

# ASSEMBLY, No. 4944

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 8, 2022

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Danielsen**

**SYNOPSIS**

Authorizes medical cannabis for treatment of sickle cell anemia.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2022)**

1 AN ACT concerning medical cannabis and sickle cell anemia and  
2 amending 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 3 of P.L.2009 (C.24:6I-3) is amended to read as  
8 follows:

9 3. As used in P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015,  
10 c.158 (C.18A:40-12.22 et al.):

11 "Academic medical center" means (1) an entity located in New  
12 Jersey that, on the effective date of P.L.2019, c.153 (C.24:6I-5.1 et  
13 al.), has an addiction medicine faculty practice or is in the same  
14 health care system as another facility located in New Jersey that  
15 offers outpatient medical detoxification services or inpatient  
16 treatment services for substance use disorder; has a pain  
17 management faculty practice or a facility-based pain management  
18 service located in New Jersey; has graduate medical training  
19 programs accredited, or pending accreditation, by the Accreditation  
20 Council for Graduate Medical Education or the American  
21 Osteopathic Association in primary care and medical specialties; is  
22 the principal teaching affiliate of a medical school based in the  
23 State; and has the ability to conduct research related to medical  
24 cannabis. If the entity is part of a system of health care facilities,  
25 the entity shall not qualify as an academic medical center unless the  
26 health care system is principally located within the State; or

27 (2) an accredited school of osteopathic medicine that: is located  
28 in a state that shares a common border with this State; has an  
29 articulation agreement or similar memorandum of understanding,  
30 plus an agreement to establish and maintain an apprenticeship  
31 program in this State to train workers in the cannabis industry,  
32 which training would earn college credit, with any State college or  
33 university located in a county of the first class with a college of  
34 nursing or nursing degree program accredited by the Commission  
35 on Collegiate Nursing Education on the effective date of P.L.2021,  
36 c.16 (C.24:6I-31 et al.); and has an institutional review board that  
37 has, on the effective date of P.L.2021, c.16 (C.24:6I-31 et al.),  
38 previously approved a clinical research study in this State involving  
39 medical cannabis; and has the ability and will conduct all research  
40 and development in the county in which the partner State college or  
41 university is located.

42 "Adverse employment action" means refusing to hire or employ  
43 an individual, barring or discharging an individual from  
44 employment, requiring an individual to retire from employment, or

**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 discriminating against an individual in compensation or in any  
2 terms, conditions, or privileges of employment.

3 "Cannabis" has the meaning given to "marihuana" in section 2 of  
4 the "New Jersey Controlled Dangerous Substances Act," P.L.1970,  
5 c.226 (C.24:21-2).

6 "Clinical registrant" means an entity that has a written  
7 contractual relationship with an academic medical center in the  
8 region in which it has its principal place of business, which includes  
9 provisions whereby the parties will engage in clinical research  
10 related to the use of medical cannabis and the academic medical  
11 center or its affiliate will provide advice to the entity regarding  
12 patient health and safety, medical applications, and dispensing and  
13 managing controlled dangerous substances, among other areas.

14 "Commission" means the Cannabis Regulatory Commission  
15 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24).

16 "Commissioner" means the Commissioner of Health.

17 "Common ownership or control" means:

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

20 (2) between a nonprofit entity and a for-profit entity, a majority  
21 of the directors, trustees, or members of the governing body of the  
22 nonprofit entity directly or indirectly own and control more than 50  
23 percent of the for-profit entity; and

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

27 "Department" means the Department of Health.

28 "Designated caregiver" means a resident of the State who:

29 (1) is at least 18 years old;

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

34 (3) subject to the provisions of paragraph (2) of subsection c. of  
35 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted  
36 of possession or sale of a controlled dangerous substance, unless  
37 such conviction occurred after the effective date of P.L.2009, c.307  
38 (C.24:6I-1 et al.) and was for a violation of federal law related to  
39 possession or sale of cannabis that is authorized under P.L.2009,  
40 c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.);

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

46 (5) has been designated as a designated caregiver by the patient  
47 when registering or renewing a registration with the commission or  
48 in other written notification to the commission.

1 "Dispense" means the furnishing of medical cannabis to a  
2 registered qualifying patient, designated caregiver, or institutional  
3 caregiver by a medical cannabis dispensary or clinical registrant  
4 pursuant to written instructions issued by a health care practitioner  
5 pursuant to the requirements of P.L.2009, c.307 (C.24:6I-1 et al.).  
6 The term shall include the act of furnishing medical cannabis to a  
7 medical cannabis handler for delivery to a registered qualifying  
8 patient, designated caregiver, or institutional caregiver, consistent  
9 with the requirements of subsection i. of section 27 of P.L.2019,  
10 c.153 (C.24:6I-20).

11 "Health care facility" means a general acute care hospital,  
12 nursing home, long term care facility, hospice care facility, group  
13 home, facility that provides services to persons with developmental  
14 disabilities, behavioral health care facility, or rehabilitation center.

15 "Health care practitioner" means a physician, advanced practice  
16 nurse, or physician assistant licensed or certified pursuant to Title  
17 45 of the Revised Statutes who:

18 (1) possesses active registrations to prescribe controlled  
19 dangerous substances issued by the United States Drug  
20 Enforcement Administration and the Division of Consumer Affairs  
21 in the Department of Law and Public Safety;

22 (2) is the health care practitioner responsible for the ongoing  
23 treatment of a patient's qualifying medical condition, the symptoms  
24 of that condition, or the symptoms associated with the treatment of  
25 that condition, provided, however, that the ongoing treatment shall  
26 not be limited to the provision of authorization for a patient to use  
27 medical cannabis or consultation solely for that purpose; and

28 (3) if the patient is a minor, is a pediatric specialist.

29 "Immediate family" means the spouse, domestic partner, civil  
30 union partner, child, sibling, or parent of an individual, and shall  
31 include the siblings, parents, and children of the individual's spouse,  
32 domestic partner, or civil union partner, and the parents, spouses,  
33 domestic partners, or civil union partners of the individual's parents,  
34 siblings, and children.

35 "Institutional caregiver" means a resident of the State who:

36 (1) is at least 18 years old;

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

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

42 (4) is authorized by the health care facility employing the person  
43 to assist registered qualifying patients who are patients or residents  
44 of the facility with the medical use of cannabis, including, but not  
45 limited to, obtaining medical cannabis for registered qualifying  
46 patients and assisting registered qualifying patients with the  
47 administration of medical cannabis;

1 (5) subject to the provisions of paragraph (2) of subsection c. of  
2 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted  
3 of possession or sale of a controlled dangerous substance, unless  
4 such conviction occurred after the effective date of P.L.2009, c.307  
5 (C.24:6I-1 et al.) and was for a violation of federal law related to  
6 possession or sale of cannabis that is authorized under P.L.2009,  
7 c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-12.22 et al.);  
8 and

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

11 "Integrated curriculum" means an academic, clinical, or research  
12 program at an institution of higher education that is coordinated  
13 with a medical cannabis cultivator, medical cannabis manufacturer,  
14 or medical cannabis dispensary to apply theoretical principles,  
15 practical experience, or both involving the cultivation,  
16 manufacturing, dispensing, delivery, or medical use of cannabis to a  
17 specific area of study, including, but not limited to, agriculture,  
18 biology, business, chemistry, culinary studies, ecology,  
19 environmental studies, health care, horticulture, technology, or any  
20 other appropriate area of study or combined areas of study.  
21 Integrated curricula shall be subject to approval by the commission  
22 and the Office of the Secretary of Higher Education.

23 "Integrated curriculum permit" or "IC permit" means a permit  
24 issued to a medical cannabis cultivator, medical cannabis  
25 manufacturer, or medical cannabis dispensary that includes an  
26 integrated curriculum approved by the commission and the Office  
27 of the Secretary of Higher Education.

28 "Medical cannabis alternative treatment center" or "alternative  
29 treatment center" means an organization issued a permit, including  
30 a conditional permit, by the commission to operate as a medical  
31 cannabis cultivator, medical cannabis manufacturer, medical  
32 cannabis dispensary, or clinical registrant. This term shall include  
33 the organization's officers, directors, board members, and  
34 employees.

35 "Medical cannabis cultivator" means an organization holding a  
36 permit issued by the commission that authorizes the organization to:  
37 possess and cultivate cannabis and deliver, transfer, transport,  
38 distribute, supply, and sell medical cannabis and related supplies to  
39 other medical cannabis cultivators and to medical cannabis  
40 manufacturers, clinical registrants, and medical cannabis  
41 dispensaries, as well as to plant, cultivate, grow, and harvest  
42 medical cannabis for research purposes. A medical cannabis  
43 cultivator permit shall not authorize the permit holder to  
44 manufacture, produce, or otherwise create medical cannabis  
45 products, or to deliver, transfer, transport, distribute, supply, sell, or  
46 dispense medical cannabis, medical cannabis products,  
47 paraphernalia, or related supplies to qualifying patients, designated  
48 caregivers, or institutional caregivers.

1 "Medical cannabis dispensary" means an organization issued a  
2 permit by the commission that authorizes the organization to:  
3 purchase or obtain medical cannabis and related supplies from  
4 medical cannabis cultivators; purchase or obtain medical cannabis  
5 products and related supplies from medical cannabis manufacturers;  
6 purchase or obtain medical cannabis, medical cannabis products,  
7 and related supplies and paraphernalia from other medical cannabis  
8 dispensaries and from clinical registrants; deliver, transfer,  
9 transport, distribute, supply, and sell medical cannabis and medical  
10 cannabis products to other medical cannabis dispensaries; furnish  
11 medical cannabis, including medical cannabis products, to a  
12 medical cannabis handler for delivery to a registered qualifying  
13 patient, designated caregiver, or institutional caregiver consistent  
14 with the requirements of subsection i. of section 27 of P.L.2019,  
15 c.153 (C.24:6I-20); and possess, display, deliver, transfer, transport,  
16 distribute, supply, sell, and dispense medical cannabis, medical  
17 cannabis products, paraphernalia, and related supplies to qualifying  
18 patients, designated caregivers, and institutional caregivers. A  
19 medical cannabis dispensary permit shall not authorize the permit  
20 holder to cultivate medical cannabis, to produce, manufacture, or  
21 otherwise create medical cannabis products.

22 "Medical cannabis manufacturer" means an organization issued a  
23 permit by the commission that authorizes the organization to:  
24 purchase or obtain medical cannabis and related supplies from a  
25 medical cannabis cultivator or a clinical registrant; purchase or  
26 obtain medical cannabis products from another medical cannabis  
27 manufacturer or a clinical registrant; produce, manufacture, or  
28 otherwise create medical cannabis products; and possess, deliver,  
29 transfer, transport, distribute, supply, and sell medical cannabis  
30 products and related supplies to other medical cannabis  
31 manufacturers and to medical cannabis dispensaries and clinical  
32 registrants. A medical cannabis manufacturer permit shall not  
33 authorize the permit holder to cultivate medical cannabis or to  
34 deliver, transfer, transport, distribute, supply, sell, or dispense  
35 medical cannabis, medical cannabis products, paraphernalia, or  
36 related supplies to registered qualifying patients, designated  
37 caregivers, or institutional caregivers.

38 "Medical use of cannabis" means the acquisition, possession,  
39 transport, or use of cannabis or paraphernalia by a registered  
40 qualifying patient as authorized by P.L.2009, c.307 (C.24:6I-1 et  
41 al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.).

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

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

46 "Pediatric specialist" means a physician who is a board-certified  
47 pediatrician or pediatric specialist, or an advanced practice nurse or

1 physician assistant who is certified as a pediatric specialist by an  
2 appropriate professional certification or licensing entity.

3 "Primary care" means the practice of family medicine, general  
4 internal medicine, general pediatrics, general obstetrics, or  
5 gynecology.

6 "Qualifying medical condition" means seizure disorder,  
7 including epilepsy; intractable skeletal muscular spasticity; post-  
8 traumatic stress disorder; glaucoma; positive status for human  
9 immunodeficiency virus; acquired immune deficiency syndrome;  
10 cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular  
11 dystrophy; inflammatory bowel disease, including Crohn's disease;  
12 terminal illness, if the patient has a prognosis of less than 12  
13 months of life; anxiety; migraine; Tourette's syndrome;  
14 dysmenorrhea; chronic pain; opioid use disorder; sickle cell anemia;  
15 or any other medical condition or its treatment that is approved by  
16 the commission.

17 "Qualifying patient" or "patient" means a resident of the State  
18 who has been authorized for the medical use of cannabis by a health  
19 care practitioner.

20 "Registration with the commission" means a person has met the  
21 qualification requirements for, and has been registered by the  
22 commission as, a registered qualifying patient, designated  
23 caregiver, or institutional caregiver. The commission shall establish  
24 appropriate means for health care practitioners, health care  
25 facilities, medical cannabis dispensaries, law enforcement, schools,  
26 facilities providing behavioral health services or services for  
27 persons with developmental disabilities, and other appropriate  
28 entities to verify an individual's status as a registrant with the  
29 commission.

30 "Significantly involved person" means a person or entity who  
31 holds at least a five percent investment interest in an entity issued,  
32 or applying for a permit to operate as, a medical cannabis cultivator,  
33 medical cannabis manufacturer, medical cannabis dispensary, or  
34 clinical registrant, or who is a decision making member of a group  
35 that holds at least a 20 percent investment interest in an entity  
36 issued, or applying for a permit to operate as, a medical cannabis  
37 cultivator, medical cannabis manufacturer, medical cannabis  
38 dispensary, or clinical registrant, in which no member of that group  
39 holds more than a five percent interest in the total group investment  
40 interest, and the person or entity makes controlling decisions  
41 regarding the operations of the entity issued, or applying for a  
42 permit to operate as, a medical cannabis cultivator, medical  
43 cannabis manufacturer, medical cannabis dispensary, or clinical  
44 registrant.

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

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

4 (cf: P.L.2021, c.16, s.4)

5

6 2. This act shall take effect immediately.

7

8

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STATEMENT

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11 This bill expands the list of medical conditions that qualify a  
12 patient for the medical use of cannabis to include sickle cell anemia.  
13 Sickle cell anemia is an inherited blood disorder characterized  
14 primarily by chronic anemia and periodic episodes of pain. The  
15 medical use of cannabis can treat or alleviate the pain or other  
16 symptoms associated with certain medical conditions.