

SENATE, No. 3484

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 24, 2024

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Provides health care practitioners discretion to determine which medical conditions could qualify patients for use of medical cannabis.

CURRENT VERSION OF TEXT

As introduced.



S3484 SINGLETON

2

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

3

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

6

7 1. Section 3 of the P.L.2009, c.307 (C.24:6I-3) is amended to
8 read 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 (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; any other medical
15 condition or disease for which a healthcare practitioner determines
16 that a patient would receive palliative or therapeutic benefit from
17 the use of medical cannabis; or any other medical condition or its
18 treatment that is approved by the commission.

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

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

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

47 "Terminally ill" means having an illness or condition with a
48 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.

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STATEMENT

10

11 This bill provides health care practitioners the discretion to
12 determine which medical conditions would qualify a patient for the
13 use of medical cannabis.

14 Under current law, a patient may only be authorized for the
15 medical use of cannabis when the patient receives authorization
16 from a health care practitioner, who is treating the patient's
17 qualifying medical condition. Current law defines a "qualifying
18 medical condition" to mean a seizure disorder, including epilepsy;
19 intractable skeletal muscular spasticity; post-traumatic stress
20 disorder; glaucoma; positive status for human immunodeficiency
21 virus; acquired immune deficiency syndrome; cancer; amyotrophic
22 lateral sclerosis; multiple sclerosis; muscular dystrophy;
23 inflammatory bowel disease, including Crohn's disease; terminal
24 illness, if the patient has a prognosis of less than 12 months of life;
25 anxiety; migraine; Tourette's syndrome; dysmenorrhea; chronic
26 pain; opioid use disorder; or any other medical condition or its
27 treatment that is approved by the Cannabis Regulatory Commission.
28 This bill amends the requirements under the Jake Honig
29 Compassionate Use Medical Cannabis Act and expands the
30 statutory definition of "qualifying medical condition" to include any
31 other medical condition or disease for which a healthcare
32 practitioner determines that a patient would receive palliative or
33 therapeutic benefit from the use of medical cannabis.