

ASSEMBLY, No. 4235

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:

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District 37 (Bergen)

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District 11 (Monmouth)

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SYNOPSIS

Establishes requirements for home delivery of medical marijuana.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/31/2018)

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 10 of P.L.2009, c.307 (C.24:6I-10) is amended to
8 read as follows:

9 10. a. A physician shall provide written instructions for a
10 registered qualifying patient or **his** the patient's primary caregiver
11 to present to an alternative treatment center concerning the total
12 amount of usable marijuana that a patient may be dispensed, in
13 weight, in a 30-day period, which amount shall not exceed two
14 ounces. If no amount is noted, the maximum amount that may be
15 dispensed at one time is two ounces.

16 b. A physician may issue multiple written instructions at one
17 time authorizing the patient to receive a total of up to a 90-day
18 supply, provided that the following conditions are met:

19 (1) Each separate set of instructions shall be issued for a
20 legitimate medical purpose by the physician, as provided in **this**
21 act] P.L.2009, c.307 (C.24:6I-1 et al.);

22 (2) Each separate set of instructions shall indicate the earliest
23 date on which a center may dispense the marijuana, except for the
24 first dispensation if it is to be filled immediately; and

25 (3) The physician has determined that providing the patient with
26 multiple instructions in this manner does not create an undue risk of
27 diversion or abuse.

28 c. **A** Medical marijuana may be dispensed directly to a
29 registered qualifying patient or the patient's primary caregiver at
30 the alternative treatment center, as provided in paragraph (1) of this
31 subsection, or may be delivered to a qualifying patient's home
32 address upon request by the qualifying patient or the patient's
33 primary caregiver, as provided in paragraph (2) of this subsection.

34 (1) If medical marijuana is to be dispensed directly to a
35 registered qualifying patient or his the patient's primary
36 caregiver, the patient or caregiver shall present the patient's or
37 caregiver's registry identification card, as applicable, and these
38 the written instructions from the patient's physician to the
39 alternative treatment center, which shall verify and log the
40 documentation presented. A physician may provide a copy of a
41 written instruction by electronic or other means, as determined by
42 the commissioner, directly to an alternative treatment center on
43 behalf of a registered qualifying patient.

44 (2) If a registered qualifying patient or the patient's primary

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 caregiver requests that medical marijuana be delivered to the
2 qualifying patient's home address, the alternative treatment center
3 shall:

4 (a) prior to making any deliveries of medical marijuana to the
5 qualifying patient's home address, require the qualifying patient or
6 the patient's primary caregiver to initially visit the alternative
7 treatment center in person at least once, at which time the
8 qualifying patient or primary caregiver shall present the patient's or
9 caregiver's registry identification card, as applicable, which the
10 alternative treatment center shall verify and log. The alternative
11 treatment center shall additionally require the patient or caregiver to
12 select one of the following delivery options:

13 (i) ongoing deliveries of medical marijuana, pursuant to which
14 deliveries of medical marijuana to the patient's home address shall
15 be made at such times as the patient's physician provides a copy of
16 a written instruction for the patient by electronic or other means, as
17 determined by the commissioner, directly to the alternative
18 treatment center, and the instruction becomes valid for dispensing;
19 or

20 (ii) individual on-demand deliveries of medical marijuana,
21 pursuant to which the patient may request an individual delivery of
22 medical marijuana to the qualifying patient's home address pursuant
23 to a valid written instruction. Each on-demand delivery request
24 shall be subject to appropriate verification by the alternative
25 treatment center so as to ensure each request was actually made by
26 the qualifying patient or the patient's primary caregiver;

27 (b) establish a method to schedule or coordinate deliveries, to
28 the extent possible, so as to ensure that the qualifying patient or the
29 patient's primary caregiver will be present at the patient's home
30 address at the time delivery is attempted;

31 (c) make deliveries of medical marijuana to the qualifying
32 patient's home address in accordance with the patient's chosen
33 option; and

34 (d) establish procedures to ensure the qualifying patient has
35 access to ongoing consultations and assessments of the patient's
36 debilitating medical condition, to be conducted by the alternative
37 treatment center, so as to ensure the patient's treatment needs are
38 being met.

39 Any medical marijuana delivered pursuant to this paragraph shall
40 be delivered directly to the qualifying patient or the patient's
41 primary caregiver at the patient's home address, who shall sign for
42 the delivery and present the patient's or caregiver's registry
43 identification card, as applicable, for the purposes of verifying the
44 identity of the person to whom the medical marijuana is delivered.
45 A qualifying patient or the patient's primary caregiver may, at any
46 time and upon providing reasonable notice to the alternative
47 treatment center, switch the patient's delivery option selected
48 pursuant to subparagraph (a) of this paragraph or cancel a request

1 for home deliveries of medical marijuana made pursuant to this
2 paragraph.

3 (3) The dispensation of marijuana pursuant to any written
4 instructions shall occur within one month of the date that the
5 instructions were written or the date that the instructions become
6 valid for dispensing, whichever is later, or the instructions are void.

7 d. A patient may be registered at only one alternative treatment
8 center at any time.

9 (cf: P.L.2009, c.307, s.10)

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11 2. The Commissioner of Health, pursuant to the
12 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
13 seq.), shall adopt such rules and regulations as shall be necessary to
14 implement the provisions of this act.

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16 3. This act shall take effect 60 days after the date of enactment.

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STATEMENT

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21 The bill establishes requirements for alternative treatment
22 centers (ATCs) to make home deliveries of medical marijuana.

23 Specifically, the bill provides that ATCs may dispense medical
24 marijuana directly to qualifying patients and their primary
25 caregivers or, upon request by the patient or the patient’s primary
26 caregiver, by delivery to the qualifying patient’s home address. If
27 the qualifying patient or the patient’s primary caregiver requests
28 home delivery, the ATC is to require the patient or the patient’s
29 primary caregiver to appear at the ATC in person, at least once, to
30 verify the patient’s or caregiver’s registry information and confirm
31 whether the patient would like ongoing deliveries of medical
32 marijuana each month, or individual on-demand deliveries that
33 would be subject to appropriate verification to confirm the patient
34 or the patient’s primary caregiver is making the request.

35 ATCs will be required to establish a method to schedule or
36 coordinate home deliveries to ensure, to the extent possible, that the
37 qualifying patient or the patient’s primary caregiver is present at the
38 patient’s home at the time delivery is attempted. Any delivery is to
39 be made directly to the patient or primary caregiver, who will be
40 required to present a valid registry identification card and sign for
41 the delivery. Patients and primary caregivers will be permitted to
42 switch between ongoing and individual on demand deliveries, or to
43 cancel a request for home deliveries, by providing reasonable notice
44 to the ATC. ATCs will further be required to ensure that patients
45 who request home delivery of medical marijuana have access to
46 ongoing consultations and assessments of the patient’s debilitating
47 medical condition, to be conducted by the ATC, so as to ensure the
48 patient’s treatment needs are being met.