  
31 testing laboratory. The executive director is authorized to exchange  
32 fingerprint data with and receive criminal history record  
33 background information from the Division of State Police and the  
34 Federal Bureau of Investigation consistent with the provisions of  
35 applicable federal and State laws, rules, and regulations. The  
36 Division of State Police shall forward criminal history record  
37 background information to the executive director in a timely  
38 manner when requested pursuant to the provisions of this section.

39       An applicant who is required to undergo a criminal history  
40 record background check pursuant to this section shall submit to  
41 being fingerprinted in accordance with applicable State and federal  
42 laws, rules, and regulations. No check of criminal history record  
43 background information shall be performed pursuant to this section  
44 unless the applicant has furnished the applicant's written consent to  
45 that check. An applicant who is required to undergo a criminal  
46 history record background check pursuant to this section who  
47 refuses to consent to, or cooperate in, the securing of a check of  
48 criminal history record background information shall not be

1 considered for a license to operate, or authorization to be employed  
2 at, a medical cannabis testing laboratory. An applicant shall bear  
3 the cost for the criminal history record background check, including  
4 all costs of administering and processing the check.

5 (2) The executive director shall not approve an applicant for a  
6 license to operate, or authorization to be employed at, a medical  
7 cannabis testing laboratory if the criminal history record  
8 background information of the applicant reveals a disqualifying  
9 conviction as set forth in subsection c. of this section.

10 (3) Upon receipt of the criminal history record background  
11 information from the Division of State Police and the Federal  
12 Bureau of Investigation, the executive director shall provide written  
13 notification to the applicant of the applicant's qualification for or  
14 disqualification for a permit to operate or be a director, officer, or  
15 employee of a medical cannabis testing laboratory.

16 If the applicant is disqualified because of a disqualifying  
17 conviction pursuant to the provisions of this section, the conviction  
18 that constitutes the basis for the disqualification shall be identified  
19 in the written notice.

20 (4) The Division of State Police shall promptly notify the  
21 executive director in the event that an individual who was the  
22 subject of a criminal history record background check conducted  
23 pursuant to this section is convicted of a crime or offense in this  
24 State after the date the background check was performed. Upon  
25 receipt of that notification, the executive director shall make a  
26 determination regarding the continued eligibility to operate or be a  
27 director, officer, or employee of a medical cannabis testing  
28 laboratory.

29 (5) Notwithstanding the provisions of subsection c. of this  
30 section to the contrary, the executive director may offer provisional  
31 authority for an applicant to be an owner, director, officer, or  
32 employee of a medical cannabis testing laboratory for a period not  
33 to exceed three months if the applicant submits to the executive  
34 director a sworn statement attesting that the person has not been  
35 convicted of any disqualifying conviction pursuant to this section.

36 (6) Notwithstanding the provisions of subsection c. of this  
37 section to the contrary, no applicant to be an owner, director,  
38 officer, or employee of a medical cannabis testing laboratory shall  
39 be disqualified on the basis of any conviction disclosed by a  
40 criminal history record background check conducted pursuant to  
41 this section if the individual has affirmatively demonstrated to the  
42 executive director clear and convincing evidence of rehabilitation.  
43 In determining whether clear and convincing evidence of  
44 rehabilitation has been demonstrated, the following factors shall be  
45 considered:

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

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

- 1 (c) the circumstances under which the crime or offense  
2 occurred;
- 3 (d) the date of the crime or offense;
- 4 (e) the age of the individual when the crime or offense was  
5 committed;
- 6 (f) whether the crime or offense was an isolated or repeated  
7 incident;
- 8 (g) any social conditions which may have contributed to the  
9 commission of the crime or offense; and
- 10 (h) any evidence of rehabilitation, including good conduct in  
11 prison or in the community, counseling or psychiatric treatment  
12 received, acquisition of additional academic or vocational  
13 schooling, successful participation in correctional work-release  
14 programs, or the recommendation of those who have had the  
15 individual under their supervision.

16

17 26. (New section) a. The commission shall establish, by  
18 regulation, standardized requirements and procedures for testing  
19 medical cannabis and medical cannabis products.

20 b. Any test performed on medical cannabis or on a medical  
21 cannabis product shall include <sup>3</sup>[, at a minimum,]<sup>3</sup> liquid  
22 chromatography analysis to determine chemical composition and  
23 potency, and <sup>3</sup>, at a minimum,<sup>3</sup> screening for <sup>3</sup>each of the  
24 following:

25 (1) microbial<sup>3</sup> contamination <sup>3</sup>【by biologic contaminants,】<sup>3</sup> ;

26 (2)<sup>3</sup> foreign material <sup>3</sup>【,】<sup>3</sup> ;

27 (3)<sup>3</sup> residual pesticides <sup>3</sup>【, and】<sup>3</sup> ;

28 (4)<sup>3</sup> other agricultural residue and residual solvents <sup>3</sup>; and

29 (5) heavy metals<sup>3</sup>.

30 c. Laboratories shall use the dosage equivalence guidelines  
31 developed by the commission pursuant to paragraph (2) of  
32 subsection c. of section 18 of P.L.2009, c.307 (C.24:6I-16) when  
33 testing and determining the potency of medical cannabis products.

34 d. <sup>3</sup>【Equipment used by a licensed laboratory for testing  
35 purposes shall be】 As a condition of licensure, each laboratory shall  
36 certify its intention to seek third party accreditation in accordance  
37 with ISO 17025 standards in order to ensure equipment is<sup>3</sup> routinely  
38 inspected, calibrated, and maintained <sup>3</sup>【in accordance with national  
39 standards or, if national standards are not available, with the  
40 manufacturer's specifications. Calibration procedures shall include  
41 specific directions and limits for accuracy and precision, and  
42 provisions for remedial action when these limits are not met. Each  
43 licensed laboratory shall maintain records of all inspection,  
44 calibration, and maintenance activities, which shall be made  
45 available to the commission upon request】 until such time as the  
46 commission issues its own standards or confirms the use of ISO  
47 17025<sup>3</sup>.

1 e. Until such time as the commission establishes the standards  
2 required by this section, a licensed laboratory <sup>3</sup>【may utilize testing  
3 standards established by any other】 shall utilize the testing  
4 standards established by another<sup>3</sup> state with a medical cannabis  
5 program <sup>3</sup>, which state shall be designated by the executive  
6 director<sup>3</sup>.

7  
8 27. (New section) The executive director may waive any  
9 requirement of P.L.2009, c.307 (C.24:6I-1 et al.) or  
10 P.L. , c. (C. ) (pending before the Legislature as this bill) if  
11 the executive director determines that granting the waiver is  
12 necessary to achieve the purposes of P.L.2009, c.307 (C.24:6I-  
13 1 et al.) and P.L. , c. (C. ) (pending before the Legislature  
14 as this bill) and provide access to patients who would not otherwise  
15 qualify for the medical use of cannabis to alleviate suffering from a  
16 diagnosed medical condition, and does not create a danger to the  
17 public health, safety, or welfare.

18  
19 28. (New section) All powers, duties, and responsibilities with  
20 regard to the regulation and oversight of activities authorized  
21 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)  
23 shall be transferred from the Department of Health to the Cannabis  
24 Regulatory Commission established pursuant to section 7 of  
25 P.L. , c. (C. ) (pending before the Legislature as Senate Bill  
26 No. 2703) at such time as the members of the Cannabis Regulatory  
27 Commission are appointed and the commission first organizes. Any  
28 reference to the Department of Health or the Commissioner of  
29 Health in any statute or regulation pertaining to the provisions of  
30 P.L.2009, c.307 (C.24:6I-1 et al.) or P.L. , c. (C. ) (pending  
31 before the Legislature as this bill) shall be deemed to refer to the  
32 Cannabis Regulatory Commission and the Executive Director of the  
33 Cannabis Regulatory Commission, respectively. The provisions of  
34 this section shall be carried out in accordance with the “State  
35 Agency Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et seq.).

36  
37 29. (New section) If any provision of P.L.2009, c.307 (C.24:6I-  
38 1 et al.), P.L.2015, c.158 (C.18A:40-12.22 et al.), or  
39 P.L. , c. (C. ) (pending before the Legislature as this bill) or  
40 its application to any person or circumstance is held invalid, the  
41 invalidity does not affect other provisions or applications of  
42 P.L.2009, c.307 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-  
43 12.22 et al.), and P.L. , c. (C. ) (pending before the  
44 Legislature as this bill) which can be given effect without the  
45 invalid provision or application, and to this end the provisions of  
46 P.L.2009, c.307 (C.24:6I-1 et al.), P.L.2015, c.158 (C.18A:40-

1 12.22 et al.), and P.L. , c. (C. ) (pending before the  
2 Legislature as this bill) are severable.

3

4 30. N.J.S.2C:35-18 is amended to read as follows:

5 2C:35-18. Exemption; Burden of Proof. a. If conduct is  
6 authorized by the provisions of P.L.1970, c.226 (C.24:21-1 et seq.),  
7 P.L.2009, c.307 (C.24:6I-1 et al.), **【or】** P.L.2015, c.158 (C.18A:40-  
8 12.22 et al.), or P.L. , c. (C. ) (pending before the  
9 Legislature as this bill), that authorization shall, subject to the  
10 provisions of this section, constitute an exemption from criminal  
11 liability under this chapter or chapter 36, and the absence of such  
12 authorization shall not be construed to be an element of any offense  
13 in this chapter or chapter 36. It is an affirmative defense to any  
14 criminal action arising under this chapter or chapter 36 that the  
15 defendant is the authorized holder of an appropriate registration,  
16 permit, or order form or is otherwise exempted or excepted from  
17 criminal liability by virtue of any provision of P.L.1970, c.226  
18 (C.24:21-1 et seq.), P.L.2009, c.307 (C.24:6I-1 et al.), **【or】**  
19 P.L.2015, c.158 (C.18A:40-12.22 et al.), or P.L. , c. (C. )  
20 (pending before the Legislature as this bill). The affirmative defense  
21 established herein shall be proved by the defendant by a  
22 preponderance of the evidence. It shall not be necessary for the  
23 State to negate any exemption set forth in this act or in any  
24 provision of Title 24 of the Revised Statutes in any complaint,  
25 information, indictment, or other pleading or in any trial, hearing,  
26 or other proceeding under this act.

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

32

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

35 1. a. A board of education or chief school administrator of a  
36 nonpublic school shall develop a policy authorizing parents,  
37 guardians, and **【primary】** designated caregivers to administer  
38 medical **【marijuana】** cannabis to a student while the student is on  
39 school grounds, aboard a school bus, or attending a school-  
40 sponsored event.

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

43 (1) require that the student be authorized to engage in the  
44 medical use of **【marijuana】** cannabis pursuant to P.L.2009, c.307  
45 (C.24:6I-1 et al.) and that the parent, guardian, or **【primary】**  
46 designated caregiver be authorized to assist the student with the

1 medical use of **【marijuana】 cannabis** pursuant to P.L.2009, c.307  
2 (C.24:6I-1 et al.);

3 (2) establish protocols for verifying the registration status and  
4 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
5 concerning the medical use of **【marijuana】 cannabis** for the student  
6 and the parent, guardian, or **【primary】 designated** caregiver;

7 (3) expressly authorize parents, guardians, and **【primary】**  
8 **designated** caregivers of students who have been authorized for the  
9 medical use of **【marijuana】 cannabis** to administer medical  
10 **【marijuana】 cannabis** to the student while the student is on school  
11 grounds, aboard a school bus, or attending a school-sponsored  
12 event;

13 (4) identify locations on school grounds where medical  
14 **【marijuana】 cannabis** may be administered; and

15 (5) prohibit the administration of medical **【marijuana】 cannabis**  
16 to a student by smoking or other form of inhalation while the  
17 student is on school grounds, aboard a school bus, or attending a  
18 school-sponsored event.

19 c. Medical **【marijuana】 cannabis** may be administered to a  
20 student while the student is on school grounds, aboard a school bus,  
21 or attending school-sponsored events, provided that such  
22 administration is consistent with the requirements of the policy  
23 adopted pursuant to this section.

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

25

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

28 2. a. The chief administrator of a facility that offers services  
29 for persons with developmental disabilities shall develop a policy  
30 authorizing a parent, guardian, or **【primary】 designated** caregiver  
31 authorized to assist a qualifying patient with the use of medical  
32 **【marijuana】 cannabis** pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
33 to administer medical **【marijuana】 cannabis** to a person who is  
34 receiving services for persons with developmental disabilities at the  
35 facility.

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

38 (1) require the person receiving services for persons with  
39 developmental disabilities be a qualifying patient authorized for the  
40 use of medical **【marijuana】 cannabis** pursuant to P.L.2009, c.307  
41 (C.24:6I-1 et al.), and that the parent, guardian, or **【primary】**  
42 **designated** caregiver be authorized to assist the person with the  
43 medical use of **【marijuana】 cannabis** pursuant to P.L.2009, c.307  
44 (C.24:6I-1 et al.);

45 (2) establish protocols for verifying the registration status and  
46 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)

1 concerning the medical use of **【marijuana】** cannabis for the person  
2 and the parent, guardian, or **【primary】** designated caregiver;

3 (3) expressly authorize parents, guardians, and **【primary】**  
4 designated caregivers to administer medical **【marijuana】** cannabis  
5 to the person receiving services for persons with developmental  
6 disabilities while the person is at the facility; and

7 (4) identify locations at the facility where medical **【marijuana】**  
8 cannabis may be administered.

9 c. Medical **【marijuana】** cannabis may be administered to a  
10 person receiving services for persons with developmental  
11 disabilities at a facility that offers such services while the person is  
12 at the facility, provided that such administration is consistent with  
13 the requirements of the policy adopted pursuant to this section and  
14 the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

15 d. Nothing in this section shall be construed to authorize  
16 medical **【marijuana】** cannabis to be smoked in any place where  
17 smoking is prohibited pursuant to N.J.S.2C:33-13.  
18 (cf: P.L.2015, c.158, s.2)

19

20 33. (New section) a. The chief administrator of a facility that  
21 offers behavioral health care services shall develop a policy  
22 authorizing a parent, guardian, or designated caregiver authorized to  
23 assist a qualifying patient with the use of medical cannabis pursuant  
24 to P.L.2009, c.307 (C.24:6I-1 et al.) to administer medical cannabis  
25 to a person who is receiving behavioral health care services at the  
26 facility.

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

29 (1) require the person receiving behavioral health care services  
30 be a qualifying patient authorized for the use of medical cannabis  
31 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), and that the parent,  
32 guardian, or designated caregiver be authorized to assist the person  
33 with the medical use of cannabis pursuant to P.L.2009, c.307  
34 (C.24:6I-1 et al.);

35 (2) establish protocols for verifying the registration status and  
36 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
37 concerning the medical use of cannabis for the person and the  
38 parent, guardian, or designated caregiver;

39 (3) expressly authorize parents, guardians, and designated  
40 caregivers to administer medical cannabis to the person receiving  
41 behavioral health care services while the person is at the facility;  
42 and

43 (4) identify locations at the facility where medical cannabis may  
44 be administered.

45 c. Medical cannabis may be administered to a person receiving  
46 behavioral health care services at a facility that offers such services  
47 while the person is at the facility, provided that such administration



1 is consistent with the requirements of the policy adopted pursuant to  
2 this section and the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

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

6 e. As used in this section, "behavioral health care services"  
7 means procedures or services provided by a health care practitioner  
8 to a patient for the treatment of a mental illness or emotional  
9 disorder that is of mild to moderate severity. "Behavioral health  
10 care" and "behavioral health care services" shall not include  
11 procedures or services that are provided for the treatment of severe  
12 mental illness, severe emotional disorder, or any drug or alcohol use  
13 disorder.

14

15 34. Section 11 of P.L.2009, c.307 (C.45:1-45.1) is amended to  
16 read as follows:

17 11. a. A **【physician】** health care practitioner who **【provides a**  
18 **certification】** authorizes a patient for the medical use of cannabis or  
19 who provides a written instruction for the medical use of  
20 **【marijuana】** cannabis to a qualifying patient pursuant to P.L.2009,  
21 c.307 (C.24:6I-1 et al.) and **【any alternative treatment center】** each  
22 medical cannabis dispensary and clinical registrant shall furnish to  
23 the Director of the Division of Consumer Affairs in the Department  
24 of Law and Public Safety such information, on a daily basis and in  
25 such a format **【and at such intervals,】** as the director shall prescribe  
26 by regulation, for inclusion in a system established to monitor the  
27 dispensation of **【marijuana】** cannabis in this State for medical use  
28 as authorized by the provisions of P.L.2009, c.307 (C.24:6I-  
29 1 et al.), which system shall serve the same purpose as, and be  
30 cross-referenced with, the electronic system for monitoring  
31 controlled dangerous substances established pursuant to section 25  
32 of P.L.2007, c.244 (C.45:1-45).

33 b. The Director of the Division of Consumer Affairs, pursuant  
34 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
35 1 et seq.), and in consultation with the **【Commissioner of Health**  
36 **and Senior Services】** Executive Director of the Cannabis  
37 Regulatory Commission, shall adopt rules and regulations to  
38 effectuate the purposes of subsection a. of this section.

39 c. Notwithstanding any provision of P.L.1968, c.410  
40 (C.52:14B-1 et seq.) to the contrary, the Director of the Division of  
41 Consumer Affairs shall adopt, immediately upon filing with the  
42 Office of Administrative Law and no later than the 90th day after  
43 the effective date of P.L.2009, c.307 (C.24:6I-1 et al.), such  
44 regulations as the director deems necessary to implement the  
45 provisions of subsection a. of this section. Regulations adopted  
46 pursuant to this subsection shall be effective until the adoption of  
47 rules and regulations pursuant to subsection b. of this section and

1 may be amended, adopted, or readopted by the director in  
2 accordance with the requirements of P.L.1968, c.410 (C.52:14B-  
3 1 et seq.).  
4 (cf: P.L.2009, c.307, s.11)  
5

6 35. Section 7 of P.L.1991, c.378 (C.45:9-27.16) is amended to  
7 read as follows:

8 7. a. A physician assistant may perform the following  
9 procedures:

10 (1) Approaching a patient to elicit a detailed and accurate  
11 history, perform an appropriate physical examination, identify  
12 problems, record information, and interpret and present information  
13 to the supervising physician;

14 (2) Suturing and caring for wounds including removing sutures  
15 and clips and changing dressings, except for facial wounds,  
16 traumatic wounds requiring suturing in layers, and infected wounds;

17 (3) Providing patient counseling services and patient education  
18 consistent with directions of the supervising physician;

19 (4) Assisting a physician in an inpatient setting by conducting  
20 patient rounds, recording patient progress notes, determining and  
21 implementing therapeutic plans jointly with the supervising  
22 physician, and compiling and recording pertinent narrative case  
23 summaries;

24 (5) Assisting a physician in the delivery of services to patients  
25 requiring continuing care in a private home, nursing home,  
26 extended care facility, or other setting, including the review and  
27 monitoring of treatment and therapy plans; and

28 (6) Referring patients to, and promoting their awareness of,  
29 health care facilities and other appropriate agencies and resources in  
30 the community.

31 (7) (Deleted by amendment, P.L.2015, c.224)

32 b. A physician assistant may perform the following procedures  
33 only when directed, ordered, or prescribed by the supervising  
34 physician, or when performance of the procedure is delegated to the  
35 physician assistant by the supervising physician as authorized under  
36 subsection d. of this section:

37 (1) Performing non-invasive laboratory procedures and related  
38 studies or assisting duly licensed personnel in the performance of  
39 invasive laboratory procedures and related studies;

40 (2) Giving injections, administering medications, and requesting  
41 diagnostic studies;

42 (3) Suturing and caring for facial wounds, traumatic wounds  
43 requiring suturing in layers, and infected wounds;

44 (4) Writing prescriptions or ordering medications in an inpatient  
45 or outpatient setting in accordance with section 10 of  
46 P.L.1991, c.378 (C.45:9-27.19); **【and】**

47 (5) Prescribing the use of patient restraints; and

1       (6) Authorizing qualifying patients for the medical use of  
2 cannabis and issuing written instructions for medical cannabis to  
3 registered qualifying patients pursuant to P.L.2009, c.307 (C.24:6I-  
4 1 et al.).

5       c. A physician assistant may assist a supervising surgeon in the  
6 operating room when a qualified assistant physician is not required  
7 by the board and a second assistant is deemed necessary by the  
8 supervising surgeon.

9       d. A physician assistant may perform medical services beyond  
10 those explicitly authorized in this section, when such services are  
11 delegated by a supervising physician with whom the physician  
12 assistant has signed a delegation agreement pursuant to section 8 of  
13 P.L.1991, c.378 (C.45:9-27.17). The procedures delegated to a  
14 physician assistant shall be limited to those customary to the  
15 supervising physician's specialty and within the supervising  
16 physician's and the physician assistant's competence and training.

17       e. Notwithstanding subsection d. of this section, a physician  
18 assistant shall not be authorized to measure the powers or range of  
19 human vision, determine the accommodation and refractive states of  
20 the human eye, or fit, prescribe, or adapt lenses, prisms, or frames  
21 for the aid thereof. Nothing in this subsection shall be construed to  
22 prohibit a physician assistant from performing a routine visual  
23 screening.

24 (cf: P.L.2015, c.224, s.7)

25  
26       36. Section 10 of P.L.1991, c.378 (C.45:9-27.19) is amended to  
27 read as follows:

28       10. A physician assistant may order, prescribe, dispense, and  
29 administer medications and medical devices and issue written  
30 instructions to registered qualifying patients for medical cannabis to  
31 the extent delegated by a supervising physician.

32       a. Controlled dangerous substances may only be ordered or  
33 prescribed if:

34       (1) a supervising physician has authorized a physician assistant  
35 to order or prescribe Schedule II, III, IV, or V controlled dangerous  
36 substances in order to:

37       (a) continue or reissue an order or prescription for a controlled  
38 dangerous substance issued by the supervising physician;

39       (b) otherwise adjust the dosage of an order or prescription for a  
40 controlled dangerous substance originally ordered or prescribed by  
41 the supervising physician, provided there is prior consultation with  
42 the supervising physician;

43       (c) initiate an order or prescription for a controlled dangerous  
44 substance for a patient, provided there is prior consultation with the  
45 supervising physician if the order or prescription is not pursuant to  
46 subparagraph (d) of this paragraph; or

47       (d) initiate an order or prescription for a controlled dangerous  
48 substance as part of a treatment plan for a patient with a terminal

1 illness, which for the purposes of this subparagraph means a  
2 medical condition that results in a patient's life expectancy being 12  
3 months or less as determined by the supervising physician;

4 (2) the physician assistant has registered with, and obtained  
5 authorization to order or prescribe controlled dangerous substances  
6 from, the federal Drug Enforcement Administration and any other  
7 appropriate State and federal agencies; and

8 (3) the physician assistant complies with all requirements which  
9 the board shall establish by regulation for the ordering, prescription,  
10 or administration of controlled dangerous substances, all applicable  
11 educational program requirements, and continuing professional  
12 education programs approved pursuant to section 16 of P.L.1991,  
13 c.378 (C.45:9-27.25).

14 b. (Deleted by amendment, P.L.2015, c.224)

15 c. (Deleted by amendment, P.L.2015, c.224)

16 d. In the case of an order or prescription for a controlled  
17 dangerous substance or written instructions for medical cannabis,  
18 the physician assistant shall print on the order or prescription or the  
19 written instructions the physician assistant's Drug Enforcement  
20 Administration registration number.

21 e. The dispensing of medication or a medical device by a  
22 physician assistant shall comply with relevant federal and State  
23 regulations, and shall occur only if: (1) pharmacy services are not  
24 reasonably available; (2) it is in the best interest of the patient; or  
25 (3) the physician assistant is rendering emergency medical  
26 assistance.

27 f. A physician assistant may request, receive, and sign for  
28 prescription drug samples and may distribute those samples to  
29 patients.

30 g. A physician assistant may issue written instructions to a  
31 registered qualifying patient for medical cannabis pursuant to  
32 section 10 of P.L.2009, c.307 (C.24:6I-10) only if:

33 (1) a supervising physician has authorized the physician  
34 assistant to issue written instructions to registered qualifying  
35 patients;

36 (2) the physician assistant verifies the patient's status as a  
37 registered qualifying patient; and

38 (3) the physician assistant complies with the requirements for  
39 issuing written instructions for medical cannabis established  
40 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and  
41 P.L. , c. (C. ) (pending before the Legislature as this bill).

42 (cf: P.L.2015, c.224, s.7)

43  
44 37. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to  
45 read as follows:

46 10. a. In addition to all other tasks which a registered  
47 professional nurse may, by law, perform, an advanced practice  
48 nurse may manage preventive care services and diagnose and

1 manage deviations from wellness and long-term illnesses, consistent  
2 with the needs of the patient and within the scope of practice of the  
3 advanced practice nurse, by:

- 4 (1) initiating laboratory and other diagnostic tests;
- 5 (2) prescribing or ordering medications and devices, as  
6 authorized by subsections b. and c. of this section; and
- 7 (3) prescribing or ordering treatments, including referrals to  
8 other licensed health care professionals, and performing specific  
9 procedures in accordance with the provisions of this subsection.

10 b. An advanced practice nurse may order medications and  
11 devices in the inpatient setting, subject to the following conditions:

12 (1) the collaborating physician and advanced practice nurse  
13 shall address in the joint protocols whether prior consultation with  
14 the collaborating physician is required to initiate an order for a  
15 controlled dangerous substance;

16 (2) the order is written in accordance with standing orders or  
17 joint protocols developed in agreement between a collaborating  
18 physician and the advanced practice nurse, or pursuant to the  
19 specific direction of a physician;

20 (3) the advanced practice nurse authorizes the order by signing  
21 the nurse's own name, printing the name and certification number,  
22 and printing the collaborating physician's name;

23 (4) the physician is present or readily available through  
24 electronic communications;

25 (5) the charts and records of the patients treated by the advanced  
26 practice nurse are reviewed by the collaborating physician and the  
27 advanced practice nurse within the period of time specified by rule  
28 adopted by the Commissioner of Health pursuant to section 13 of  
29 P.L.1991, c.377 (C.45:11-52);

30 (6) the joint protocols developed by the collaborating physician  
31 and the advanced practice nurse are reviewed, updated, and signed  
32 at least annually by both parties; and

33 (7) the advanced practice nurse has completed six contact hours  
34 of continuing professional education in pharmacology related to  
35 controlled substances, including pharmacologic therapy, addiction  
36 prevention and management, and issues concerning prescription  
37 opioid drugs, including responsible prescribing practices,  
38 alternatives to opioids for managing and treating pain, and the risks  
39 and signs of opioid abuse, addiction, and diversion, in accordance  
40 with regulations adopted by the New Jersey Board of Nursing. The  
41 six contact hours shall be in addition to New Jersey Board of  
42 Nursing pharmacology education requirements for advanced  
43 practice nurses related to initial certification and recertification of  
44 an advanced practice nurse as set forth in N.J.A.C.13:37-7.2.

45 c. An advanced practice nurse may prescribe medications and  
46 devices in all other medically appropriate settings, subject to the  
47 following conditions:

- 1 (1) the collaborating physician and advanced practice nurse  
2 shall address in the joint protocols whether prior consultation with  
3 the collaborating physician is required to initiate a prescription for a  
4 controlled dangerous substance;
- 5 (2) the prescription is written in accordance with standing orders  
6 or joint protocols developed in agreement between a collaborating  
7 physician and the advanced practice nurse, or pursuant to the  
8 specific direction of a physician;
- 9 (3) the advanced practice nurse writes the prescription on a New  
10 Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-  
11 40 et seq.), signs the nurse's own name to the prescription and prints  
12 the nurse's name and certification number;
- 13 (4) the prescription is dated and includes the name of the patient  
14 and the name, address, and telephone number of the collaborating  
15 physician;
- 16 (5) the physician is present or readily available through  
17 electronic communications;
- 18 (6) the charts and records of the patients treated by the advanced  
19 practice nurse are periodically reviewed by the collaborating  
20 physician and the advanced practice nurse;
- 21 (7) the joint protocols developed by the collaborating physician  
22 and the advanced practice nurse are reviewed, updated, and signed  
23 at least annually by both parties; and
- 24 (8) the advanced practice nurse has completed six contact hours  
25 of continuing professional education in pharmacology related to  
26 controlled substances, including pharmacologic therapy, addiction  
27 prevention and management, and issues concerning prescription  
28 opioid drugs, including responsible prescribing practices,  
29 alternatives to opioids for managing and treating pain, and the risks  
30 and signs of opioid abuse, addiction, and diversion, in accordance  
31 with regulations adopted by the New Jersey Board of Nursing. The  
32 six contact hours shall be in addition to New Jersey Board of  
33 Nursing pharmacology education requirements for advanced  
34 practice nurses related to initial certification and recertification of  
35 an advanced practice nurse as set forth in N.J.A.C.13:37-7.2.
- 36 d. The joint protocols employed pursuant to subsections b. and  
37 c. of this section shall conform with standards adopted by the  
38 Director of the Division of Consumer Affairs pursuant to section 12  
39 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999, c.85  
40 (C.45:11-49.2), as applicable.
- 41 e. (Deleted by amendment, P.L.2004, c.122.)
- 42 f. An attending advanced practice nurse may determine and  
43 certify the cause of death of the nurse's patient and execute the  
44 death certification pursuant to R.S.26:6-8 if no collaborating  
45 physician is available to do so and the nurse is the patient's primary  
46 caregiver.
- 47 g. An advanced practice nurse may authorize qualifying  
48 patients for the medical use of cannabis and issue written

1 instructions for medical cannabis to registered qualifying patients,  
2 subject to the following conditions:

3 (1) the collaborating physician and advanced practice nurse  
4 shall address in the joint protocols whether prior consultation with  
5 the collaborating physician is required to authorize a qualifying  
6 patient for the medical use of cannabis or issue written instructions  
7 for medical cannabis;

8 (2) the authorization for the medical use of cannabis or issuance  
9 of written instructions for cannabis is in accordance with standing  
10 orders or joint protocols developed in agreement between a  
11 collaborating physician and the advanced practice nurse, or  
12 pursuant to the specific direction of a physician;

13 (3) the advanced practice nurse signs the nurse's own name to  
14 the authorization or written instruction and prints the nurse's name  
15 and certification number;

16 (4) the authorization or written instruction is dated and includes  
17 the name of the qualifying patient and the name, address, and  
18 telephone number of the collaborating physician;

19 (5) the physician is present or readily available through  
20 electronic communications;

21 (6) the charts and records of qualifying patients treated by the  
22 advanced practice nurse are periodically reviewed by the  
23 collaborating physician and the advanced practice nurse;

24 (7) the joint protocols developed by the collaborating physician  
25 and the advanced practice nurse are reviewed, updated, and signed  
26 at least annually by both parties; and

27 (8) the advanced practice nurse complies with the requirements  
28 for authorizing qualifying patients for the medical use of cannabis  
29 and for issuing written instructions for medical cannabis established  
30 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).  
32 (cf: P.L.2017, c.28, s.15)

33

34 38. Section 5 of P.L.2009, c.307 (C.24:6I-5) is repealed.

35

36 39. This act shall take effect immediately.