

[Second Reprint]
ASSEMBLY, No. 1708

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)

SYNOPSIS

Requires workers' compensation, PIP, and health insurance coverage for the medical use of cannabis under certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on October 26, 2020, with amendments.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning ¹the¹ medical ¹**["marijuana"]** use of cannabis¹
 2 and insurance coverage, amending P.L.2009, c.307, and
 3 supplementing various parts of the statutory law.

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

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

10 16. a. Nothing in this act shall be construed to require a
 11 government medical assistance program or private health insurer to
 12 reimburse a person for costs associated with the medical use of
 13 marijuana, or an employer to accommodate the medical use of
 14 marijuana in any workplace.

15 b. Notwithstanding the provisions of subsection a. of this
 16 section, an employer or workers' compensation insurance carrier or
 17 private passenger automobile insurance carrier shall provide
 18 coverage for costs associated with the medical use of marijuana
 19 pursuant to P.L. , c. (C.) (pending before the Legislature as
 20 this bill).

21 (cf: P.L.2009, c.307, s.16)¹

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

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

33 b. Notwithstanding the provisions of subsection a. of this
 34 section, an employer or workers' compensation insurance carrier or
 35 private passenger automobile insurance carrier shall provide
 36 coverage for costs associated with the medical use of cannabis
 37 pursuant to P.L. , c. (C.) (pending before the Legislature as
 38 this bill) except that an employer or carrier shall not be required to
 39 provide coverage for costs associated with the medical use of
 40 cannabis upon intervention by the federal government to enforce the
 41 "Controlled Substances Act" (21 U.S.C. s.802 et seq.).¹

42 (cf: P.L.2019, c.153, s.22)

43
 44 2. (New section) The Legislature finds and declares that
 45 scientific data indicate that medical ¹**["marijuana"]** cannabis¹ has

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:

¹Assembly AFI committee amendments adopted February 13, 2020.

²Assembly AAP committee amendments adopted October 26, 2020.

1 significant medical value when used in the treatment of certain
2 injuries and diseases, including pain relief, control of nausea and
3 vomiting, and appetite stimulation. ¹["Marijuana"] Cannabis¹ also
4 has potential therapeutic value from effects such as anxiety
5 reduction, sedation, and euphoria. Scientific studies have found
6 that ¹["marijuana"] cannabis¹ is effective in relieving some of the
7 symptoms of HIV/AIDS, cancer, glaucoma, and multiple sclerosis.
8 Other studies have suggested that medical ¹["marijuana"] cannabis¹
9 legalization may lead to decreased prescription opioid abuse.

10 Although medical ¹["marijuana"] cannabis¹ has many useful
11 therapeutic benefits, its use is limited because its costs are not
12 covered by insurance. By requiring coverage for medical
13 ¹["marijuana"] cannabis¹ under workers' compensation and private
14 passenger automobile insurance, access to these benefits will be
15 expanded. Additionally, medical ¹["marijuana"] cannabis¹ may
16 lower costs for insurers by providing a more economical alternative
17 to more expensive and risky drugs such as opioids.

18
19 3. (New section) ¹a.¹ Personal injury protection benefits
20 provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or
21 section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall include coverage for
22 costs associated with the medical use of ¹["marijuana"] cannabis¹
23 provided that ¹[":

24 a. The ¹the¹ insured is a qualifying patient authorized for the
25 medical use of ¹["marijuana"] cannabis¹ pursuant to P.L.2009, c.307
26 (C.24:6I-1 et al) ¹["; and"] ¹:

27 b. ¹["At least one other medication or treatment has been
28 attempted and found to be unsuccessful in treating the patient's
29 debilitating medical condition.】

30 A private passenger automobile insurer shall not be required to
31 provide coverage for costs associated with the medical use of
32 cannabis upon intervention by the federal government to enforce the
33 "Controlled Substances Act" (21 U.S.C. s.802 et seq.).

34 c. Notwithstanding any provision of the insurance policy to the
35 contrary, if for any reason payment by the insurer to the medical
36 cannabis dispensary is not feasible, the insurer shall remit directly
37 to the insured the costs for any benefits associated with the medical
38 use of cannabis upon proof of payment by the insured to the
39 medical cannabis dispensary.¹

40
41 4. (New section) ¹a.¹ Workers' compensation benefits paid by
42 any employer or a workers' compensation insurance carrier of an
43 employer for an injury to an employee under R.S.34:15-1 et seq.
44 shall include coverage for costs associated with the medical use of
45 ¹["marijuana"] cannabis¹ provided that ¹[":

1 a. The ~~the~~¹ employee is a qualifying patient authorized for the
2 medical use of ~~["marijuana"] cannabis~~¹ pursuant to P.L.2009, c.307
3 (C.24:6I-1 et al) ~~["; and"]~~¹

4 b. ~~["At least one other medication or treatment has been~~
5 attempted and found to be unsuccessful in treating the patient's
6 debilitating medical condition. ~~"]~~

7 An employer or workers' compensation insurance carrier shall
8 not be required to provide coverage for costs associated with the
9 medical use of cannabis upon intervention by the federal
10 government to enforce the "Controlled Substances Act" (21 U.S.C.
11 s.802 et seq.).

12 c. Notwithstanding any provision of the employer's plan or
13 insurance policy to the contrary, if for any reason payment by the
14 employer or carrier to the medical cannabis dispensary is not
15 feasible, the employer or carrier shall remit directly to the employee
16 the costs for any benefits associated with the medical use of
17 cannabis upon proof of payment by the employee to the medical
18 cannabis dispensary.¹

19
20 ²5. (New section) a. A carrier that offers a health benefits plan
21 in this State shall provide coverage for costs associated with the
22 medical use of cannabis provided that the covered person is a
23 qualifying patient authorized for the medical use of cannabis pursuant
24 to P.L.2009, c.307 (C.24:6I-1 et al).

25 b. A carrier shall not be required to provide coverage for costs
26 associated with the medical use of cannabis upon intervention by the
27 federal government to enforce the "Controlled Substances Act" (21
28 U.S.C. s.802 et seq.).

29 c. Notwithstanding any provision of the health benefits plan to
30 the contrary, if for any reason payment by the carrier to the medical
31 cannabis dispensary is not feasible, the carrier shall remit directly to
32 the covered person the costs for any benefits associated with the
33 medical use of cannabis upon proof of payment by the covered person
34 to the medical cannabis dispensary.

35 d. As used in this section:

36 "Carrier" means an insurance company, health service corporation,
37 hospital service corporation, medical service corporation, or health
38 maintenance organization authorized to issue health benefits plans in
39 this State or any entity contracted to administer health benefits in
40 connection with the State Health Benefits Program or School
41 Employees' Health Benefits Program.²

42
43 ¹~~["5."]~~^{6.1} This act shall take effect on the 90th day next
44 following enactment.