

SENATE, No. 342

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

**Senators O'Scanlon, Diegnan, A.M.Bucco, Turner, Stanfield, Singer and
Zwicker**

SYNOPSIS

Authorizes home cultivation of medical cannabis.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/20/2023)

S342 SINGLETON, GOPAL

2

1 AN ACT concerning medical cannabis and amending and
2 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 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read
8 as 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 an entity located in New Jersey
12 that, on the effective date of P.L.2019, c.153 (C.24:6I-5.1 et al.), has
13 an addiction medicine faculty practice or is in the same health care
14 system as another facility located in New Jersey that offers outpatient
15 medical detoxification services or inpatient treatment services for
16 substance use disorder; has a pain management faculty practice or a
17 facility-based pain management service located in New Jersey; has
18 graduate medical training programs accredited, or pending
19 accreditation, by the Accreditation Council for Graduate Medical
20 Education or the American Osteopathic Association in primary care
21 and medical specialties; is the principal teaching affiliate of a medical
22 school based in the State; and has the ability to conduct research
23 related to medical cannabis. If the entity is part of a system of health
24 care facilities, the entity shall not qualify as an academic medical
25 center unless the health care system is principally located within the
26 State.

27 "Adverse employment action" means refusing to hire or employ
28 an individual, barring or discharging an individual from employment,
29 requiring an individual to retire from employment, or discriminating
30 against an individual in compensation or in any terms, conditions, or
31 privileges of employment.

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

35 "Clinical registrant" means an entity that has a written contractual
36 relationship with an academic medical center in the region in which
37 it has its principal place of business, which includes provisions
38 whereby the parties will engage in clinical research related to the use
39 of medical cannabis and the academic medical center or its affiliate
40 will provide advice to the entity regarding patient health and safety,
41 medical applications, and dispensing and managing controlled
42 dangerous substances, among other areas.

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

45 "Commissioner" means the Commissioner of Health.

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 "Common ownership or control" means:

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

4 (2) between a nonprofit entity and a for-profit entity, a majority
5 of the directors, trustees, or members of the governing body of the
6 nonprofit entity directly or indirectly own and control more than 50
7 percent of the for-profit entity; and

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

11 "Department" means the Department of Health.

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

13 (1) is at least 18 years old;

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

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

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

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

33 "Dispense" means the furnishing of medical cannabis to a
34 registered qualifying patient, designated caregiver, or institutional
35 caregiver by a medical cannabis dispensary or clinical registrant
36 pursuant to written instructions issued by a health care practitioner
37 pursuant to the requirements of P.L.2009, c.307 (C.24:6I-1 et al.).
38 The term shall include the act of furnishing medical cannabis to a
39 medical cannabis handler for delivery to a registered qualifying
40 patient, designated caregiver, or institutional caregiver, consistent
41 with the requirements of subsection i. of section 27 of P.L.2019,
42 c.153 (C.24:6I-20).

43 "Health care facility" means a general acute care hospital, nursing
44 home, long term care facility, hospice care facility, group home,
45 facility that provides services to persons with developmental
46 disabilities, behavioral health care facility, or rehabilitation center.

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

4 (1) possesses active registrations to prescribe controlled
5 dangerous substances issued by the United States Drug Enforcement
6 Administration and the Division of Consumer Affairs in the
7 Department of Law and Public Safety;

8 (2) is the health care practitioner responsible for the ongoing
9 treatment of a patient's qualifying medical condition, the symptoms
10 of that condition, or the symptoms associated with the treatment of
11 that condition, provided, however, that the ongoing treatment shall
12 not be limited to the provision of authorization for a patient to use
13 medical cannabis or consultation solely for that purpose; and

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

15 "Immediate family" means the spouse, domestic partner, civil
16 union partner, child, sibling, or parent of an individual, and shall
17 include the siblings, parents, and children of the individual's spouse,
18 domestic partner, or civil union partner, and the parents, spouses,
19 domestic partners, or civil union partners of the individual's parents,
20 siblings, and children.

21 "Home cultivation of medical cannabis" means the cultivation of
22 medical cannabis, in the residence of a registered qualifying patient
23 or a designated caregiver of the patient, for the patient's personal
24 medical use. The term does not include the cultivation of medical
25 cannabis by an entity issued a medical cannabis cultivator or clinical
26 registrant permit.

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

28 (1) is at least 18 years old;

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

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

34 (4) is authorized by the health care facility employing the person
35 to assist registered qualifying patients who are patients or residents
36 of the facility with the medical use of cannabis, including, but not
37 limited to, obtaining medical cannabis for registered qualifying
38 patients and assisting registered qualifying patients with the
39 administration of medical cannabis;

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

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

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

15 "Integrated curriculum permit" or "IC permit" means a permit
16 issued to a medical cannabis cultivator, medical cannabis
17 manufacturer, or medical cannabis dispensary that includes an
18 integrated curriculum approved by the commission and the Office of
19 the Secretary of Higher Education.

20 "Medical cannabis alternative treatment center" or "alternative
21 treatment center" means an organization issued a permit, including a
22 conditional permit, by the commission to operate as a medical
23 cannabis cultivator, medical cannabis manufacturer, medical
24 cannabis dispensary, or clinical registrant. This term shall include the
25 organization's officers, directors, board members, and employees.

26 "Medical cannabis cultivator" means an organization holding a
27 permit issued by the commission that authorizes the organization to:
28 possess and cultivate cannabis and deliver, transfer, transport,
29 distribute, supply, and sell medical cannabis and related supplies to
30 other medical cannabis cultivators and to medical cannabis
31 manufacturers, clinical registrants, and medical cannabis
32 dispensaries, as well as to plant, cultivate, grow, and harvest medical
33 cannabis for research purposes. A medical cannabis cultivator permit
34 shall not authorize the permit holder to manufacture, produce, or
35 otherwise create medical cannabis products, or to deliver, transfer,
36 transport, distribute, supply, sell, or dispense medical cannabis,
37 medical cannabis products, paraphernalia, or related supplies to
38 qualifying patients, designated caregivers, or institutional caregivers.

39 "Medical cannabis dispensary" means an organization issued a
40 permit by the commission that authorizes the organization to:
41 purchase or obtain medical cannabis and related supplies from
42 medical cannabis cultivators; purchase or obtain medical cannabis
43 products and related supplies from medical cannabis manufacturers;
44 purchase or obtain medical cannabis, medical cannabis products, and
45 related supplies and paraphernalia from other medical cannabis
46 dispensaries and from clinical registrants; deliver, transfer, transport,
47 distribute, supply, and sell medical cannabis and medical cannabis
48 products to other medical cannabis dispensaries; furnish medical

1 cannabis, including medical cannabis products, to a medical cannabis
2 handler for delivery to a registered qualifying patient, designated
3 caregiver, or institutional caregiver consistent with the requirements
4 of subsection i. of section 27 of P.L.2019, c.153 (C.24:6I-20); and
5 possess, display, deliver, transfer, transport, distribute, supply, sell,
6 and dispense medical cannabis, medical cannabis products,
7 paraphernalia, and related supplies to qualifying patients, designated
8 caregivers, and institutional caregivers. A medical cannabis
9 dispensary permit shall not authorize the permit holder to cultivate
10 medical cannabis, to produce, manufacture, or otherwise create
11 medical cannabis products.

12 "Medical cannabis manufacturer" means an organization issued a
13 permit by the commission that authorizes the organization to:
14 purchase or obtain medical cannabis and related supplies from a
15 medical cannabis cultivator or a clinical registrant; purchase or
16 obtain medical cannabis products from another medical cannabis
17 manufacturer or a clinical registrant; produce, manufacture, or
18 otherwise create medical cannabis products; and possess, deliver,
19 transfer, transport, distribute, supply, and sell medical cannabis
20 products and related supplies to other medical cannabis
21 manufacturers and to medical cannabis dispensaries and clinical
22 registrants. A medical cannabis manufacturer permit shall not
23 authorize the permit holder to cultivate medical cannabis or to
24 deliver, transfer, transport, distribute, supply, sell, or dispense
25 medical cannabis, medical cannabis products, paraphernalia, or
26 related supplies to registered qualifying patients, designated
27 caregivers, or institutional caregivers.

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

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

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

36 "Pediatric specialist" means a physician who is a board-certified
37 pediatrician or pediatric specialist, or an advanced practice nurse or
38 physician assistant who is certified as a pediatric specialist by an
39 appropriate professional certification or licensing entity.

40 "Primary care" means the practice of family medicine, general
41 internal medicine, general pediatrics, general obstetrics, or
42 gynecology.

43 "Qualifying medical condition" means seizure disorder, including
44 epilepsy; intractable skeletal muscular spasticity; post-traumatic
45 stress disorder; glaucoma; positive status for human
46 immunodeficiency virus; acquired immune deficiency syndrome;
47 cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular
48 dystrophy; inflammatory bowel disease, including Crohn's disease;

1 terminal illness, if the patient has a prognosis of less than 12 months
2 of life; anxiety; migraine; Tourette's syndrome; dysmenorrhea;
3 chronic pain; opioid use disorder; or any other medical condition or
4 its treatment that is approved by the commission.

5 "Qualifying patient" or "patient" means a resident of the State who
6 has been authorized for the medical use of cannabis by a health care
7 practitioner.

8 "Registration with the commission" means a person has met the
9 qualification requirements for, and has been registered by the
10 commission as, a registered qualifying patient, designated caregiver,
11 or institutional caregiver. The commission shall establish
12 appropriate means for health care practitioners, health care facilities,
13 medical cannabis dispensaries, law enforcement, schools, facilities
14 providing behavioral health services or services for persons with
15 developmental disabilities, and other appropriate entities to verify an
16 individual's status as a registrant with the commission.

17 "Significantly involved person" means a person or entity who
18 holds at least a five percent investment interest in an entity issued, or
19 applying for a permit to operate as, a medical cannabis cultivator,
20 medical cannabis manufacturer, medical cannabis dispensary, or
21 clinical registrant, or who is a decision making member of a group
22 that holds at least a 20 percent investment interest in an entity issued,
23 or applying for a permit to operate as, a medical cannabis cultivator,
24 medical cannabis manufacturer, medical cannabis dispensary, or
25 clinical registrant, in which no member of that group holds more than
26 a five percent interest in the total group investment interest, and the
27 person or entity makes controlling decisions regarding the operations
28 of the entity issued, or applying for a permit to operate as, a medical
29 cannabis cultivator, medical cannabis manufacturer, medical
30 cannabis dispensary, or clinical registrant.

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

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

36 (cf: P.L.2019, c.153, s.3)

37

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

40 4. a. The commission shall establish a registry of qualifying
41 patients and their designated caregivers and shall establish a means
42 of identifying and verifying the registration status of patients and
43 designated caregivers who are registered with the commission.
44 Registration with the commission shall be valid for two years. A
45 patient or designated caregiver shall be registered with the
46 commission upon submitting the following, in accordance with
47 regulations adopted by the commission:

- 1 (1) documentation of a health care practitioner's authorization for
- 2 the patient for the medical use of cannabis;
- 3 (2) an application or renewal fee, which may be based on a sliding
- 4 scale as determined by the commission;
- 5 (3) the name, home address, and date of birth of the patient and
- 6 each designated caregiver, as applicable;
- 7 (4) the name, address, and telephone number of the patient's
- 8 health care practitioner; **[and]**
- 9 (5) up to one alternate address for the patient, which may be used
- 10 for delivery of medical cannabis to the patient pursuant to section 27
- 11 of P.L.2019, c.153 (C.24:6I-20); and
- 12 (6) an indication whether the patient or a designated caregiver
- 13 will home cultivate medical cannabis.

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

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

45 b. Before registering an individual, the commission shall verify
46 the information contained in the application or renewal form
47 submitted pursuant to this section. In the case of a designated or
48 institutional caregiver, the commission shall provisionally approve

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

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

30 An applicant seeking to serve as a designated or institutional
31 caregiver who is required to complete a criminal history record
32 background check pursuant to this section shall submit to being
33 fingerprinted in accordance with applicable State and federal laws,
34 rules, and regulations. No check of criminal history record
35 background information shall be performed pursuant to this section
36 unless the applicant has furnished the applicant's written consent to
37 that check. An applicant who is required to complete a criminal
38 history record background check pursuant to this section who refuses
39 to consent to, or cooperate in, the securing of a check of criminal
40 history record background information shall not be considered for
41 inclusion in the registry as a designated or institutional caregiver. An
42 applicant shall bear the cost for the criminal history record
43 background check, including all costs of administering and
44 processing the check.

45 (2) The commission shall not approve an applicant seeking to
46 serve as a designated or institutional caregiver who is required to
47 complete a criminal history record background check pursuant to this
48 section if the criminal history record background information of the

1 applicant reveals a disqualifying conviction. For the purposes of this
2 section, a disqualifying conviction shall mean a conviction of a crime
3 involving any controlled dangerous substance or controlled
4 substance analog as set forth in chapter 35 of Title 2C of the New
5 Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-
6 10, or any similar law of the United States or of any other state.

7 (3) Upon receipt of the criminal history record background
8 information from the Division of State Police and the Federal Bureau
9 of Investigation, the commission shall provide written notification to
10 the applicant of the applicant's qualification or disqualification for
11 serving as a designated or institutional caregiver.

12 If the applicant is disqualified because of a disqualifying
13 conviction pursuant to the provisions of this section, the conviction
14 that constitutes the basis for the disqualification shall be identified in
15 the written notice.

16 (4) The Division of State Police shall promptly notify the
17 commission in the event that an individual who was the subject of a
18 criminal history record background check conducted pursuant to this
19 section is convicted of a crime or offense in this State after the date
20 the background check was performed. Upon receipt of that
21 notification, the commission shall make a determination regarding
22 the continued eligibility of the applicant to serve as a designated or
23 institutional caregiver.

24 (5) Notwithstanding the provisions of paragraph (2) of this
25 subsection to the contrary, no applicant shall be disqualified from
26 serving as a designated or institutional caregiver on the basis of any
27 conviction disclosed by a criminal history record background check
28 conducted pursuant to this section if the individual has affirmatively
29 demonstrated to the commission clear and convincing evidence of
30 rehabilitation. In determining whether clear and convincing evidence
31 of rehabilitation has been demonstrated, the following factors shall
32 be considered:

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

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

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

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

38 (e) the age of the individual when the crime or offense was
39 committed;

40 (f) whether the crime or offense was an isolated or repeated
41 incident;

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

44 (h) any evidence of rehabilitation, including good conduct in
45 prison or in the community, counseling or psychiatric treatment
46 received, acquisition of additional academic or vocational schooling,
47 successful participation in correctional work-release programs, or the

1 recommendation of those who have had the individual under their
2 supervision.

3 d. A verification of registration issued by the commission shall
4 contain the following information:

5 (1) (a) in the case of a patient or designated caregiver registration,
6 the name, address, and date of birth of the patient and each designated
7 caregiver, if applicable, along with an indication as to whether the
8 patient or designated caregiver is authorized for home cultivation of
9 medical cannabis; and

10 (b) in the case of an institutional caregiver, the caregiver's name
11 and date of birth and the name and address of the health care facility
12 at which the caregiver is serving as institutional caregiver;

13 (2) the expiration date of the registration;

14 (3) photo identification of the registrant; and

15 (4) such other information that the commission may specify by
16 regulation.

17 e. (1) A patient who has been registered by the commission shall
18 notify the commission of any change in the patient's name, address,
19 or health care practitioner **【or】** of any change in who is authorized
20 to home cultivate medical cannabis for the patient, and of any change
21 in status of the patient's qualifying medical condition, within 10 days
22 of such change, or the patient's registration shall be deemed null and
23 void.

24 (2) A designated caregiver who has been registered by the
25 commission shall notify the commission of any change in the
26 caregiver's name or address within 10 days of such change, or the
27 caregiver's registration shall be deemed null and void.

28 (3) An institutional caregiver who has been registered by the
29 commission shall notify the commission of any change in the
30 caregiver's name, address, employment by a health care facility at
31 which the caregiver is registered to serve as institutional caregiver,
32 or authorization from the health care facility to assist qualifying
33 patients with the medical use of cannabis, within 10 days of such
34 change, or the caregiver's registration shall be deemed null and void
35 and the individual shall be deemed ineligible to serve as an
36 institutional caregiver for a period of not less than one year.

37 f. The commission shall maintain a confidential list of the
38 persons registered with the commission. Individual names and other
39 identifying information on the list, and information contained in any
40 application form, or accompanying or supporting document shall be
41 confidential, and shall not be considered a public record under
42 P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et
43 al.), or the common law concerning access to government records,
44 and shall not be disclosed except to:

45 (1) authorized employees of the commission and the Division of
46 Consumer Affairs in the Department of Law and Public Safety as
47 necessary to perform official duties of the commission and the
48 division, as applicable; and

1 (2) authorized employees of State or local law enforcement
2 agencies, only as necessary to verify that a person who is engaged in
3 the suspected or alleged medical use of cannabis is lawfully
4 registered with the commission.

5 g. Applying for registration or being registered by the
6 commission does not constitute a waiver of the qualifying patient's
7 practitioner-patient privilege.

8 h. An applicant seeking to serve as an institutional caregiver
9 shall submit with the application a certification executed by the
10 director or administrator of the health care facility employing the
11 applicant attesting that:

12 (1) the facility has authorized the applicant to assist registered
13 qualifying patients at the facility with the medical use of cannabis,
14 including obtaining medical cannabis from a medical cannabis
15 dispensary, accepting deliveries of medical cannabis on behalf of
16 registered qualifying patients, and assisting registered qualifying
17 patients with the administration of medical cannabis;

18 (2) the facility has established protocols and procedures and
19 implemented security measures to ensure that any medical cannabis
20 obtained by an institutional caregiver that is transported by the
21 caregiver to the facility is transported in a safe and secure manner
22 that prevents theft, diversion, adulteration, and access by
23 unauthorized individuals, and that any medical cannabis present at
24 the facility is stored in a safe and secure manner that prevents theft,
25 diversion, adulteration, and access by unauthorized individuals;

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

32 (4) the facility will not charge a registered qualifying patient for
33 medical cannabis obtained on the registered qualifying patient's
34 behalf in an amount that exceeds the actual cost of the medical
35 cannabis, plus any reasonable costs incurred in acquiring the medical
36 cannabis;

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

41 (6) the facility will promptly notify the commission in the event
42 that:

43 (a) an institutional caregiver registered with the commission
44 pursuant to this section ceases to be employed by the facility or
45 ceases to be authorized by the facility to assist registered qualifying
46 patients with the medical use of cannabis, in which case, upon receipt
47 of the notification, the commission shall immediately revoke the
48 institutional caregiver's registration; or

1 (b) an institutional caregiver registered with the commission
2 pursuant to this section, who completed a criminal history record
3 background check as a condition of professional licensure or
4 certification, is convicted of a crime or offense in this State after the
5 date the criminal history background check was performed, in which
6 case, upon receipt of that notification, the commission shall make a
7 determination regarding the continued eligibility of the applicant to
8 serve as an institutional caregiver.

9 Nothing in this section shall be deemed to require any facility to
10 authorize any employee of the facility to serve as an institutional
11 caregiver or to issue a certification that meets the requirements of this
12 subsection.

13 (cf: P.L.2019, c.153, s.4)

14
15 3. (New section) a. A registered qualifying patient who is 21
16 years of age or older, or a designated caregiver for the patient, shall
17 be authorized to cultivate and possess up to four mature cannabis
18 plants and up to four immature cannabis plants for the patient's
19 personal medical use upon providing notice to the commission as
20 provided in subsection b. of this section. Any medical cannabis that
21 is home cultivated pursuant to this section shall be cultivated in the
22 residence of the patient or the patient's designated caregiver, as
23 applicable, at the address indicated in the individual's current registry
24 information.

25 b. (1) A registered qualifying patient who seeks to home
26 cultivate medical cannabis, either directly or using a designated
27 caregiver, shall, prior to commencing the home cultivation of
28 medical cannabis, provide notice to the commission of the patient's
29 intent to home cultivate medical cannabis. The notice provided to
30 the commission shall specify the individual who will be authorized
31 to home cultivate medical cannabis for the patient. In no case may
32 more than one individual home cultivate medical cannabis for a
33 registered qualifying patient at one time.

34 (2) Upon providing at least 10 days' notice to the commission, a
35 registered qualifying patient shall be authorized to change which
36 individual will be authorized to home cultivate medical cannabis for
37 the patient. No less than 10 days and no more than 30 days after
38 providing notice of a change in authorization to home cultivate
39 medical cannabis, the individual formerly cultivating medical
40 cannabis for the patient may transfer any mature and immature
41 medical cannabis plants in that individual's possession to the
42 individual to whom authorization was transferred. Any medical
43 cannabis plants that are not transferred to the subsequent home
44 cultivator by the former home cultivator shall be promptly
45 surrendered by the former home cultivator to law enforcement for
46 destruction.

47 c. Upon receiving notice of a change in a registered qualifying
48 patient's intent to home cultivate medical cannabis or of a change in

1 who is authorized to home cultivate medical cannabis for a registered
2 qualifying patient, the commission shall promptly update the
3 registration information for the patient and for any of the patient's
4 designated caregivers who are affected by the change.

5 d. Notwithstanding the provisions of subsection b. of this section
6 to the contrary, any designated caregiver of a registered qualifying
7 patient who elects to home cultivate medical cannabis shall be
8 authorized to possess, transport, and assist the patient with the
9 administration of home-cultivated medical cannabis in dried form or
10 in any other consumable form, regardless of whether the designated
11 caregiver is the individual who is specifically authorized to home
12 cultivate medical cannabis for the patient.

13 e. In addition to any other civil or criminal penalties as may
14 apply, any individual in possession of home-cultivated medical
15 cannabis in the form of a mature or immature plant or in any
16 consumable form, who sells, donates, or furnishes the home-
17 cultivated medical cannabis to any individual who is not authorized
18 to be in possession of the home-cultivated medical cannabis as
19 provided in this section, shall be liable to a civil penalty of up to
20 \$1,000, which shall be collected by and in the name of the
21 commission in summary proceedings before a court of competent
22 jurisdiction pursuant to the provisions of the "Penalty Enforcement
23 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). In addition, the
24 individual's registration with the commission shall be deemed null
25 and void, and the individual shall be permanently ineligible for re-
26 registration with the commission as a qualifying patient, a designated
27 caregiver, or an institutional caregiver.

28

29 4. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill authorizes the home cultivation of medical cannabis for
35 a registered qualifying patient's personal medical use.

36 Specifically, the bill provides that a registered qualifying patient
37 who is 21 years of age or older who provides notice to the Cannabis
38 Regulatory Commission of the intent to home cultivate medical
39 cannabis will be allowed to either home cultivate medical cannabis
40 himself or herself, or authorize a designated caregiver to home
41 cultivate medical cannabis on the patient's behalf. A home cultivator
42 will be allowed to cultivate and possess up to four mature cannabis
43 plants and up to four immature cannabis plants. Medical cannabis
44 may only be home cultivated at the residence of the authorized home
45 cultivator that is on file with the commission.

46 The notice of intent to home cultivate medical cannabis provided
47 to the commission is to specify which individual will home cultivate
48 the medical cannabis. In no case may more than one individual home

1 cultivate medical cannabis for a registered qualifying patient at one
2 time.

3 A patient may change the designated home cultivator upon
4 providing 10 days' notice to the commission. At least 10 days after
5 providing the notice of change, but no more than 30 days after
6 providing notice, any medical cannabis plants in the former home
7 cultivator's possession may be transferred to the new designated
8 home cultivator. Any plants that are not transferred to the new home
9 cultivator are to be promptly surrendered to law enforcement for
10 destruction. The failure to provide notice of a change in designated
11 home cultivator will result in the patient's registration with the
12 commission being deemed null and void.

13 The commission will be required to promptly update the registry
14 information for the patient and any affected designated caregiver
15 upon receiving notice of the patient's intent to home cultivate
16 medical cannabis or of a change in who is authorized to home
17 cultivate medical cannabis for the patient.

18 Any designated caregiver of a patient who elects to home cultivate
19 medical cannabis will be authorized to possess, transport, and assist
20 the patient with the administration of home-cultivated medical
21 cannabis in dried form or in any other consumable form, regardless
22 of whether the designated caregiver is designated as the patient's
23 home cultivator.

24 In addition to any other civil or criminal penalties as may apply,
25 any individual in possession of home-cultivated medical cannabis in
26 the form of a mature or immature plant or in any consumable form,
27 who sells, donates, or furnishes the home-cultivated medical
28 cannabis to any individual who is not authorized to be in possession
29 of the home-cultivated medical cannabis under the bill, will be liable
30 to a civil penalty of up to \$1,000. In addition, the individual's
31 registration with the commission will be deemed null and void, and
32 the individual will be permanently ineligible for re-registration with
33 the commission as a qualifying patient, a designated caregiver, or an
34 institutional caregiver.

35 It is the sponsor's intent to expand access to medical cannabis for
36 registered qualifying patients who may find the medical cannabis that
37 is available through a medical cannabis dispensary unaffordable, or
38 who may otherwise benefit from the convenience of home cultivation
39 or the ability to readily access medical cannabis in the strain and form
40 appropriate to the patient's individual treatment needs. Of the 36
41 states that have approved a comprehensive medical cannabis
42 program, 17, or nearly half, currently allow for home cultivation of
43 medical cannabis: Alaska, Arizona, California, Colorado, Hawaii,
44 Maine, Massachusetts, Michigan, Missouri, Montana, Nevada, New
45 Mexico, Oklahoma, Oregon, Rhode Island, Vermont, and
46 Washington.