

# SENATE, No. 2520

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 10, 2018

**Sponsored by:**  
**Senator JOSEPH P. CRYAN**  
**District 20 (Union)**

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

As introduced.



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

3

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

6

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

9 3. As used in this act:

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

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

18 "Commissioner" means the Commissioner of Health.

19 "Debilitating medical condition" means:

20 (1) **[one of the following conditions, if resistant to conventional**  
21 **medical therapy: seizure disorder, including epilepsy; intractable**  
22 **skeletal muscular spasticity; post-traumatic stress disorder; or**  
23 **glaucoma;]** (deleted by amendment, P.L. , c. ) (pending before  
24 the Legislature as this bill)

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

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

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

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

41 "Department" means the Department of Health.

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

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

**Matter underlined thus is new matter.**

1 "Medical marijuana alternative treatment center" or "alternative  
2 treatment center" means an organization approved by the  
3 department to perform activities necessary to provide registered  
4 qualifying patients with usable marijuana and related paraphernalia  
5 in accordance with the provisions of this act. This term shall  
6 include the organization's officers, directors, board members, and  
7 employees.

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

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

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

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 marijuana that is authorized  
34 under this act;

35 d. has registered with the department pursuant to section 4 of  
36 this act, and has satisfied the criminal history record background  
37 check requirement of section 4 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 "Qualifying patient" or "patient" means a resident of the State  
42 who has been provided with a certification by a physician pursuant  
43 to a bona fide physician-patient relationship.

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

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

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

5  
6 2. This act shall take effect immediately.

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9 STATEMENT

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11 This bill expands the list of debilitating medical conditions that  
12 qualify patients for the medical use of marijuana by codifying a  
13 recent administrative action that adds additional conditions to the  
14 list, and by removing language that prevented medical marijuana  
15 from being a treatment of first resort for certain conditions currently  
16 on the list.

17 Specifically, this bill codifies the Department of Health's March  
18 2018 adoption of the Medical Marijuana Review Panel's  
19 recommendation that the list of debilitating medical conditions be  
20 expanded to include chronic pain associated with a musculoskeletal  
21 disorder, chronic pain conditions of a visceral origin, Tourette's  
22 Syndrome, migraine, and anxiety.

23 The bill also removes a requirement that certain other  
24 debilitating medical conditions be "resistant to conventional  
25 medical therapy" as a condition of authorizing patients for the  
26 medical use of marijuana. These conditions include: seizure  
27 disorder, including epilepsy; intractable skeletal muscular  
28 spasticity; post-traumatic stress disorder; and glaucoma. This  
29 provision implements a recommendation included in the March  
30 2018 Department of Health report issued pursuant to Executive  
31 Order No. 6 of 2018, which ordered a complete review of the State  
32 medical marijuana program.

33 To be authorized for the use of medical marijuana under the bill,  
34 patients will still have to meet the other requirements of the "New  
35 Jersey Compassionate Use Medical Marijuana Act," including  
36 obtaining certification of the patient's condition from a physician  
37 with whom the patient has a bona fide physician-patient  
38 relationship.