

[First Reprint]

**SENATE, No. 2842**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED MAY 30, 2013

**Sponsored by:**

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**District 22 (Middlesex, Somerset and Union)**

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**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman REED GUSCIORA**

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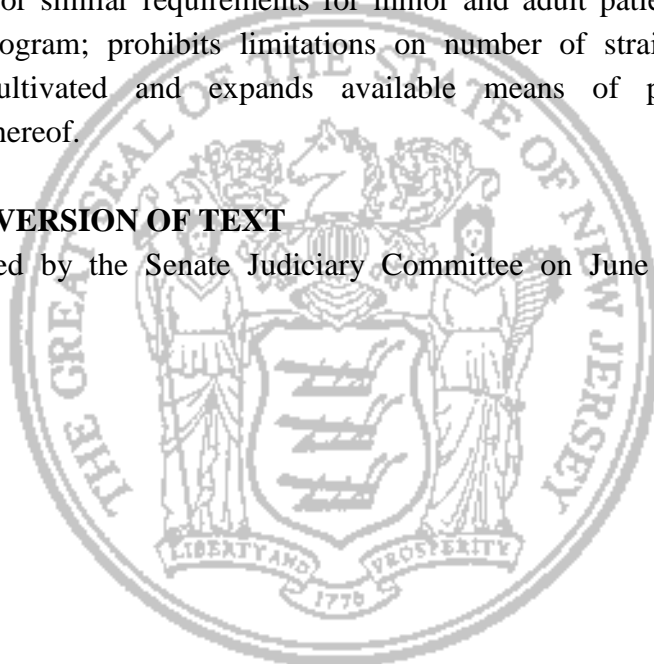
**Senator Gill**

**SYNOPSIS**

Provides for similar requirements for minor and adult patients in medical marijuana program; prohibits limitations on number of strains of medical marijuana cultivated and expands available means of packaging and distribution thereof.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on June 6, 2013, with amendments.



**(Sponsorship Updated As Of: 6/25/2013)**

1 AN ACT concerning medical marijuana 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 5 of P.L.2009, c.307 (C.24:6I-5) is amended to read  
8 as follows:

9 5. a. Medical use of marijuana by a qualifying patient may be  
10 authorized pursuant to a certification which meets the requirements  
11 of this act. In order to provide such certification, a physician shall  
12 be licensed and in good standing to practice in the State.

13 The certification shall attest that the above criteria have been  
14 met.

15 b. (1) The provisions of subsection a. of this section shall not  
16 apply to a qualifying patient who is a minor unless the custodial  
17 parent, guardian, or person who has legal custody of the minor **[,]**  
18 receives from the physician an explanation of the potential risks and  
19 benefits of the medical use of marijuana and consents in writing  
20 that the minor patient has that person's permission for the medical  
21 use of marijuana and that the person will control the acquisition and  
22 possession of the medical marijuana and any related paraphernalia  
23 from the alternative treatment center. The physician shall document  
24 the explanation of the potential risks and benefits in the minor  
25 patient's medical record.

26 (2) Except as provided by paragraph (1) of this subsection, a  
27 patient who is a minor, or a physician seeking to authorize the  
28 medical use of marijuana by a patient who is a minor, shall not be  
29 subject to any requirements for the medical use of marijuana  
30 beyond those that would apply to a patient who is an adult, or to a  
31 physician seeking to authorize the medical use of marijuana by a  
32 patient who is an adult, as appropriate.

33 (cf: P.L.2009, c.307, s.5)

34

35 2. Section 7 of P.L.2009, c.307 (C.24:6I-7) is amended to read  
36 as follows:

37 7. a. The department shall accept applications from entities for  
38 permits to operate as alternative treatment centers, and may charge  
39 a reasonable fee for the issuance of a permit under this section. The  
40 department shall seek to ensure the availability of a sufficient  
41 number of alternative treatment centers throughout the State,  
42 pursuant to need, including at least two each in the northern,  
43 central, and southern regions of the State. The first two centers  
44 issued a permit in each region shall be nonprofit entities, and

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted June 6, 2013.

1 centers subsequently issued permits may be nonprofit or for-profit  
2 entities.

3 An alternative treatment center shall be authorized to acquire a  
4 reasonable initial and ongoing inventory, as determined by the  
5 department, of marijuana seeds or seedlings and paraphernalia,  
6 possess, cultivate, plant, grow, harvest, process, display,  
7 manufacture, deliver, transfer, transport, distribute, supply, sell, or  
8 dispense marijuana, or related supplies to qualifying patients or  
9 their primary caregivers who are registered with the department  
10 pursuant to section 4 of this act. An alternative treatment center  
11 'shall not be limited in the number of strains of medical marijuana  
12 cultivated, and' may package and directly dispense marijuana to  
13 qualifying patients in dried form, oral lozenges, topical  
14 formulations, or edible form, or another form permitted by the  
15 commissioner.

16 Applicants for authorization as nonprofit alternative treatment  
17 centers shall be subject to all applicable State laws governing  
18 nonprofit entities, but need not be recognized as a 501(c)(3)  
19 organization by the federal Internal Revenue Service.

20 b. The department shall require that an applicant provide such  
21 information as the department determines to be necessary pursuant  
22 to regulations adopted pursuant to this act.

23 c. A person who has been convicted of a crime involving any  
24 controlled dangerous substance or controlled substance analog as  
25 set forth in chapter 35 of Title 2C of the New Jersey Statutes except  
26 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law  
27 of the United States or any other state shall not be issued a permit to  
28 operate as an alternative treatment center or be a director, officer, or  
29 employee of an alternative treatment center, unless such conviction  
30 occurred after the effective date of this act and was for a violation  
31 of federal law relating to possession or sale of marijuana for  
32 conduct that is authorized under this act.

33 d. (1) The commissioner shall require each applicant seeking a  
34 permit to operate as an alternative treatment center to undergo a  
35 criminal history record background check. For purposes of this  
36 section, the term "applicant" shall include any owner, director,  
37 officer, or employee of an alternative treatment center. The  
38 commissioner is authorized to exchange fingerprint data with and  
39 receive criminal history record background information from the  
40 Division of State Police and the Federal Bureau of Investigation  
41 consistent with the provisions of applicable federal and State laws,  
42 rules, and regulations. The Division of State Police shall forward  
43 criminal history record background information to the  
44 commissioner in a timely manner when requested pursuant to the  
45 provisions of this section.

46 An applicant shall submit to being fingerprinted in accordance  
47 with applicable State and federal laws, rules, and regulations. No  
48 check of criminal history record background information shall be

1 performed pursuant to this section unless the applicant has  
2 furnished his written consent to that check. An applicant who  
3 refuses to consent to, or cooperate in, the securing of a check of  
4 criminal history record background information shall not be  
5 considered for a permit to operate, or authorization to be employed  
6 at, an alternative treatment center. An applicant shall bear the cost  
7 for the criminal history record background check, including all  
8 costs of administering and processing the check.

9 (2) The commissioner shall not approve an applicant for a  
10 permit to operate, or authorization to be employed at, an alternative  
11 treatment center if the criminal history record background  
12 information of the applicant reveals a disqualifying conviction as  
13 set forth in subsection c. of this section.

14 (3) Upon receipt of the criminal history record background  
15 information from the Division of State Police and the Federal  
16 Bureau of Investigation, the commissioner shall provide written  
17 notification to the applicant of his qualification for or  
18 disqualification for a permit to operate or be a director, officer, or  
19 employee of an alternative treatment center.

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

24 (4) The Division of State Police shall promptly notify the  
25 commissioner in the event that an individual who was the subject of  
26 a criminal history record background check conducted pursuant to  
27 this section is convicted of a crime or offense in this State after the  
28 date the background check was performed. Upon receipt of that  
29 notification, the commissioner shall make a determination regarding  
30 the continued eligibility to operate or be a director, officer, or  
31 employee of an alternative treatment center.

32 (5) Notwithstanding the provisions of subsection b. of this  
33 section to the contrary, the commissioner may offer provisional  
34 authority for an applicant to be an employee of an alternative  
35 treatment center for a period not to exceed three months if the  
36 applicant submits to the commissioner a sworn statement attesting  
37 that the person has not been convicted of any disqualifying  
38 conviction pursuant to this section.

39 (6) Notwithstanding the provisions of subsection b. of this  
40 section to the contrary, no employee of an alternative treatment  
41 center shall be disqualified on the basis of any conviction disclosed  
42 by a criminal history record background check conducted pursuant  
43 to this section if the individual has affirmatively demonstrated to  
44 the commissioner clear and convincing evidence of rehabilitation.  
45 In determining whether clear and convincing evidence of  
46 rehabilitation has been demonstrated, the following factors shall be  
47 considered:

- 1 (a) the nature and responsibility of the position which the
  - 2 convicted individual would hold, has held or currently holds;
  - 3 (b) the nature and seriousness of the crime or offense;
  - 4 (c) the circumstances under which the crime or offense
  - 5 occurred;
  - 6 (d) the date of the crime or offense;
  - 7 (e) the age of the individual when the crime or offense was
  - 8 committed;
  - 9 (f) whether the crime or offense was an isolated or repeated
  - 10 incident;
  - 11 (g) any social conditions which may have contributed to the
  - 12 commission of the crime or offense; and
  - 13 (h) any evidence of rehabilitation, including good conduct in
  - 14 prison or in the community, counseling or psychiatric treatment
  - 15 received, acquisition of additional academic or vocational
  - 16 schooling, successful participation in correctional work-release
  - 17 programs, or the recommendation of those who have had the
  - 18 individual under their supervision.
- 19 e. The department shall issue a permit to a person to operate as
- 20 an alternative treatment center if the department finds that issuing
- 21 such a permit would be consistent with the purposes of this act and
- 22 the requirements of this section are met and the department has
- 23 verified the information contained in the application. The
- 24 department shall approve or deny an application within 60 days
- 25 after receipt of a completed application. The denial of an
- 26 application shall be considered a final agency decision, subject to
- 27 review by the Appellate Division of the Superior Court. The
- 28 department may suspend or revoke a permit to operate as an
- 29 alternative treatment center for cause, which shall be subject to
- 30 review by the Appellate Division of the Superior Court.
- 31 f. A person who has been issued a permit pursuant to this
- 32 section shall display the permit at the premises of the alternative
- 33 treatment center at all times when marijuana is being produced, or
- 34 dispensed to a registered qualifying patient or the patient's primary
- 35 caregiver.
- 36 g. An alternative treatment center shall report any change in
- 37 information to the department not later than 10 days after such
- 38 change, or the permit shall be deemed null and void.
- 39 h. An alternative treatment center may charge a registered
- 40 qualifying patient or primary caregiver for the reasonable costs
- 41 associated with the production and distribution of marijuana for the
- 42 cardholder.
- 43 i. The commissioner shall adopt regulations to:
- 44 (1) require such written documentation of each delivery of
- 45 marijuana to, and pickup of marijuana for, a registered qualifying
- 46 patient, including the date and amount dispensed, to be maintained
- 47 in the records of the alternative treatment center, as the
- 48 commissioner determines necessary to ensure effective

- 1 documentation of the operations of each alternative treatment  
2 center;
- 3 (2) monitor, oversee, and investigate all activities performed by  
4 an alternative treatment center; and
- 5 (3) ensure adequate security of all facilities 24 hours per day,  
6 including production and retail locations, and security of all  
7 delivery methods to registered qualifying patients.  
8 (cf: P.L.2009, c.307, s.7)
- 9
- 10 3. This act shall take effect immediately.