SENATE, No. 1758

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)
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District 11 (Monmouth)

Co-Sponsored by:
Senators O'Scanlon, Diegnan, A.M.Bucco, Turner, Singer, Zwicker, Johnson, Vitale and Cruz-Perez

SYNOPSIS
Authorizes home cultivation of medical cannabis.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

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

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

1. Section 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read as follows:

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

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

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

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

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

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

"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 <u>thus</u> is new matter.

"Common ownership or control" means:

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

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

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

"Department" means the Department of Health.

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

(1) is at least 18 years old;

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

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

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

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

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

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

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

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

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

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

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

“Home cultivation of medical cannabis” means the cultivation of medical cannabis, in the residence of a registered qualifying patient or a designated caregiver of the patient, for the patient’s personal medical use. The term does not include the cultivation of medical cannabis by an entity issued a medical cannabis cultivator or clinical registrant permit.

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

(1) is at least 18 years old;

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

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

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

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

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

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

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

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

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

"Medical cannabis dispensary" means an organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer,

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

"Medical cannabis manufacturer" means an organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture, or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply, and sell medical cannabis products and related supplies to other medical cannabis manufacturers and to medical cannabis dispensaries and clinical registrants. A medical cannabis manufacturer permit shall not authorize the permit holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

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

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

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

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

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

"Qualifying medical condition" means seizure disorder, including epilepsy; intractable skeletal muscular spasticity; post-traumatic stress disorder; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome;

cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular dystrophy; inflammatory bowel disease, including Crohn's disease; terminal illness, if the patient has a prognosis of less than 12 months of life; anxiety; migraine; Tourette's syndrome; dysmenorrhea; chronic pain; opioid use disorder; or any other medical condition or its treatment that is approved by the commission.

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

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

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

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

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

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

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

4. a. The commission shall establish a registry of qualifying patients and their designated caregivers and shall establish a means of identifying and verifying the registration status of patients and designated caregivers who are registered with the commission.

Registration with the commission shall be valid for two years. A patient or designated caregiver shall be registered with the commission upon submitting the following, in accordance with regulations adopted by the commission:

(1) documentation of a health care practitioner's authorization for the patient for the medical use of cannabis;

(2) an application or renewal fee, which may be based on a sliding scale as determined by the commission;

(3) the name, home address, and date of birth of the patient and each designated caregiver, as applicable;

(4) the name, address, and telephone number of the patient's health care practitioner; **[**and**]**

(5) up to one alternate address for the patient, which may be used for delivery of medical cannabis to the patient pursuant to section 27 of P.L.2019, c.153 (C.24:6I-20)<u>; and</u>

<u>(6) an indication whether the patient or a designated caregiver will home cultivate medical cannabis</u>.

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

The commission shall establish a registry of institutional caregivers and shall establish a means of identifying and verifying the registration status of institutional caregivers who are registered with the commission. Registration with the commission shall be valid for one year. An institutional caregiver shall be registered with the commission upon submitting the name, address, and telephone number of the institutional caregiver and of the health care facility at which the individual will be serving as institutional caregiver and a certification that meets the requirements of subsection h. of this section. The application or renewal fee for the institutional caregiver shall be paid by the health care facility at which the institutional caregiver will be serving as institutional caregiver. An institutional caregiver shall not be limited in the number of qualifying patients for whom the institutional caregiver may serve as institutional caregiver at one time, provided that each qualifying patient served by the institutional caregiver is a current patient or resident at the health care facility at which the institutional caregiver is authorized to serve as institutional caregiver, and the number of qualifying patients served by the institutional caregiver is commensurate with the institutional caregiver's ability to fully meet the treatment and related needs of each qualifying patient and attend to the institutional caregiver's other professional duties at the health care facility without

jeopardizing the health or safety of any patient or resident at the facility.

b. Before registering an individual, the commission shall verify the information contained in the application or renewal form submitted pursuant to this section. In the case of a designated or institutional caregiver, the commission shall provisionally approve an application pending the results of a criminal history record background check, if the caregiver otherwise meets the requirements of P.L.2009, c.307 (C.24:6I-1 et al.). The commission shall approve or deny an application or renewal and complete the registration process for successful applicants within 30 days of receipt of the completed application or renewal. The commission may deny an application or renewal only if the applicant fails to provide the information required pursuant to this section, or if the commission determines that the information was incorrect or falsified or does not meet the requirements of P.L.2009, c.307 (C.24:6I-1 et al.). Denial of an application shall be a final agency decision, subject to review by the Superior Court, Appellate Division.

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

An applicant seeking to serve as a designated or institutional caregiver who is required to complete a criminal history record background check pursuant to this section shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. No check of criminal history record background information shall be performed pursuant to this section unless the applicant has furnished the applicant's written consent to that check. An applicant who is required to complete a criminal history record background check pursuant to this section who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be

considered for inclusion in the registry as a designated or institutional caregiver. An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

(2) The commission shall not approve an applicant seeking to serve as a designated or institutional caregiver who is required to complete a criminal history record background check pursuant to this section if the criminal history record background information of the applicant reveals a disqualifying conviction. For the purposes of this section, a disqualifying conviction shall mean a conviction of a crime involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law of the United States or of any other state.

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

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

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

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

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

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

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

(d) the date of the crime or offense;

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

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

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

(h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

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

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

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

(2) the expiration date of the registration;

(3) photo identification of the registrant; and

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

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

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

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

f. The commission shall maintain a confidential list of the persons registered with the commission. Individual names and

other identifying information on the list, and information contained in any application form, or accompanying or supporting document shall be confidential, and shall not be considered a public record under P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to government records, and shall not be disclosed except to:

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

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

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

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

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

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

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

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

(5) the facility has established protocols and procedures concerning whether, and to what extent, designated caregivers are

permitted to assist registered qualifying patients with the medical use of cannabis while at the facility; and

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

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

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

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

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

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

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

(2) Upon providing at least 10 days’ notice to the commission, a registered qualifying patient shall be authorized to change which individual will be authorized to home cultivate medical cannabis for the patient. No less than 10 days and no more than 30 days after providing notice of a change in authorization to home cultivate

medical cannabis, the individual formerly cultivating medical cannabis for the patient may transfer any mature and immature medical cannabis plants in that individual's possession to the individual to whom authorization was transferred. Any medical cannabis plants that are not transferred to the subsequent home cultivator by the former home cultivator shall be promptly surrendered by the former home cultivator to law enforcement for destruction.

c. Upon receiving notice of a change in a registered qualifying patient's intent to home cultivate medical cannabis or of a change in who is authorized to home cultivate medical cannabis for a registered qualifying patient, the commission shall promptly update the registration information for the patient and for any of the patient's designated caregivers who are affected by the change.

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

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

4. This act shall take effect immediately.

STATEMENT

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

Specifically, the bill provides that a registered qualifying patient who is 21 years of age or older who provides notice to the Cannabis Regulatory Commission of the intent to home cultivate medical

cannabis will be allowed to either home cultivate medical cannabis himself or herself, or authorize a designated caregiver to home cultivate medical cannabis on the patient's behalf. A home cultivator will be allowed to cultivate and possess up to four mature cannabis plants and up to four immature cannabis plants. Medical cannabis may only be home cultivated at the residence of the authorized home cultivator that is on file with the commission.

The notice of intent to home cultivate medical cannabis provided to the commission is to specify which individual will home cultivate the medical cannabis. In no case may more than one individual home cultivate medical cannabis for a registered qualifying patient at one time.

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

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

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

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

It is the sponsor's intent to expand access to medical cannabis for registered qualifying patients who may find the medical cannabis that is available through a medical cannabis dispensary unaffordable, or who may otherwise benefit from the convenience

of home cultivation or the ability to readily access medical cannabis in the strain and form appropriate to the patient's individual treatment needs. Of the 36 states that have approved a comprehensive medical cannabis program, 17, or nearly half, currently allow for home cultivation of medical cannabis: Alaska, Arizona, California, Colorado, Hawaii, Maine, Massachusetts, Michigan, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Rhode Island, Vermont, and Washington.