

ASSEMBLY, No. 5760

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 18, 2021

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Co-Sponsored by:

Assemblywomen Speight and Chaparro

SYNOPSIS

Allows costs of medical cannabis to be reimbursed by Catastrophic Illness in Children Relief Fund, PAAD, Senior Gold, and VCCO.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 AN ACT concerning medical cannabis, amending various parts of
2 the statutory law, and supplementing P.L.1975, c.194 and
3 P.L.2001, c.26.

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

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

10 16. **[Nothing]** a. Except as provided in subsection b. of this
11 section, nothing in P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015,
12 c.158 (C.18A:40-12.22 et al.) shall be construed to require a
13 government medical assistance program or private health insurer to
14 reimburse a person for costs associated with the medical use of
15 cannabis, or to restrict or otherwise affect the distribution, sale,
16 prescribing, and dispensing of any product that has been approved
17 for marketing as a prescription drug or device by the federal Food
18 and Drug Administration.

19 b. Consistent with the provisions of P.L. , c. (C.)
20 (pending before the Legislature as this bill), the cost of medical
21 cannabis and medical cannabis products dispensed by a medical
22 cannabis dispensary or clinical registrant shall be eligible for
23 reimbursement through the "Catastrophic Illness in Children Relief
24 Fund" established pursuant to P.L.1987, c.370 (C.26:2-148 et seq.),
25 the "Pharmaceutical Assistance to the Aged and Disabled" program
26 established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), the
27 "Senior Gold Prescription Discount Program" established pursuant
28 to P.L.2001, c.96 (C.30:4D-45 et al.), and the "Criminal Injuries
29 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).
30 (cf: P.L.2019, c.153, s.22)

31
32 2. Section 2 of P.L.1987, c.370 (C.26:2-149) is amended to
33 read as follows:

34 2. As used in this act:

35 a. "Catastrophic illness" means any illness or condition the
36 medical expenses of which are not covered by any other State or
37 federal program or any insurance contract and exceed **[10%]** 10
38 percent of the first \$100,000 of annual income of a family plus
39 **[15%]** 15 percent of the excess income over \$100,000.

40 b. "Child" means a person 21 years of age and under.

41 c. "Commission" means the Catastrophic Illness in Children
42 Relief Fund Commission.

43 d. "Family" means a child and the child's parent, parents or
44 legal guardian, as the case may be, who is legally responsible for
45 the child's medical expenses.

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 e. "Fund" means the Catastrophic Illness in Children Relief
2 Fund.

3 f. "Income" means all income, from whatever source derived,
4 actually received by a family.

5 g. "Resident" means a person legally domiciled within the State
6 for a period of three months immediately preceding the date of
7 application for inclusion in the program. Mere seasonal or
8 temporary residence within the State, of whatever duration, does not
9 constitute domicile. Absence from this State for a period of 12
10 months or more is prima facie evidence of abandonment of
11 domicile. The burden of establishing legal domicile within the
12 State is upon the parent or legal guardian of a child.

13 h. "Clinical registrant," "medical cannabis dispensary," and
14 "registered qualifying patient" mean the same as those terms are
15 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

16 i. "Cost of medical cannabis" means the purchase price of
17 medical cannabis and medical cannabis products dispensed to or on
18 behalf a registered qualifying patient, which purchase price shall be
19 the price listed on the medical cannabis dispensary's or clinical
20 registrant's website pursuant to subsection h. of section 7 of
21 P.L.2009, c.307 (C.24:6I-7) less any applicable discounts or price
22 reductions.

23 (cf: P.L.2003, c.260, s.1)

24
25 3. Section 9 of P.L.1987, c.370 (C.26:2-156) is amended to
26 read as follows:

27 9. Whenever a child has a catastrophic illness and is eligible
28 for the program, the child, through **[his]** the child's parent or legal
29 guardian, shall receive financial assistance from monies in the fund
30 subject to the rules and regulations established by the commission
31 and the availability of monies in the fund. The financial assistance
32 shall include, but is not limited to, payments or reimbursements for
33 the cost of medical treatment, hospital care, drugs, nursing care and
34 physician services. In the case of a child who has a catastrophic
35 illness who is a registered qualifying patient and who is eligible for
36 the program, the child, through the child's parent or legal guardian,
37 shall receive financial assistance from monies in the fund to assist
38 with the cost of medical cannabis for the patient, subject to the rules
39 and regulations established by the commission and the availability
40 of monies in the fund.

41 (cf: P.L.2003, c.260, s.3)

42
43 4. Section 3 of P.L.1975, c.194 (C.30:4D-22) is amended to
44 read as follows:

45 3. The program of "Pharmaceutical Assistance to the Aged and
46 Disabled" shall consist of payments to pharmacies for the
47 reasonable cost of prescription drugs of eligible persons which
48 exceed a \$2.00 copayment. Said copayment shall be paid in full by

1 each eligible person to the pharmacist at the time of each purchase
2 of prescription drugs, and shall not be waived, discounted or
3 rebated in whole or in part.

4 The commissioner may restrict the day supply of initial
5 prescriptions to less than a 30 day supply in order to reduce waste
6 and reduce inappropriate drug utilization. Subsequently, the
7 commissioner may limit prescription drugs used in the treatment of
8 acute care medical conditions to an amount not to exceed a 30 day
9 supply. The commissioner may allow up to a 60 day supply or 100
10 unit doses, whichever is greater, of prescription drugs used in the
11 treatment of chronic maintenance conditions.

12 Whenever any interchangeable drug product contained in the
13 latest list approved and published by the Drug Utilization Review
14 Council is available for the prescription written, an eligible person
15 shall either:

16 (1) Purchase an interchangeable drug product which is equal to
17 or less than the maximum allowable cost, at the \$2.00 copayment;
18 or

19 (2) Purchase the prescribed drug product which is higher in cost
20 than the maximum allowable cost and pay the difference between
21 the two, in addition to the \$2.00 copayment, unless the prescriber
22 specifically indicates that substitution is not permissible, in which
23 case an eligible person may purchase the prescribed drug product at
24 the \$2.00 copayment.

25 For purposes of this act:

26 a. "Prescription drugs" means all legend drugs, including any
27 interchangeable drug products contained in the latest list approved
28 and published by the Drug Utilization Review Council in
29 conformance with the provisions of the "Prescription Drug Price
30 and Quality Stabilization Act" (P.L. 1977, c. 240; C. 24:6E-1 et
31 seq.), diabetic testing materials, and insulin, insulin syringes and
32 insulin needles;

33 b. "Reasonable cost" means the maximum allowable cost of
34 prescription drugs and a dispensing fee, as determined by the
35 commissioner. In the case of diabetic testing materials, the
36 maximum allowable cost is the manufacturer's suggested retail
37 selling price or the pharmacy's usual over-the-counter price charged
38 to other persons in the community, whichever is less;

39 c. "Resident" means one legally domiciled within the State for
40 a period of 30 days immediately preceding the date of application
41 for inclusion in the program. Mere seasonal or temporary residence
42 within the State, of whatever duration, does not constitute domicile.
43 Absence from this State for a period of 12 months is prima facie
44 evidence of abandonment of domicile. The burden of establishing
45 legal domicile within the State is upon the applicant;

46 d. "Diabetic testing materials" means blood glucose reagent
47 strips which can be visually read, urine monitoring strips, tapes and

1 tablets and bloodletting devices and lancets, but shall not include
2 electronically monitored devices.

3 e. "Caregiver" means a designated caregiver or an institutional
4 caregiver, as those terms are defined in section 3 of P.L.2009, c.307
5 (C.24:6I-3).

6 f. "Clinical registrant," "medical cannabis dispensary," and
7 "registered qualifying patient" mean the same as those terms are
8 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

9 g. "Commissioner" means the Commissioner of Human
10 Services.

11 h. "Cost of medical cannabis" means the purchase price of
12 medical cannabis and medical cannabis products dispensed to or on
13 behalf a registered qualifying patient, which purchase price shall be
14 the price listed on the medical cannabis dispensary's or clinical
15 registrant's website pursuant to subsection h. of section 7 of
16 P.L.2009, c.307 (C.24:6I-7) less any applicable discounts or price
17 reductions.

18 i. "Department" means the Department of Human Services.
19 (cf: P.L.1985, c.291, s.2)

20

21 5. (New section) a. The "Pharmaceutical Assistance to the
22 Aged and Disabled" program established pursuant to P.L.1975,
23 c.194 (C.30:4D-20 et seq.) shall provide a payment to a medical
24 cannabis dispensary or clinical registrant that is participating in the
25 program for the cost of medical cannabis purchased by or on behalf
26 of an eligible person who is a registered qualifying patient that
27 exceeds a \$7 copayment upon presentation of an identification card
28 issued by the program identifying the registered qualifying patient
29 as an eligible person. The \$7 copayment shall be paid in full by the
30 eligible person or the eligible person's caregiver at the time medical
31 cannabis is dispensed to or on behalf of the registered qualifying
32 patient, and shall not be waived, discounted, or rebated in whole or
33 in part. The payments to medical cannabis dispensaries and clinical
34 registrants shall commence no later than the effective date of
35 P.L. , c. (C.) (pending before the Legislature as this bill).

36 b. An eligible person who is a registered qualifying patient
37 whose medical cannabis costs are covered in part by any other
38 program or plan of assistance or insurance may be required to
39 receive reduced assistance under the provisions of this section. Any
40 otherwise eligible person whose medical cannabis costs are wholly
41 covered by any other plan of assistance or insurance shall be
42 ineligible for assistance under the provisions of this section.

43 c. The Commissioner of Human Services, in consultation with
44 the Cannabis Regulatory Commission established pursuant to
45 section 31 of P.L.2019, c.153 (C.24:6I-24), may establish limits on
46 the maximum quantity of medical cannabis that may be purchased
47 by or on behalf of an eligible person in a 30-day period under the
48 program, which limits may be in an amount lower than the

1 maximum quantities of medical cannabis that may be dispensed to
2 or on behalf of a registered qualifying patient pursuant to subsection
3 f. of section 10 of P.L.2009, c.307 (C.24:6I-10).

4 d. An eligible person under the program shall, upon the
5 submission of an application and proof of expenditure as the
6 department may prescribe, be reimbursed for 50 percent of the cost
7 of medical cannabis purchased by or on behalf of that person in an
8 amount that exceeds the required copayment, during the period
9 commencing 30 days after the person's properly completed
10 application was received by the department and ending on the date
11 on which the person received proof of eligibility from the
12 department; except that no reimbursement under this section shall
13 be made for medical cannabis purchased prior to the effective date
14 of P.L. , c. (C.) (pending before the Legislature as this
15 bill).

16 e. The commissioner shall by regulation provide for:

17 (1) arrangements for providing notice of the availability of the
18 program and the distribution of application forms therefor;

19 (2) a system of payments to medical cannabis dispensaries and
20 clinical registrants that may include the same dispensing fee
21 structure that is used for payments to pharmacies under PAAD and
22 a system for determining eligibility for the program, including
23 evidence of complete or partial coverage of prescription drug or
24 medical cannabis costs by any other program or plan of assistance
25 or insurance; and

26 (3) the issuance of program identification cards to persons who
27 are determined eligible for the program.

28

29 6. Section 2 of P.L.2001, c.96 (C.30:4D-44) is amended to read
30 as follows:

31 2. As used in this act:

32 "Caregiver" means a designated caregiver or an institutional
33 caregiver, as those terms are defined in section 3 of P.L.2009, c.307
34 (C.24:6I-3).

35 "Clinical registrant" means the same as that term is defined in
36 section 3 of P.L.2009, c.307 (C.24:6I-3).

37 "Commissioner" means the Commissioner of Human Services.

38 "Cost of medical cannabis" means the purchase price of medical
39 cannabis and medical cannabis products dispensed to or on behalf a
40 registered qualifying patient, which purchase price shall be the price
41 listed on the medical cannabis dispensary's or clinical registrant's
42 website pursuant to subsection h. of section 7 of P.L.2009, c.307
43 (C.24:6I-7) less any applicable discounts or price reductions.

44 "Department" means the Department of Human Services.

45 "Medical cannabis dispensary" means the same as that term is
46 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

1 "PAAD" means the program of pharmaceutical assistance to the
2 aged and disabled established pursuant to P.L.1975, c.194
3 (C.30:4D-20 et seq.).

4 "Prescription drug" means any legend drug which is covered by
5 PAAD.

6 "Program" means the "Senior Gold Prescription Discount
7 Program" established pursuant to this act.

8 "Reasonable cost" means the cost of a prescription drug as
9 established for PAAD.

10 "Registered qualifying patient" means the same as that term is
11 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

12 "Resident" means a resident as defined in section 3 of P.L.1975,
13 c.194 (C.30:4D-22) for purposes of eligibility for PAAD.

14 (cf: P.L.2012, c.17, s.386)

15

16 7. (New section) a. The "Senior Gold Prescription Discount
17 Program" established pursuant to P.L.2001, c.96 (C.30:4D-44 et al.)
18 shall provide a payment to a medical cannabis dispensary or clinical
19 registrant that is participating in the program for the cost of medical
20 cannabis purchased by or on behalf of an eligible person who is a
21 registered qualifying patient upon presentation of an identification
22 card issued by the program identifying the registered qualifying
23 patient as an eligible person. The payments to medical cannabis
24 dispensaries and clinical registrants shall commence no later than
25 the effective date of P.L. , c. (C.) (pending before the
26 Legislature as this bill).

27 At the time of each purchase of medical cannabis, the eligible
28 person or the eligible person's caregiver shall pay a copayment that
29 shall not be waived, discounted, or rebated in whole or in part, and
30 shall be equal to:

31 (1) \$15 plus 50 percent of the remaining amount of the cost for
32 the medical cannabis, or the cost for the medical cannabis,
33 whichever is less; or

34 (2) \$15, or the cost for the medical cannabis, whichever is less,
35 in the case of an eligible person who is a registered qualifying
36 patient who has incurred out-of-pocket expenditures, including
37 copayments and deductibles, for the purchase of prescription drugs
38 and medical cannabis, which are not reimbursable by any other plan
39 of assistance or insurance and are credited to that person's account
40 for each 12-month period of eligibility in accordance with
41 procedures established by the commissioner, in the following
42 amounts: \$2,000 for a single person and \$3,000 for a married
43 couple. These out-of-pocket expense amounts shall include only
44 expenses incurred on or after the date that the person received proof
45 of eligibility for the program from the department.

46 b. An eligible person who is a registered qualifying patient
47 whose medical cannabis costs are covered in part by any other
48 program or plan of assistance or insurance may be required to

1 receive reduced assistance under the Senior Gold Prescription
2 Discount Program. If an eligible person's medical cannabis costs
3 are covered in whole or in part by any other program or plan of
4 assistance or insurance, the other program or plan shall be the
5 primary payer and the Senior Gold Prescription Discount Program
6 shall be the payer of last resort.

7 c. The Commissioner of Human Services, in consultation with
8 the Cannabis Regulatory Commission established pursuant to
9 section 31 of P.L.2019, c.153 (C.24:6I-24), may establish limits on
10 the maximum quantity of medical cannabis that may be purchased
11 by or on behalf of an eligible person in a 30-day period under the
12 program, which limits may be in an amount lower than the
13 maximum quantities of medical cannabis that may be dispensed to
14 or on behalf of a registered qualifying patient pursuant to subsection
15 f. of section 10 of P.L.2009, c.307 (C.24:6I-10).

16 d. An eligible person under the program shall, upon the
17 submission of an application and proof of expenditure as the
18 department may prescribe, be reimbursed for 50 percent of the cost
19 of medical cannabis purchased by or on behalf of that person in an
20 amount that exceeds the required copayment, during the period
21 commencing 30 days after the person's properly completed
22 application was received by the department and ending on the date
23 on which the person received proof of eligibility from the
24 department; except that no reimbursement under this section shall
25 be made for medical cannabis purchased prior to the effective date
26 of P.L. , c. (C.) (pending before the Legislature as this
27 bill).

28 e. The commissioner shall by regulation provide for:

29 (1) arrangements for providing notice of the availability of the
30 program and the distribution of application forms therefor;

31 (2) a system of payments to medical cannabis dispensaries and
32 clinical registrants that may include the same dispensing fee
33 structure that is used for PAAD and a system for determining
34 eligibility for the program, including evidence of complete or
35 partial coverage of prescription drug or medical cannabis costs by
36 any other program or plan of assistance or insurance; and

37 (3) the issuance of program identification cards to persons who
38 are determined eligible for the program.

39

40 8. Section 2 of P.L.1971, c.317 (C.52:4B-2) is amended to read
41 as follows:

42 2. As used in P.L.1971, c.317:

43 "Agency" means the Victims of Crime Compensation Agency;

44 "Child" means an unmarried person who is under 21 years of age
45 and includes a stepchild or an adopted child;

46 "Clinical registrant" means the same as that term is defined in
47 section 3 of P.L.2009, c.307 (C.24:6I-3);

1 "Cost of medical cannabis" means the purchase price of medical
2 cannabis and medical cannabis products dispensed to or on behalf a
3 registered qualifying patient, which purchase price shall be the price
4 listed on the medical cannabis dispensary's or clinical registrant's
5 website pursuant to subsection h. of section 7 of P.L.2009, c.307
6 (C.24:6I-7) less any applicable discounts or price reductions;

7 "Dependent" means a relative of a deceased victim who was
8 wholly or partially dependent upon the victim's income at the time
9 of the victim's death and shall include the child of a victim born
10 after the victim's death;

11 "Legal assistance" means assistance provided to a crime victim
12 in the enforcement of victims' rights in all courts; family law
13 matters, including but not limited to child protection actions,
14 divorce, custody, parenting time, child support, emancipation,
15 dependency, guardianship, and family reunification; obtaining
16 protective and restraining orders; employment matters, including
17 but not limited to wage and hour claims; accessing public benefits;
18 life planning; and any other situation for which an eligible crime
19 victim needs legal services related to the victimization;

20 "Medical cannabis dispensary" means the same as that term is
21 defined in section 3 of P.L.2009, c.307 (C.24:6I-3);

22 "Personal injury" means actual bodily harm and includes
23 pregnancy and mental or nervous shock;

24 "Registered qualifying patient" means the same as that term is
25 defined in section 3 of P.L.2009, c.307 (C.24:6I-3);

26 "Relative" of any person means the person's spouse, parent,
27 grandparent, stepfather, stepmother, child, grandchild, brother,
28 sister, half brother, half sister, or parent of the person's spouse;

29 "Relevant evidence" means evidence having a tendency in reason
30 to prove or disprove any fact of consequence to the determination of
31 the action and that is deemed to be admissible under the rules of
32 evidence and does not include rumor, supposition, speculation,
33 hearsay or opinion, except as otherwise deemed admissible under
34 the rules of evidence;

35 "Review Board" or "board" means the Victims of Crime
36 Compensation Review Board established by section 2 of P.L.2007,
37 c.95 (C.52:4B-3.2);

38 "Victim" means a person who suffers personal, physical, or
39 psychological injury or death as a result of the conduct of another
40 person who commits against that person any of the offenses
41 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) or an act by
42 a juvenile, which if committed by an adult, would constitute a
43 violation of any of these offenses. The term shall include, in the
44 case of a criminal homicide or an act by a juvenile which, if
45 committed by an adult, would constitute a criminal homicide, the
46 spouse, parent, legal guardian, grandparent, child, sibling, domestic
47 or civil union partner of the decedent, or parent of the decedent's
48 child;

1 "Victims of Crime Compensation Office" or "office" means the
2 Victims of Crime Compensation Agency established pursuant to
3 P.L.1971, c.317 (C.52:4B-1 et seq.) which is continued as the
4 Victims of Crime Compensation Office pursuant to P.L.2007, c.95
5 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
6 (cf: P.L.2019, c.380, s.1)

7
8 9. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to
9 read as follows:

10 12. The **【agency】** office may order the payment of
11 compensation under this act for:

12 a. expenses actually and reasonably incurred as a result of the
13 personal injury or death of the victim, including out-of-pocket
14 losses which shall mean unreimbursed and unreimbursable expenses
15 or indebtedness reasonably incurred for medical care or other
16 services necessary as a result of the injury upon which such
17 application is based, which shall include the cost of medical
18 cannabis dispensed to or on behalf of a victim who is a registered
19 qualifying patient by a medical cannabis dispensary or clinical
20 registrant,

21 b. loss of earning power as a result of total or partial incapacity
22 of such victim,

23 c. pecuniary loss to the dependents of the deceased victim, and

24 d. any other pecuniary loss resulting from the personal injury
25 or death of the victim which the **【agency】** office determines to be
26 reasonable.

27 Notwithstanding the provisions of subsection a. of this section,
28 the office, in consultation with the Cannabis Regulatory
29 Commission established pursuant to section 31 of P.L.2019, c.153
30 (C.24:6I-24), may establish limits on the maximum quantity of
31 medical cannabis for which payment of compensation may be made
32 under this section to an individual in a 30-day period, which limits
33 may be in an amount lower than the maximum quantities of medical
34 cannabis that may be dispensed to or on behalf of a registered
35 qualifying patient pursuant to subsection f. of section 10 of
36 P.L.2009, c.307 (C.24:6I-10).

37 (cf: P.L.2007, c.95, s.16)

38
39 10. Section 1 of P.L.1981 c.258 (C.52:4B-10.1) is amended to
40 read as follows:

41 1. a. The Victims of Crime Compensation Office may make
42 one or more emergency awards to any applicant for compensation
43 pending final determination of a case, when it determines that
44 compensation is likely to be provided and that the applicant will
45 suffer undue hardship if funds are not made immediately available.
46 The amount of any one emergency award shall not exceed \$7,500.
47 Any emergency awards made to an applicant shall be deducted from
48 the final amount of compensation provided to an applicant by the

1 office. If the amount of compensation made by the office to an
2 applicant is less than the sum provided to the applicant through
3 emergency grants, the applicant shall pay to the office an amount of
4 money equal to the difference. If the office determines that an
5 applicant who has received emergency awards shall receive no
6 compensation, the applicant shall repay to the office the total
7 amount of all emergency awards which the applicant received.

8 b. In addition to any emergency award made pursuant to the
9 provisions of subsection a. of this section, the office may make an
10 emergency award in an amount not to exceed \$1,000 for
11 compensation for funds stolen from a victim in connection with any
12 of the incidents specified in section 11 of P.L.1971, c.317
13 (C.52:4B-11) except burglary pursuant to paragraph (11) of
14 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11),
15 whether or not the victim suffered personal injury, under the
16 following circumstances:

17 (1) The victim is 60 years of age or older or is disabled as
18 defined pursuant to the federal Social Security Act, 42 U.S.C. s.
19 416(i);

20 (2) The victim's income does not exceed the limits adopted by
21 the State Department of Human Services as the standard of need for
22 the General Assistance Program;

23 (3) (Deleted by amendment, P.L.2019, c.380)

24 (4) The victim establishes:

25 (a) that the victim has filed a police report indicating, among
26 other things, the amount stolen;

27 (b) that the victim has cooperated with investigative and
28 prosecuting authorities; and

29 (c) the source of the funds stolen; and

30 (5) The office is satisfied that there are no other sources
31 available to provide the victim with funds necessary to cover
32 immediate costs of essential shelter, food, or medical expenses,
33 which medical expenses shall include the cost of medical cannabis
34 dispensed to or on behalf of a victim who is a registered qualifying
35 patient by a medical cannabis dispensary or clinical registrant, and
36 that, but for the victim's loss, the victim would otherwise have had
37 the funds to pay these costs.

38 c. The office shall direct that any funds awarded pursuant to
39 this act be expended solely to cover the costs established pursuant
40 to paragraph (5) of subsection b. of this section.

41 d. (Deleted by amendment, P.L.2007, c.95).

42 e. Notwithstanding the provisions of paragraph (5) of
43 subsection b, of this section, the office, in consultation with the
44 Cannabis Regulatory Commission established pursuant to section
45 31 of P.L.2019, c.153 (C.24:6I-24), may establish limits on the
46 maximum quantity of medical cannabis that may be covered under
47 this section for an individual in a 30-day period, which limits may
48 be in an amount lower than the maximum quantities of medical

1 cannabis that may be dispensed to or on behalf of a registered
2 qualifying patient pursuant to subsection f. of section 10 of
3 P.L.2009, c.307 (C.24:6I-10).
4 (cf: P.L.2019, c.380, s.5)

5
6 11. Section 2 of P.L.1999, c.166 (C.52:4B-18.2) is amended to
7 read as follows:

8 2. a. In addition to any award granted pursuant to section 18 of
9 P.L.1971, c.317 (C.52:4B-18), the Victims of Crime Compensation
10 **【Agency】 Office** may make one or more supplemental awards for
11 the purpose of providing rehabilitative assistance to catastrophically
12 injured crime victims or other persons entitled to compensation
13 under section 10 of P.L.1971, c.317 (C.52:4B-10).

14 b. The rehabilitative assistance which the supplemental award
15 may cover can include, but is not limited to, any of the following
16 services not covered by the original award of compensation or by
17 other sources provided that the **【agency】 office** determines that the
18 services are reasonable and necessary:

19 (1) Surgical and therapeutic procedures;

20 (2) Rehabilitative physical and occupational therapy designed to
21 restore an optimum function level;

22 (3) Prescription drugs and medical supplies, which shall include
23 the cost of medical cannabis dispensed by a medical cannabis
24 dispensary or clinical registrant to or on behalf of a catastrophically
25 injured crime victim or other person entitled to compensation under
26 section 10 of P.L.1971, c.317 (C.52:4B-10) who is a registered
27 qualifying patient;

28 (4) Cognitive and psychological therapy;

29 (5) Home health assistance;

30 (6) Vehicle modifications;

31 (7) Driver training;

32 (8) Wheelchair, braces, splints, crutches, walkers, shower or
33 commode chair and any other personal adaptive equipment required
34 to meet individual disability needs;

35 (9) Structural modifications to living environment designed to
36 provide accessibility and to maximize independence;

37 (10) Dependent care as needed.

38 c. The Victims of Crime Compensation **【Agency】 Office** is
39 authorized to make rules and regulations prescribing the procedures
40 to be followed in qualifying for a supplemental award. The
41 **【agency】 office** is also authorized to establish a cap on the total
42 amount of supplemental awards to be made in a year and a cap on
43 the amount which a person may receive as a supplemental award,
44 which personal cap shall not be less than \$25,000. Notwithstanding
45 the provisions of paragraph (3) of subsection b. of this section, the
46 office, in consultation with the Cannabis Regulatory Commission
47 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24),
48 may establish limits on the maximum quantity of medical cannabis

1 dispensed to or on behalf of an individual in a 30-day period that
2 may be eligible for a supplemental award under this section, which
3 limits may be in an amount lower than the maximum quantities of
4 medical cannabis that may be dispensed to or on behalf of a
5 registered qualifying patient pursuant to subsection f. of section 10
6 of P.L.2009, c.307 (C.24:6I-10).

7 d. The payment of any supplemental award granted under the
8 provisions of this section shall be approved by the **[agency]** office
9 for payment out of funds appropriated for the administration of
10 P.L.1971, c.317 (C.52:4B-1 et seq.), the "Criminal Injuries
11 Compensation Act of 1971."

12 e. A catastrophically injured crime victim who received a
13 compensation award prior to the enactment of this section may
14 apply for a supplemental award pursuant to the provisions of this
15 section. A denial by the **[agency]** office of an application made
16 pursuant to the provisions of this subsection shall not be subject to
17 appeal.

18 f. As used in this section, "catastrophically injured crime
19 victim" means a person who is injured by any act or omission of
20 another person which is within the description of the offenses
21 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) and who
22 has sustained a severe long term or life long personal injury.
23 (cf: P.L.2007, c.95, s.20)

24
25 12. This act shall take effect 180 days after the date of
26 enactment.

27
28
29 STATEMENT

30
31 This bill requires the Catastrophic Illness in Children Relief
32 Fund, the "Pharmaceutical Assistance to the Aged and Disabled"
33 (PAAD) program, the "Senior Gold Prescription Discount
34 Program," and the Victims of Crime Compensation Office (VCCO)
35 to cover the cost of medical cannabis dispensed to or on behalf of a
36 registered qualifying patient eligible for or receiving benefits under
37 any of those programs.

38 Specifically, the bill will require the Catastrophic Illness in
39 Children Relief Fund to assist with the cost of medical cannabis for
40 a child who is eligible for assistance from the program who is a
41 registered qualifying patient under the State medical cannabis
42 program, subject to rules and regulations promulgated by the
43 Catastrophic Illness in Children Relief Fund Commission and the
44 availability of monies in the fund.

45 Under the PAAD and Senior Gold programs, at the time of each
46 purchase of medical cannabis, the eligible person or the eligible
47 person's caregiver will be required to pay a copayment that may not
48 be waived, discounted, or rebated in whole or in part. The State

1 will then reimburse the medical cannabis dispensary or clinical
2 registrant for the balance of the purchase price of the medical
3 cannabis, which purchase price will be the price listed on the
4 medical cannabis dispensary's or clinical registrant's website as
5 required pursuant to subsection h. of section 7 of P.L.2009, c.307
6 (C.24:6I-7) less any applicable discounts or price reductions.

7 Under the PAAD program, the copayment will be \$7. Under the
8 Senior Gold program, the copayment will be equal to:

9 1) \$15 plus 50 percent of the remaining amount of the cost for
10 the medical cannabis, or the cost for the medical cannabis,
11 whichever is less; or

12 2) \$15, or the cost for the medical cannabis, whichever is less,
13 in the case of an eligible person who has incurred out-of-pocket
14 expenditures, including copayments and deductibles, for the
15 purchase of prescription drugs and medical cannabis, which are not
16 reimbursable by any other plan of assistance or insurance and are
17 credited to that person's account for each 12-month period of
18 eligibility in accordance with procedures established by the
19 Commissioner of Human Services, in the following amounts:
20 \$2,000 for a single person and \$3,000 for a married couple. These
21 out-of-pocket expense amounts will include only expenses incurred
22 on or after the date that the person received proof of eligibility for
23 the program.

24 An eligible person whose medical cannabis costs are covered in
25 part by any other program or plan of assistance or insurance may be
26 required to receive reduced assistance under the PAAD and Senior
27 Gold programs. Under the PAAD program, if an eligible person's
28 medical cannabis costs are covered in whole by any other program
29 or plan of assistance or insurance, the person will be ineligible for
30 PAAD assistance; under the Senior Gold program, if an eligible
31 person's medical cannabis costs are covered in whole or in part by
32 another plan of assistance or insurance, the Senior Gold program
33 will be the payer of last resort.

34 The Commissioner of Human Services, in consultation with the
35 Cannabis Regulatory Commission, may establish limits on the
36 maximum quantity of medical cannabis that may be purchased by or
37 on behalf of an eligible person in a 30-day period under the PAAD
38 and Senior Gold programs, which limits may be in an amount lower
39 than the maximum quantities of medical cannabis that may be
40 dispensed to or on behalf of a registered qualifying patient pursuant
41 to subsection f. of section 10 of P.L.2009, c.307 (C.24:6I-10).

42 The bill provides that eligible persons under the PAAD and
43 Senior Gold programs may be reimbursed for 50 percent of the cost
44 of medical cannabis purchased by or on behalf of that person in an
45 amount that exceeds the required copayment, during the period
46 commencing 30 days after the person's properly completed
47 application was received by the department and ending on the date
48 on which the person received proof of eligibility from the

1 department; except that no reimbursement may be made for medical
2 cannabis purchased prior to the effective date of the bill.

3 This bill requires the Victims of Crime Compensation Office
4 (VCCO) to include the costs associated with the medical use of
5 cannabis as an expense for which a victim may receive
6 compensation, an emergency award, or a supplemental award.

7 Under current law, victims of certain crimes are eligible to
8 receive compensation from the VCCO for certain expenses,
9 including unreimbursed and unreimbursable expenses reasonably
10 incurred for medical care or other services necessary as a result of
11 the victim's injury. This bill provides that the expenses that are
12 eligible for compensation from the VCCO will include the cost of
13 medical cannabis dispensed to or on behalf of a victim who is a
14 registered qualifying patient.

15 Current law also provides that the VCCO may make an
16 emergency award to an applicant pending final determination of a
17 case when the office determines that compensation is likely to be
18 provided and that the applicant will suffer undue hardship if funds
19 are not made immediately available. Under current law, the funds
20 are only permitted to be used to cover immediate costs of essential
21 shelter, food, or medical expenses. The bill provides that medical
22 expenses are to include the cost of medical cannabis dispensed to or
23 on behalf of an applicant who is a registered qualifying patient.

24 In addition, current law provides that certain crime victims who
25 are catastrophically injured are eligible to receive an additional,
26 supplemental award to be used for certain rehabilitative services,
27 including prescription drugs and medical supplies. This bill
28 provides that the cost of medical cannabis dispensed to or on behalf
29 of a catastrophically-injured crime victim who is a registered
30 qualifying patient will be included as a rehabilitative service for
31 which the victim may receive a supplemental award.

32 The bill specifies that the VCCO, in consultation with the
33 Cannabis Regulatory Commission, may establish limits on the
34 maximum quantity of medical cannabis that will be eligible for
35 coverage, payment, or reimbursement from the VCCO under these
36 various programs for an individual in a 30-day period. These limits
37 may be in an amount lower than the maximum quantities of medical
38 cannabis that may be dispensed to or on behalf of a registered
39 qualifying patient pursuant to subsection f. of section 10 of
40 P.L.2009, c.307 (C.24:6I-10).