

[Fifth Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 10 and 2426**

---

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

---

ADOPTED NOVEMBER 26, 2018

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS P. SCUTARI**

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

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

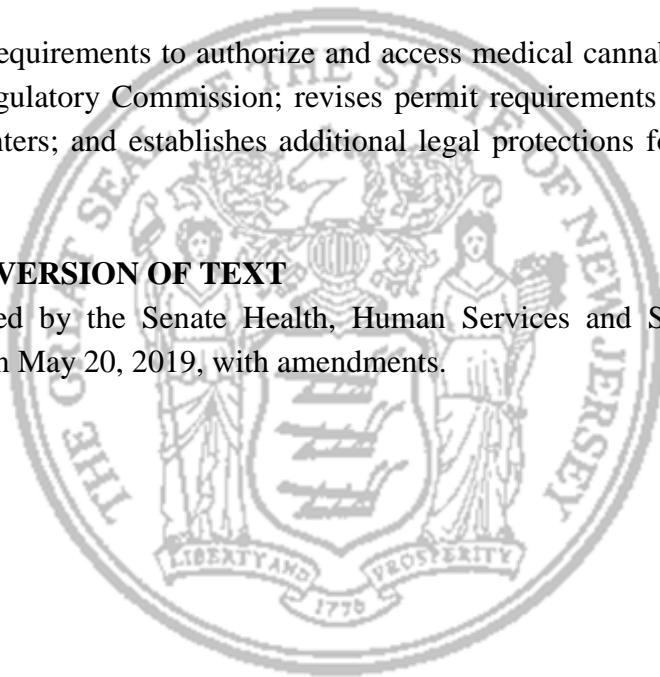
**Senators Gopal, Singleton, Codey, Gill, Bateman, Turner and Greenstein**

**SYNOPSIS**

Revises requirements to authorize and access medical cannabis; establishes Cannabis Regulatory Commission; revises permit requirements for alternative treatment centers; and establishes additional legal protections for patients and caregivers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 20, 2019, with amendments.



**(Sponsorship Updated As Of: 5/31/2019)**

1 AN ACT concerning medical cannabis, revising various parts of the  
2 statutory law, and 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 1 of P.L.2009, c.307 (C.24:6I-1) is amended to read  
8 as follows:

9 1. This act shall be known and may be cited as the **["New**  
10 **Jersey]** "Jake Honig Compassionate Use Medical **["Marijuana]**  
11 Cannabis Act."  
12 (cf: P.L.2009, c.307, s.1)

13

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

16 2. The Legislature finds and declares that:

17 a. Modern medical research has discovered a beneficial use for  
18 **["marijuana]** cannabis in treating or alleviating the pain or other  
19 symptoms associated with certain **["debilitating]** medical conditions,  
20 as found by the National Academy of Sciences' Institute of  
21 Medicine in March 1999 **[";"]** .

22 b. According to the U.S. Sentencing Commission and the  
23 Federal Bureau of Investigation, 99 out of every 100 **["marijuana]**  
24 cannabis arrests in the country are made under state law, rather than  
25 under federal law. Consequently, changing state law will have the  
26 practical effect of protecting from arrest the vast majority of  
27 seriously ill people who have a medical need to use **["marijuana]**  
28 cannabis **[";"]** .

29 c. Although federal law currently prohibits the use of  
30 **["marijuana]** cannabis, the laws of Alaska, Arkansas, California,  
31 Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Maine,  
32 Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada,  
33 New Hampshire, New Mexico, New York, North Dakota, Ohio,  
34 Oregon, Pennsylvania, Rhode Island, Vermont, **["and"]** Washington,  
35 West Virginia, and the District of Columbia permit the use of  
36 **["marijuana]** cannabis for medical purposes, and in Arizona doctors  
37 are permitted to prescribe **["marijuana]** cannabis. New Jersey joins  
38 this effort for the health and welfare of its citizens **[";"]** .

39 d. States are not required to enforce federal law or prosecute  
40 people for engaging in activities prohibited by federal law;  
41 therefore, compliance with this act does not put the State of New  
42 Jersey in violation of federal law **["; 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 floor amendments adopted December 17, 2018.

<sup>2</sup>Senate floor amendments adopted January 31, 2019.

<sup>3</sup>Senate floor amendments adopted March 14, 2019.

<sup>4</sup>Senate SJU committee amendments adopted March 18, 2019.

<sup>5</sup>Senate SHH committee amendments adopted May 20, 2019.

1 e. Compassion dictates that a distinction be made between  
2 medical and non-medical uses of **【marijuana】** cannabis. Hence, the  
3 purpose of this act is to protect from arrest, prosecution, property  
4 forfeiture, and criminal and other penalties, those patients who use  
5 **【marijuana】** cannabis to alleviate suffering from **【debilitating】**  
6 qualifying medical conditions, as well as their **【physicians】** health  
7 care practitioners, **【primary】** designated caregivers, institutional  
8 caregivers, and those who are authorized to produce **【marijuana】**  
9 cannabis for medical purposes.

10 (cf: P.L.2009, c.307, s.2)

11

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

14 3. As used in **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**【,**  
15 and<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**【,** and P.L. \_\_\_\_\_, c.  
16 (C. \_\_\_\_\_) (pending before the Legislature as this bill)<sup>5</sup> :

17 “Academic medical center” means an entity located in New Jersey  
18 that, on the effective date of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
19 Legislature as this bill), has an addiction medicine faculty practice <sup>5</sup>or  
20 is in the same health care system as another facility located in New  
21 Jersey that offers outpatient medical detoxification services or  
22 inpatient treatment services for substance use disorder<sup>5</sup> ; has a pain  
23 management faculty practice <sup>5</sup>or a facility-based pain management  
24 service located in New Jersey<sup>5</sup> ; has graduate medical training  
25 programs accredited <sup>5</sup> , or pending accreditation,<sup>5</sup> by the Accreditation  
26 Council for Graduate Medical Education or the American Osteopathic  
27 Association in primary care <sup>2</sup>**【,** family medicine, internal medicine,<sup>2</sup>  
28 and medical specialties; is the principal teaching affiliate of a medical  
29 school based in the State; and has the ability to conduct research  
30 related to medical cannabis. If the entity is part of a system of health  
31 care facilities, the entity shall not qualify as an academic medical  
32 center unless the health care system is principally located within the  
33 State.

34 “Adverse employment action” means refusing to hire or employ an  
35 individual, barring or discharging an individual from employment,  
36 requiring an individual to retire from employment, or discriminating  
37 against an individual in compensation or in any terms, conditions, or  
38 privileges of employment.

39 <sup>1</sup>**【“Bona fide 【physician-patient】 practitioner-patient relationship”**  
40 means a relationship in which the 【physician】 health care practitioner  
41 has ongoing responsibility for the assessment, care, and treatment of a  
42 patient's 【debilitating】 qualifying medical condition.<sup>1</sup>

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

1       **["Certification"** means a statement signed by a physician with  
2 whom a qualifying patient has a bona fide physician-patient  
3 relationship, which attests to the physician's authorization for the  
4 patient to apply for registration for the medical use of marijuana. **]**

5       "Clinical registrant" means an entity that has a written contractual  
6 relationship with an academic medical center in the region in which it  
7 has its principal place of business, which includes provisions whereby  
8 the parties will engage in clinical research related to the use of medical  
9 cannabis and the academic medical center or its affiliate will provide  
10 advice to the entity regarding patient health and safety, medical  
11 applications, <sup>2</sup>and<sup>2</sup> dispensing and managing controlled dangerous  
12 substances, among other areas.

13       "Commission" means the Cannabis Regulatory Commission  
14 established pursuant to section <sup>5</sup>**[7]** 31<sup>5</sup> of P.L. , c. (C. )  
15 (pending before the Legislature as <sup>5</sup>**[Senate Bill No. 2703]** this bill<sup>5</sup> ).

16       "Commissioner" means the Commissioner of Health.

17       **["Debilitating medical condition"** means:

18       (1) one of the following conditions, if resistant to conventional  
19 medical therapy: seizure disorder, including epilepsy; intractable  
20 skeletal muscular spasticity; post-traumatic stress disorder; or  
21 glaucoma;

22       (2) one of the following conditions, if severe or chronic pain,  
23 severe nausea or vomiting, cachexia, or wasting syndrome results from  
24 the condition or treatment thereof: positive status for human  
25 immunodeficiency virus; acquired immune deficiency syndrome; or  
26 cancer;

27       (3) amyotrophic lateral sclerosis, multiple sclerosis, terminal  
28 cancer, muscular dystrophy, or inflammatory bowel disease, including  
29 Crohn's disease;

30       (4) terminal illness, if the physician has determined a prognosis of  
31 less than 12 months of life; or

32       (5) any other medical condition or its treatment that is approved by  
33 the department by regulation. **]**

34       "Common ownership or control" means:

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

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

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

44       "Department" means the Department of Health.

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

46       (1) is at least 18 years old;

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

5       (3) subject to the provisions of paragraph (2) of subsection c. of  
6 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted of  
7 possession or sale of a controlled dangerous substance, unless such  
8 conviction occurred after the effective date of P.L.2009, c.307  
9 (C.24:6I-1 et al.) and was for a violation of federal law related to  
10 possession or sale of cannabis that is authorized under P.L.2009, c.307  
11 (C.24:6I-1 et al.) <sup>5</sup>[,] or<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>[,  
12 or P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup> ;

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

18       (5) has been designated as designated caregiver <sup>1</sup>[on the  
19 qualifying patient's application or renewal for a registry identification  
20 card] by the patient when registering or renewing a registration with  
21 the commission<sup>1</sup> or in other written notification to the commission.

22       <sup>5</sup>“Dispense” means the furnishing of medical cannabis to a  
23 registered qualifying patient, designated caregiver, or institutional  
24 caregiver by a medical cannabis dispensary or clinical registrant  
25 pursuant to written instructions issued by a health care practitioner  
26 pursuant to the requirements of P.L.2009, c.307 (C.24:6I-1 et al.). The  
27 term shall include the act of furnishing medical cannabis to a medical  
28 cannabis handler for delivery to a registered qualifying patient,  
29 designated caregiver, or institutional caregiver, consistent with the  
30 requirements of subsection i. of section 27 of P.L. , c. (C. )  
31 (pending before the Legislature as this bill).<sup>5</sup>

32       <sup>5</sup>[“Executive director” means the executive director of the  
33 Cannabis Regulatory Commission established pursuant to section 7 of  
34 P.L. , c. (C. ) (pending before the Legislature as Senate Bill  
35 No. 2703).]<sup>5</sup>

36       “Health care facility” means a general acute care hospital, nursing  
37 home, long term care facility, hospice care facility, <sup>1</sup>group home,  
38 facility that provides services to persons with developmental  
39 disabilities, behavioral health care facility,<sup>1</sup> or rehabilitation center.

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

43       (1) possesses active registrations to prescribe controlled dangerous  
44 substances issued by the United States Drug Enforcement  
45 Administration and the Division of Consumer Affairs in the  
46 Department of Law and Public Safety; <sup>5</sup>[<sup>1</sup>and<sup>1</sup>]<sup>5</sup>

1       (2) <sup>1</sup>has a bona fide practitioner-patient relationship with the  
2 patient; and

3       (3) <sup>1</sup>is the health care practitioner responsible for the ongoing  
4 treatment of a patient's qualifying medical condition <sup>4</sup>, the symptoms  
5 of that condition, or the symptoms associated with the treatment of that  
6 condition<sup>4</sup>, provided, however, that the ongoing treatment shall not be  
7 limited to the provision of authorization for a patient to use medical  
8 cannabis or consultation solely for that purpose <sup>5</sup>; and

9       (3) if the patient is a minor, is a pediatric specialist<sup>5</sup> .

10       “Immediate family” means the spouse, <sup>5</sup>domestic partner,<sup>5</sup> civil  
11 union partner, child, sibling, or parent of an individual, and shall  
12 include the siblings <sup>4</sup>[and] <sup>4</sup>, parents <sup>4</sup>, and children<sup>4</sup> of the  
13 individual's spouse <sup>5</sup>, domestic partner,<sup>5</sup> or civil union partner, and the  
14 <sup>4</sup>parents,<sup>4</sup> spouses <sup>4</sup>,<sup>4</sup> <sup>5</sup>domestic partners,<sup>5</sup> or civil union partners of  
15 the individual's <sup>4</sup>parents,<sup>4</sup> siblings <sup>4</sup>,<sup>4</sup> and children.

16       “Institutional caregiver” means a resident of the State who:

17       (1) is at least 18 years old;

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

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

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

29       (5) subject to the provisions of paragraph (2) of subsection c. of  
30 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted of  
31 possession or sale of a controlled dangerous substance, unless such  
32 conviction occurred after the effective date of P.L.2009, c.307  
33 (C.24:6I-1 et al.) and was for a violation of federal law related to  
34 possession or sale of cannabis that is authorized under P.L.2009, c.307  
35 (C.24:6I-1 et al.) <sup>5</sup>[,] or<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>[,  
36 or P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup> ;  
37 and

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

40       “Integrated curriculum” means an academic, clinical, or research  
41 program at an institution of higher education that is coordinated with a  
42 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
43 cannabis wholesaler,<sup>5</sup> or medical cannabis dispensary to apply  
44 theoretical <sup>4</sup>[principals] principles<sup>4</sup>, practical experience, or both  
45 involving the cultivation, manufacturing, <sup>5</sup>resale, warehousing,<sup>5</sup>  
46 dispensing, <sup>5</sup>delivery,<sup>5</sup> or medical use of cannabis to a specific area of

1 study, including, but not limited to, agriculture, biology, business,  
2 chemistry, culinary studies, ecology, environmental studies, health  
3 care, horticulture, technology, or any other appropriate area of study or  
4 combined areas of study. Integrated curricula shall be subject to  
5 approval by the commission and the <sup>5</sup>【Department of Education】  
6 Office of the Secretary of Higher Education<sup>5</sup>.

7 “Integrated curriculum permit” or “IC permit” means a permit  
8 issued to a medical cannabis cultivator, medical cannabis  
9 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> or medical cannabis  
10 dispensary that includes an integrated curriculum approved by the  
11 commission and the <sup>5</sup>【Department of Education】 Office of the  
12 Secretary of Higher Education<sup>5</sup>.

13 【"Marijuana" has the meaning given in section 2 of the "New  
14 Jersey Controlled Dangerous Substances Act," P.L.1970, c.226  
15 (C.24:21-2).】

16 "Medical 【marijuana】 cannabis alternative treatment center" or  
17 "alternative treatment center" means an organization 【approved】  
18 issued a permit <sup>5</sup>, including a conditional permit,<sup>5</sup> by the 【department】  
19 commission to 【perform activities necessary to provide registered  
20 qualifying patients with usable marijuana and related paraphernalia in  
21 accordance with the provisions of this act】 operate as a medical  
22 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
23 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant. This  
24 term shall include the organization's officers, directors, board  
25 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 <sup>5</sup>, medical cannabis wholesalers, clinical registrants,<sup>5</sup>  
32 and medical cannabis dispensaries, as well as to plant, cultivate, grow,  
33 and harvest medical cannabis for research purposes. A medical  
34 cannabis cultivator permit shall not authorize the permit holder to  
35 manufacture, produce, or otherwise create medical cannabis products,  
36 or to deliver, transfer, transport, distribute, supply, sell, or dispense  
37 medical cannabis, medical cannabis products, paraphernalia, or related  
38 supplies to qualifying patients, designated caregivers, or institutional  
39 caregivers.

40 “Medical cannabis dispensary” means an organization issued a  
41 permit by the commission that authorizes the organization to: purchase  
42 or obtain medical cannabis and related supplies from medical cannabis  
43 cultivators; purchase or obtain medical cannabis products and related  
44 supplies from medical cannabis manufacturers; purchase or obtain  
45 medical cannabis, medical cannabis products, and related supplies and  
46 paraphernalia from other medical cannabis dispensaries <sup>5</sup>and from

1 medical cannabis wholesalers and clinical registrants<sup>5</sup> ; deliver,  
2 transfer, transport, distribute, supply, and sell medical cannabis and  
3 medical cannabis products to other medical cannabis dispensaries  
4 <sup>2</sup>[.];<sup>2</sup> <sup>5</sup>furnish medical cannabis, including medical cannabis  
5 products, to a medical cannabis handler for delivery to a registered  
6 qualifying patient, designated caregiver, or institutional caregiver  
7 consistent with the requirements of subsection i. of section 27 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill);<sup>5</sup> and  
9 possess, display, deliver, transfer, transport, distribute, supply, sell,  
10 and dispense medical cannabis, medical cannabis products,  
11 paraphernalia, and related supplies to qualifying patients, designated  
12 caregivers, and institutional caregivers. A medical cannabis  
13 dispensary permit shall not authorize the permit holder to cultivate  
14 medical cannabis <sup>5</sup>[or] ,<sup>5</sup> to produce, manufacture, or otherwise create  
15 medical cannabis products <sup>5</sup>, or to deliver medical cannabis to  
16 registered qualifying patients, designated caregivers, or institutional  
17 caregivers<sup>5</sup> .

18 “Medical cannabis manufacturer” means an organization issued a  
19 permit by the commission that authorizes the organization to: purchase  
20 or obtain medical cannabis and related supplies from a medical  
21 cannabis cultivator <sup>5</sup>, a medical cannabis wholesaler, or a clinical  
22 registrant<sup>5</sup> ; purchase or obtain medical cannabis products from  
23 another medical cannabis manufacturer <sup>5</sup>, a medical cannabis  
24 wholesaler, or a clinical registrant<sup>5</sup> ; produce, manufacture, or  
25 otherwise create medical cannabis products; and possess, deliver,  
26 transfer, transport, distribute, supply, and sell medical cannabis  
27 products and related supplies to other medical cannabis manufacturers  
28 and to <sup>5</sup>medical cannabis wholesalers,<sup>5</sup> medical cannabis dispensaries  
29 <sup>5</sup>, and clinical registrants<sup>5</sup> . A medical cannabis manufacturer permit  
30 shall not authorize the permit holder to cultivate medical cannabis or  
31 to deliver, transfer, transport, distribute, supply, sell, or dispense  
32 medical cannabis, medical cannabis products, paraphernalia, or related  
33 supplies to <sup>5</sup>registered<sup>5</sup> qualifying patients, designated caregivers, or  
34 institutional caregivers.

35 <sup>5</sup>“Medical cannabis wholesaler” means any person or entity that  
36 issued a permit by the commission authorizing the permit holder to  
37 acquire medical cannabis from a medical cannabis cultivator or  
38 clinical registrant, and to resell such medical cannabis to a medical  
39 cannabis cultivator, medical cannabis manufacturer, medical cannabis  
40 wholesaler, medical cannabis dispensary, or clinical registrant; and to  
41 acquire medical cannabis products from a medical cannabis  
42 manufacturer or clinical registrant for resale to a medical cannabis  
43 manufacturer, medical cannabis wholesaler, medical cannabis  
44 dispensary, or clinical registrant. A medical cannabis wholesaler  
45 permit shall not authorize the permit holder to cultivate medical  
46 cannabis, to produce, manufacture, or otherwise create medical  
47 cannabis products, or to deliver, transfer, transport, distribute, supply,



1 sell, or dispense medical cannabis, medical cannabis products,  
2 paraphernalia, or related supplies to registered qualifying patients,  
3 designated caregivers, or institutional caregivers.<sup>5</sup>

4 "Medical use of **【marijuana】 cannabis**" means the acquisition,  
5 possession, transport, or use of **【marijuana】 cannabis** or paraphernalia  
6 by a registered qualifying patient as authorized by **【this act】 P.L.2009,**  
7 c.307 (C.24:6I-1 et al.) <sup>5</sup>**【,】** and<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et  
8 al.) <sup>5</sup>**【, and P.L. , c. (C. ) (pending before the Legislature as**  
9 this bill)】<sup>5</sup> .

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

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

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

18 **【"Physician" means a person licensed to practice medicine and**  
19 **surgery pursuant to Title 45 of the Revised Statutes with whom the**  
20 **patient has a bona fide physician-patient relationship and who is the**  
21 **primary care physician, hospice physician, or physician responsible for**  
22 **the ongoing treatment of a patient's debilitating medical condition,**  
23 **provided, however, that the ongoing treatment shall not be limited to**  
24 **the provision of authorization for a patient to use medical marijuana or**  
25 **consultation solely for that purpose.**

26 "Primary caregiver" or "caregiver" means a resident of the State  
27 who:

28 a. is at least 18 years old;

29 b. has agreed to assist with a registered qualifying patient's  
30 medical use of marijuana, is not currently serving as primary caregiver  
31 for another qualifying patient, and is not the qualifying patient's  
32 physician;

33 c. has never been convicted of possession or sale of a controlled  
34 dangerous substance, unless such conviction occurred after the  
35 effective date of this act and was for a violation of federal law related  
36 to possession or sale of marijuana that is authorized under this act;

37 d. has registered with the department pursuant to section 5 of this  
38 act, and has satisfied the criminal history record background check  
39 requirement of section 5 of this act; and

40 e. has been designated as primary caregiver on the qualifying  
41 patient's application or renewal for a registry identification card or in  
42 other written notification to the department. **】**

43 <sup>2</sup>"Primary care" means the practice of family medicine, general  
44 internal medicine, general pediatrics, general obstetrics, or  
45 gynecology.<sup>2</sup>

46 "Qualifying medical condition" means seizure disorder, including  
47 epilepsy; intractable skeletal muscular spasticity; post-traumatic stress

1 disorder; glaucoma; positive status for human immunodeficiency  
2 virus; acquired immune deficiency syndrome; cancer; amyotrophic  
3 lateral sclerosis; multiple sclerosis; muscular dystrophy; inflammatory  
4 bowel disease, including Crohn's disease; terminal illness, if the  
5 patient has a prognosis of less than 12 months of life; anxiety;  
6 migraine; Tourette's syndrome; dysmenorrhea; chronic pain; <sup>2</sup>opioid  
7 use disorder;<sup>2</sup> or any other medical condition or its treatment that is  
8 approved by the commission.

9 "Qualifying patient" or "patient" means a resident of the State who  
10 has been **provided with a certification** authorized for the medical use  
11 of cannabis by a **physician** health care practitioner <sup>1</sup>**pursuant to a**  
12 **bona fide physician-patient practitioner-patient relationship**<sup>1</sup>.

13 <sup>1</sup>**["Registry identification card"]** "Registration with the  
14 commission"<sup>1</sup> means <sup>1</sup>**[a document issued by the department**  
15 **commission that identifies]**<sup>1</sup> a person <sup>1</sup>has met the qualification  
16 requirements for, and has been registered by the commission<sup>1</sup> as <sup>1,1</sup> a  
17 registered qualifying patient [or primary], designated caregiver, or  
18 institutional caregiver. <sup>1</sup>The commission shall establish appropriate  
19 means for health care practitioners, health care facilities, medical  
20 cannabis dispensaries, law enforcement, schools, facilities providing  
21 behavioral health services or services for persons with developmental  
22 disabilities, and other appropriate entities to verify an individual's  
23 status as a registrant with the commission.<sup>1</sup>

24 <sup>5</sup>"Significantly involved person" means a person or entity who  
25 holds at least a five percent investment interest in an entity issued, or  
26 applying for a permit to operate as, a medical cannabis cultivator,  
27 medical cannabis manufacturer, medical cannabis wholesaler, medical  
28 cannabis dispensary, or clinical registrant, or who is a decision making  
29 member of a group that holds at least a 20 percent investment interest  
30 in an entity issued, or applying for a permit to operate as, a medical  
31 cannabis cultivator, medical cannabis manufacturer, medical cannabis  
32 wholesaler, medical cannabis dispensary, or clinical registrant, in  
33 which no member of that group holds more than a five percent interest  
34 in the total group investment interest, and the person or entity makes  
35 controlling decisions regarding the operations of the entity issued, or  
36 applying for a permit to operate as, a medical cannabis cultivator,  
37 medical cannabis manufacturer, medical cannabis wholesaler, medical  
38 cannabis dispensary, or clinical registrant.<sup>5</sup>

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

41 "Usable **[marijuana] cannabis**" means the dried leaves and flowers  
42 of **[marijuana] cannabis**, and any mixture or preparation thereof, and  
43 does not include the seeds, stems, stalks, or roots of the plant.

44 (cf: P.L.2016, c.53, s.1)

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

3       4. a. The **【department】** commission shall establish a registry of  
4 qualifying patients and their **【primary】** designated caregivers <sup>1</sup>**【**, and  
5 shall issue a registry identification card, which shall be valid for two  
6 years, to a qualifying patient and **【primary】** each designated caregiver  
7 for the patient, if applicable, who submits】 and shall establish a means  
8 of identifying and verifying the registration status of patients and  
9 designated caregivers who are registered with the commission.  
10 Registration with the commission shall be valid for two years. A  
11 patient or designated caregiver shall be registered with the commission  
12 upon submitting<sup>1</sup> the following, in accordance with regulations  
13 adopted by the **【department】** commission:

14       (1) **【a certification that meets the requirements of section 5 of this**  
15 **act】** documentation of a health care practitioner’s authorization <sup>4</sup>for  
16 the patient<sup>4</sup> for the medical use of cannabis;

17       (2) an application or renewal fee, which may be based on a sliding  
18 scale as determined by the **【commissioner】** <sup>5</sup>**【**executive director  
19 commission<sup>5</sup>**】**;

20       (3) the name, <sup>5</sup>home<sup>5</sup> address, and date of birth of the patient and  
21 each designated caregiver, as applicable; <sup>5</sup>**【and】<sup>5</sup>**

22       (4) the name, address, and telephone number of the patient's  
23 **【physician】** health care practitioner <sup>5</sup>; and

24       (5) up to one alternate address for the patient, which may be used  
25 for delivery of medical cannabis to the patient pursuant to section 27  
26 of P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>5</sup> .

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

34       The commission shall establish a registry of institutional caregivers  
35 and shall <sup>1</sup>**【**issue a registry identification card, which shall be valid for  
36 one year, to an institutional caregiver who submits】 establish a means  
37 of identifying and verifying the registration status of institutional  
38 caregivers who are registered with the commission. Registration with  
39 the commission shall be valid for one year. An institutional caregiver  
40 shall be registered with the commission upon submitting<sup>1</sup> the name,  
41 address, and telephone number of the institutional caregiver and of the  
42 health care facility at which the individual will be serving as  
43 institutional caregiver and a certification that meets the requirements  
44 of subsection h. of this section. The application or renewal fee for the  
45 institutional caregiver shall be paid by the health care facility at which  
46 the institutional caregiver will be serving as institutional caregiver. An

1 institutional caregiver shall not be limited in the number of qualifying  
2 patients for whom the institutional caregiver may serve as institutional  
3 caregiver at one time, provided that each qualifying patient served by  
4 the institutional caregiver is a current patient or resident at the health  
5 care facility at which the institutional caregiver is authorized to serve  
6 as institutional caregiver, and the number of qualifying patients served  
7 by the institutional caregiver is commensurate with the institutional  
8 caregiver's ability to fully meet the treatment and related needs of each  
9 qualifying patient and attend to the institutional caregiver's other  
10 professional duties at the health care facility without jeopardizing the  
11 health or safety of any patient or resident at the facility.

12 b. Before <sup>1</sup>[issuing a registry identification card] registering an  
13 individual<sup>1</sup>, the [department] commission shall verify the information  
14 contained in the application or renewal form submitted pursuant to this  
15 section. In the case of a [primary] designated or institutional  
16 caregiver, the [department] commission shall provisionally approve  
17 an application pending the results of a criminal history record  
18 background check, if the caregiver otherwise meets the requirements  
19 of [this act] P.L.2009, c.307 (C.24:6I-1 et al.). The [department]  
20 commission shall approve or deny an application or renewal <sup>1</sup>and  
21 complete the registration process for successful applicants<sup>1</sup> within 30  
22 days of receipt of the completed application or renewal <sup>1</sup>[, and shall  
23 issue a registry identification card within five days of approving the  
24 application or renewal]<sup>1</sup>. The [department] commission may deny an  
25 application or renewal only if the applicant fails to provide the  
26 information required pursuant to this section, or if the [department]  
27 commission determines that the information was incorrect or falsified  
28 or does not meet the requirements of [this act] P.L.2009, c.307  
29 (C.24:6I-1 et al.). Denial of an application shall be a final agency  
30 decision, subject to review by the Superior Court, Appellate Division.

31 c. (1) The [commissioner]<sup>5</sup>[executive director] commission<sup>5</sup>  
32 shall require each applicant seeking to serve as a [primary] designated  
33 or institutional caregiver to undergo a criminal history record  
34 background check; except that no criminal history record background  
35 check shall be required for an applicant seeking to serve as a  
36 designated caregiver if the applicant is an immediate family member  
37 of the patient, and no criminal history record background check shall  
38 be required for an applicant seeking to serve as an institutional  
39 caregiver if the applicant completed a criminal history record  
40 background check as a condition of professional licensure or  
41 certification. The [commissioner]<sup>5</sup>[executive director] commission<sup>5</sup>  
42 is authorized to exchange fingerprint data with and receive criminal  
43 history record background information from the Division of State  
44 Police and the Federal Bureau of Investigation consistent with the  
45 provisions of applicable federal and State laws, rules, and regulations.  
46 The Division of State Police shall forward criminal history record

1 background information to the **【commissioner】** <sup>5</sup>**【executive director】**  
2 **commission**<sup>5</sup> in a timely manner when requested pursuant to the  
3 provisions of this section.

4 An applicant seeking to serve as a **【primary】** designated or  
5 institutional caregiver who is required to complete a criminal history  
6 record background check pursuant to this section shall submit to being  
7 fingerprinted in accordance with applicable State and federal laws,  
8 rules, and regulations. No check of criminal history record  
9 background information shall be performed pursuant to this section  
10 unless the applicant has furnished **【his】** the applicant's written consent  
11 to that check. An applicant who is required to complete a criminal  
12 history record background check pursuant to this section who refuses  
13 to consent to, or cooperate in, the securing of a check of criminal  
14 history record background information shall not be considered for  
15 inclusion in the registry as a **【primary】** designated or institutional  
16 caregiver <sup>1</sup>**【or issuance of an identification card】**<sup>1</sup>. An applicant shall  
17 bear the cost for the criminal history record background check,  
18 including all costs of administering and processing the check.

19 (2) The **【commissioner】** <sup>5</sup>**【executive director】** **commission**<sup>5</sup> shall  
20 not approve an applicant seeking to serve as a **【primary】** designated or  
21 institutional caregiver who is required to complete a criminal history  
22 record background check pursuant to this section if the criminal  
23 history record background information of the applicant reveals a  
24 disqualifying conviction. For the purposes of this section, a  
25 disqualifying conviction shall mean a conviction of a crime involving  
26 any controlled dangerous substance or controlled substance analog as  
27 set forth in chapter 35 of Title 2C of the New Jersey Statutes except  
28 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law of  
29 the United States or of any other state.

30 (3) Upon receipt of the criminal history record background  
31 information from the Division of State Police and the Federal Bureau  
32 of Investigation, the **【commissioner】** <sup>5</sup>**【executive director】**  
33 **commission**<sup>5</sup> shall provide written notification to the applicant of  
34 **【his】** the applicant's qualification or disqualification for serving as a  
35 **【primary】** designated or institutional caregiver.

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

40 (4) The Division of State Police shall promptly notify the  
41 **【commissioner】** <sup>5</sup>**【executive director】** **commission**<sup>5</sup> in the event that  
42 an individual who was the subject of a criminal history record  
43 background check conducted pursuant to this section is convicted of a  
44 crime or offense in this State after the date the background check was  
45 performed. Upon receipt of that notification, the **【commissioner】**  
46 <sup>5</sup>**【executive director】** **commission**<sup>5</sup> shall make a determination

1 regarding the continued eligibility of the applicant to serve as a  
2 **【primary】** designated or institutional caregiver.

3 (5) Notwithstanding the provisions of paragraph (2) of this  
4 subsection **【b. of this section】** to the contrary, no applicant shall be  
5 disqualified from serving as a **【registered primary】** designated or  
6 institutional caregiver on the basis of any conviction disclosed by a  
7 criminal history record background check conducted pursuant to this  
8 section if the individual has affirmatively demonstrated to the  
9 **【commissioner】** <sup>5</sup>**【executive director】** commission<sup>5</sup> clear and  
10 convincing evidence of rehabilitation. In determining whether clear  
11 and convincing evidence of rehabilitation has been demonstrated, the  
12 following factors shall be considered:

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

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

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

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

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

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

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

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

30 d. <sup>1</sup>**【A registry identification card】** A verification of registration  
31 issued by the commission<sup>1</sup> shall contain the following information:

32 (1) (a) in the case of <sup>1</sup>**【a registry identification card for】**<sup>1</sup> a  
33 patient or designated caregiver <sup>1</sup>registration<sup>1</sup>, the name, address, and  
34 date of birth of the patient and **【primary】** each designated caregiver, if  
35 applicable; and

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

39 (2) the expiration date of the <sup>1</sup>**【registry identification card】**  
40 registration<sup>1</sup>;

41 (3) photo identification of the <sup>1</sup>**【cardholder】** registrant<sup>1</sup>; and

42 (4) such other information that the **【department】** commission may  
43 specify by regulation.

44 e. (1) A patient who has been <sup>1</sup>**【issued a registry identification**  
45 **card】** registered by the commission<sup>1</sup> shall notify the **【department】**  
46 commission of any change in the patient's name, address, or

1 ~~【physician】 health care practitioner~~ or change in status of the patient's  
2 ~~【debilitating】 qualifying~~ medical condition, within 10 days of such  
3 change, or the ~~【registry identification card】 patient's registration~~ shall  
4 be deemed null and void.

5 (2) A ~~【primary】 designated~~ caregiver who has been <sup>1</sup>~~【issued a~~  
6 ~~registry identification card】 registered by the commission~~<sup>1</sup> shall notify  
7 the ~~【department】 commission~~ of any change in the caregiver's name or  
8 address within 10 days of such change, or the <sup>1</sup>~~【registry identification~~  
9 ~~card】 caregiver's registration~~<sup>1</sup> shall be deemed null and void.

10 (3) ~~An institutional caregiver who has been~~ <sup>1</sup>~~【issued a registry~~  
11 ~~identification card】 registered by the commission~~<sup>1</sup> shall notify the  
12 ~~commission of any change in the caregiver's name, address,~~  
13 ~~employment by a health care facility at which the caregiver is~~  
14 ~~registered to serve as institutional caregiver, or authorization from the~~  
15 ~~health care facility to assist qualifying patients with the medical use of~~  
16 ~~cannabis, within 10 days of such change, or the~~ <sup>1</sup>~~【registry~~  
17 ~~identification card】 caregiver's registration~~<sup>1</sup> shall be deemed null and  
18 void and the individual shall be deemed ineligible to serve as an  
19 institutional caregiver for a period of not less than one year.

20 f. The ~~【department】 commission~~ shall maintain a confidential list  
21 of the persons <sup>1</sup>~~【to whom it has issued registry identification cards】~~  
22 ~~registered with the commission~~<sup>1</sup>. Individual names and other  
23 identifying information on the list, and information contained in any  
24 application form, or accompanying or supporting document shall be  
25 confidential, and shall not be considered a public record under  
26 P.L.1963, c.73 (C.47:1A-1 et seq.) ~~【or】~~ , P.L.2001, c.404 (C.47:1A-5  
27 et al.), ~~or the common law concerning access to government records,~~  
28 and shall not be disclosed except to:

29 (1) authorized employees of the ~~【department】 commission~~ and the  
30 Division of Consumer Affairs in the Department of Law and Public  
31 Safety as necessary to perform official duties of the ~~【department】~~  
32 ~~commission~~ and the division, as applicable; and

33 (2) authorized employees of State or local law enforcement  
34 agencies, only as necessary to verify that a person who is engaged in  
35 the suspected or alleged medical use of ~~【marijuana】 cannabis~~ is  
36 lawfully <sup>1</sup>~~【in possession of a registry identification card】 registered~~  
37 ~~with the commission~~<sup>1</sup>.

38 g. Applying for <sup>1</sup>~~【or receiving a registry card】 registration or~~  
39 ~~being registered by the commission~~<sup>1</sup> does not constitute a waiver of  
40 the qualifying patient's ~~【patient-physician】 practitioner-patient~~  
41 privilege.

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

1       (1) the facility has authorized the applicant to assist registered  
2 qualifying patients at the facility with the medical use of cannabis,  
3 including obtaining medical cannabis from a medical cannabis  
4 dispensary <sup>5</sup>, accepting deliveries of medical cannabis on behalf of  
5 registered qualifying patients,<sup>5</sup> and assisting registered qualifying  
6 patients with the administration of medical cannabis;

7       (2) the facility has established protocols and procedures and  
8 implemented security measures to ensure that <sup>4</sup>any medical cannabis  
9 obtained by an institutional caregiver that is transported by the  
10 caregiver to the facility is transported in a safe and secure manner that  
11 prevents theft, diversion, adulteration, and access by unauthorized  
12 individuals, and that<sup>4</sup> any medical cannabis present at the facility is  
13 stored in a safe and secure manner that prevents theft, diversion,  
14 adulteration, and access by unauthorized individuals;

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

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

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

28       (6) the facility will promptly notify the <sup>5</sup>[executive director]  
29 commission<sup>5</sup> in the event that:

30       (a) an institutional caregiver registered with the commission  
31 pursuant to this section ceases to be employed by the facility or ceases  
32 to be authorized by the facility to assist registered qualifying patients  
33 with the medical use of cannabis, in which case, upon receipt of the  
34 notification, the <sup>5</sup>[executive director] commission<sup>5</sup> shall immediately  
35 revoke the institutional caregiver's registration; or

36       (b) an institutional caregiver registered with the commission  
37 pursuant to this section, who completed a criminal history record  
38 background check as a condition of professional licensure or  
39 certification, is convicted of a crime or offense in this State after the  
40 date the criminal history background check was performed, in which  
41 case, upon receipt of that notification, the <sup>5</sup>[executive director]  
42 commission<sup>5</sup> shall make a determination regarding the continued  
43 eligibility of the applicant to serve as an institutional caregiver.

44       Nothing in this section shall be deemed to require any facility to  
45 authorize any employee of the facility to serve as an institutional



1 caregiver or to issue a certification that meets the requirements of this  
2 subsection.

3 (cf: P.L.2009, c.307, s.4)

4

5 5. (New section) a. A health care practitioner shall not be  
6 required to be listed publicly in any medical cannabis practitioner  
7 registry as a condition of authorizing patients for the medical use of  
8 cannabis.

9 b. <sup>5</sup>When authorizing a qualifying patient who is a minor for the  
10 medical use of cannabis, if the treating health care practitioner is not a  
11 pediatric specialist, the treating health care practitioner shall, prior to  
12 authorizing the patient for the medical use of cannabis, obtain written  
13 confirmation from a health care practitioner who is a pediatric  
14 specialist establishing, in that health care practitioner's professional  
15 opinion, and following an examination of the minor patient or review  
16 of the minor patient's medical record, that the minor patient is likely to  
17 receive therapeutic or palliative benefits from the medical use of  
18 cannabis to treat or alleviate symptoms associated with the patient's  
19 qualifying medical condition. If the treating health care practitioner is  
20 a pediatric specialist, no additional written confirmation from any  
21 other health care practitioner shall be required as a condition of  
22 authorizing the patient for the medical use of cannabis.

23 c. <sup>5</sup>No authorization for the medical use of cannabis may be  
24 issued by a health care practitioner to the practitioner's own self or to a  
25 member of the practitioner's immediate family.

26 <sup>5</sup>[d.] c.<sup>5</sup> The commission shall establish a process to allow  
27 medical cannabis to be dispensed to a patient who has been authorized  
28 for the medical use of cannabis and who has initiated the process of  
29 registering with the commission pursuant to section 4 of P.L.2009,  
30 c.307 (C.24:6I-4), but whose registration has not been completed or  
31 subject to other final action by the commission. A patient may be  
32 dispensed medical cannabis in quantities of up to a two-week supply  
33 during the pendency of the patient's registration, after which time the  
34 patient may be dispensed medical cannabis in an amount consistent  
35 with the requirements of section 10 of P.L.2009, c.307 (C.24:6I-10).  
36 The commission shall impose such restrictions on access to medical  
37 cannabis pursuant to this subsection as shall be necessary to protect  
38 against fraud, abuse, and diversion.

39

40 6. (New section) a. Except as provided in subsection b. of this  
41 section, no health care practitioner who has authorized a patient for the  
42 medical use of cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
43 within the past 90 days, and no member of such health care  
44 practitioner's immediate family, shall be an interest holder in, or  
45 receive any form of direct or indirect compensation from, any medical  
46 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
47 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant.

1 b. Nothing in subsection a. of this section shall be construed to  
2 prevent a health care practitioner from serving on the governing board  
3 of a medical cannabis cultivator, medical cannabis manufacturer,  
4 <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis dispensary, or  
5 clinical registrant, or on the medical advisory board of a medical  
6 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
7 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant  
8 established pursuant to section 15 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill), or from receiving a reasonable  
10 stipend for such service, provided that:

11 (1) the stipend does not exceed the stipend paid to any other  
12 member of the governing board or medical advisory board for serving  
13 on the board; and

14 (2) the amount of the stipend is not based on patient volumes at  
15 any medical cannabis dispensary or clinical registrant or on the  
16 number of authorizations for the medical use of cannabis issued by the  
17 health care practitioner pursuant to P.L.2009, c.307 (C.24:6I-1 et al.).

18 c. A health care practitioner, or an immediate family member of a  
19 health care practitioner, who applies to be an owner, director, officer,  
20 or employee of a medical cannabis cultivator, medical cannabis  
21 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis  
22 dispensary, or clinical registrant, or who otherwise seeks to be an  
23 interest holder in, or receive any form of direct or indirect  
24 compensation from, a medical cannabis cultivator, medical cannabis  
25 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis  
26 dispensary, or clinical registrant, shall certify that the health care  
27 practitioner has not authorized a patient for the medical use of  
28 cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) within the 90  
29 days immediately preceding the date of the application.

30 d. A person who violates subsection a. of this section shall be  
31 guilty of a crime of the fourth degree.

32

33 7. (New section) a. An individual who is registered as a  
34 qualifying patient in another state or jurisdiction within the United  
35 States that authorizes the medical use of cannabis shall be considered a  
36 registered qualifying patient for the purposes of P.L.2009, c.307  
37 (C.24:6I-1 et al.) for a period of up to six months, provided that the  
38 individual possesses both <sup>1</sup>**[a valid patient registry card]** proof of  
39 registration in,<sup>1</sup> and a valid photo identification card issued by <sup>1</sup>,<sup>1</sup> the  
40 other state or jurisdiction. During the six month period, the individual  
41 shall be authorized to possess and use medical cannabis and engage in  
42 such other conduct related to medical cannabis in New Jersey as is  
43 consistent with the requirements of P.L.2009, c.307 (C.24:6I-1 et al.)  
44 and the laws of the state or jurisdiction <sup>1</sup>**[that issued the patient's**  
45 **registry card]** in which the patient is registered<sup>1</sup>, except that medical  
46 cannabis shall not be dispensed to the individual unless a health care  
47 practitioner licensed in New Jersey issues written instructions for the

1 individual that meet the requirements of section 10 of P.L.2009, c.307  
2 (C.24:6I-10). No individual shall be authorized to acquire, possess,  
3 use, or engage in other conduct in connection with medical cannabis in  
4 New Jersey pursuant to a medical cannabis registration from another  
5 State or jurisdiction for more than six months unless the individual  
6 registers with the commission as a qualifying patient pursuant to  
7 section 4 of P.L.2009, c.307 (C.24:6I-4). <sup>5</sup>Nothing in this subsection  
8 shall be construed to authorize delivery of medical cannabis to any  
9 person who is not registered with the commission pursuant to section 4  
10 of P.L.2009, c.307 (C.24:6I-4).<sup>5</sup>

11 b. An individual who is registered as a designated caregiver in  
12 another state or jurisdiction within the United States that authorizes the  
13 medical use of cannabis shall be considered a designated caregiver for  
14 the purposes of P.L.2009, c.307 (C.24:6I-1 et al.) for a period of up to  
15 six months, provided that the individual is in possession of both <sup>1</sup>**【a**  
16 **valid registry card】** proof of registration in,<sup>1</sup> and a valid photo  
17 identification card issued by <sup>1</sup><sub>2</sub><sup>1</sup> the other state or jurisdiction. During  
18 the six month period, the individual shall be authorized to assist a  
19 registered qualifying patient with the medical use of cannabis and  
20 engage in such other conduct in connection with medical cannabis in  
21 New Jersey as is consistent with the requirements of P.L.2009, c.307  
22 (C.24:6I-1 et al.) and the laws of the state or jurisdiction <sup>1</sup>**【that issued**  
23 **the caregiver’s registry card】** in which the caregiver is registered<sup>1</sup>,  
24 except that medical cannabis shall not be dispensed to the individual  
25 on behalf of a registered qualifying patient unless a health care  
26 practitioner licensed in New Jersey issues written instructions for the  
27 registered qualifying patient that meet the requirements of section 10  
28 of P.L.2009, c.307 (C.24:6I-10). No individual shall be authorized to  
29 assist a registered qualifying patient with the medical use of cannabis  
30 or engage in other conduct in connection with medical cannabis in  
31 New Jersey pursuant to a medical cannabis registration from another  
32 State or jurisdiction for more than six months unless the individual  
33 registers with the commission as a designated caregiver pursuant to  
34 section 4 of P.L.2009, c.307 (C.24:6I-4). <sup>5</sup>Nothing in this subsection  
35 shall be construed to authorize delivery of medical cannabis to any  
36 person who is not registered with the commission pursuant to section 4  
37 of P.L.2009, c.307 (C.24:6I-4).<sup>5</sup>

38 c. The commission shall seek to enter into reciprocity agreements  
39 with other states and jurisdictions within the United States that  
40 authorize the medical use of cannabis.

41

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

44 6. a. The provisions of N.J.S.2C:35-18 shall apply to any  
45 qualifying patient, **【primary】** designated caregiver, **【alternative**  
46 **treatment center, physician】** institutional caregiver, health care facility,  
47 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical

1 cannabis wholesaler,<sup>5</sup> medical cannabis dispensary, <sup>5</sup>medical cannabis  
 2 handler, <sup>5</sup> health care practitioner, academic medical center, clinical  
 3 registrant, testing laboratory, or any other person acting in accordance  
 4 with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.) **[or] <sup>5</sup>[,] or<sup>5</sup>**  
 5 P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>[, or P.L. , c. (C. )  
 6 (pending before the Legislature as this bill)]<sup>5</sup> .

7 b. A qualifying patient, **[primary]** designated caregiver,  
 8 **[alternative treatment center, physician]** institutional caregiver, health  
 9 care facility, medical cannabis cultivator, medical cannabis  
 10 manufacturer, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> medical cannabis  
 11 dispensary, <sup>5</sup>medical cannabis handler, <sup>5</sup> health care practitioner,  
 12 academic medical center, clinical registrant, testing laboratory, or any  
 13 other person acting in accordance with the provisions of P.L.2009,  
 14 c.307 (C.24:6I-1 et al.) **[or] <sup>5</sup>[,] or<sup>5</sup>** P.L.2015, c.158 (C.18A:40-12.22  
 15 et al.) <sup>5</sup>**[, or P.L. , c. (C. )** (pending before the Legislature as  
 16 this bill)]<sup>5</sup> shall not be subject to any civil or administrative penalty,  
 17 or denied any right or privilege, including, but not limited to, civil  
 18 penalty or disciplinary action by a professional licensing board, related  
 19 to the medical use of **[marijuana]** cannabis as authorized under  
 20 P.L.2009, c.307 (C.24:6I-1 et al.) **[or] <sup>5</sup>[,] or<sup>5</sup>** P.L.2015, c.158  
 21 (C.18A:40-12.22 et al.) <sup>5</sup>**[, or P.L. , c. (C. )** (pending before  
 22 the Legislature as this bill)]<sup>5</sup> .

23 c. <sup>1</sup>**[Possession of]** Registration with the commission<sup>1</sup>, or  
 24 application for <sup>1</sup>registration by the commission<sup>1</sup>, <sup>1</sup>**[a registry**  
 25 **identification card]**<sup>1</sup> shall not alone constitute probable cause to search  
 26 the person or the property of the <sup>1</sup>**[person possessing or applying for**  
 27 **the registry identification card]** registrant or applicant<sup>1</sup>, or otherwise  
 28 subject the person or **[his]** the person's property to inspection by any  
 29 governmental agency.

30 d. The provisions of section 2 of P.L.1939, c.248 (C.26:2-82),  
 31 relating to destruction of **[marijuana]** cannabis determined to exist by  
 32 the **[department]** commission, shall not apply if a qualifying patient  
 33 **[or primary],** designated caregiver, or institutional caregiver <sup>1</sup>**[has in**  
 34 **his possession a registry identification card]** is registered with the  
 35 commission<sup>1</sup> and <sup>1</sup>is in possession of<sup>1</sup> no more than the maximum  
 36 amount of usable **[marijuana]** cannabis that may be obtained in  
 37 accordance with section 10 of P.L.2009, c.307 (C.24:6I-10).

38 e. No person shall be subject to arrest or prosecution for  
 39 constructive possession, conspiracy, or any other offense for simply  
 40 being in the presence or vicinity of the medical use of **[marijuana]**  
 41 cannabis as authorized under P.L.2009, c.307 (C.24:6I-1 et al.)  
 42 **[or] <sup>5</sup>[,] or<sup>5</sup>** P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**[, or P.L. ,**  
 43 c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup> .

44 f. No custodial parent, guardian, or person who has legal custody  
 45 of a qualifying patient who is a minor shall be subject to arrest or

1 prosecution for constructive possession, conspiracy, or any other  
2 offense for assisting the minor in the medical use of **[marijuana]**  
3 **cannabis** as authorized under P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**[or]**  
4 **[.]** <sup>5</sup>or P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**[, or]**  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup>.

6 g. For the purposes of medical care, including organ transplants, a  
7 qualifying patient's authorized use of medical cannabis in accordance  
8 with the provisions of P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**[.]** and<sup>5</sup>  
9 P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**[, and]**  
10 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup> ,  
11 shall be considered equivalent to the authorized use of any other  
12 medication used at the direction of a health care practitioner, and shall  
13 not constitute the use of an illicit substance or otherwise disqualify a  
14 qualifying patient from needed medical care.

15 h. No public or private school or institution of higher education  
16 may refuse to enroll a person based solely on the person's status as a  
17 '**[registry identification cardholder]** registrant with the commission<sup>1</sup>,  
18 unless failing to do so would result in the school or institution losing a  
19 monetary or licensing-related benefit granted pursuant to federal law.  
20 No public or private school or institution of higher education shall be  
21 penalized or denied any benefit under State law solely on the basis of  
22 enrolling a person who is '**[a registry identification cardholder]**  
23 registered with the commission<sup>1</sup>.

24 i. No person shall refuse to rent, lease, or sublease any real  
25 property or part or portion thereof, or discriminate in the terms,  
26 conditions, or privileges of the rental or lease of any real property or  
27 part or portion thereof or in the furnishing of facilities or services in  
28 connection therewith, based solely on the status of the prospective  
29 tenant as a '**[registry identification cardholder]** registrant with the  
30 commission<sup>1</sup> , unless failing to do so would result in the person losing  
31 a monetary or licensing-related benefit granted pursuant to federal law.  
32 No such person shall be penalized or denied any benefit under State  
33 law solely on the basis of renting or leasing real property to a person  
34 who is '**[a registry identification cardholder]** registered with the  
35 commission<sup>1</sup>.

36 j. No person shall be denied, or subject to adverse action in  
37 connection with, any license, certification, or permit issued pursuant to  
38 State law solely based on the person's status as a '**[registry**  
39 identification cardholder] registrant with the commission<sup>1</sup> , unless  
40 issuance or continuance of the license, certification, or permit would  
41 result in the licensing or permitting agency losing federal certification,  
42 federal funding, or other benefits granted pursuant to federal law.

43 k. (1) Unless failing to do so would result in the health care  
44 facility losing a monetary or licensing-related benefit granted pursuant  
45 to federal law, a health care facility that employs or maintains a  
46 professional affiliation with a health care practitioner shall not take

1 adverse employment action against the health care practitioner or  
2 otherwise limit, restrict, or terminate a professional affiliation with the  
3 health care practitioner solely based on the health care practitioner  
4 engaging in conduct authorized under P.L.2009, c.307 (C.24:6I-1 et  
5 al.)<sup>5</sup>[and P.L. , c. (C. ) (pending before the Legislature as this  
6 bill)]<sup>5</sup> , including, but not limited to, authorizing patients for the  
7 medical use of cannabis, issuing written instructions pursuant to  
8 section 10 of P.L.2009, c.307 (C.24:6I-10), and consulting with  
9 patients regarding the use of medical cannabis to treat the patient’s  
10 qualifying medical condition.

11 (2) No health care facility shall be penalized or denied any benefit  
12 under State law solely on the basis of employing or maintaining a  
13 professional affiliation with a health care practitioner who engages in  
14 conduct authorized under P.L.2009, c.307 (C.24:6I-1 et al.)<sup>5</sup>[and  
15 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup> .

16 l. Unless failing to do so would result in the insurer or insurance  
17 association losing a monetary or licensing-related benefit granted  
18 pursuant to federal law, an insurer or insurance association authorized  
19 to issue medical malpractice liability insurance in New Jersey shall not  
20 deny coverage to a health care practitioner, increase the amount of  
21 premiums or deductibles under the policy, or charge any additional  
22 fees in connection with the policy, solely based on the health care  
23 practitioner engaging in conduct authorized under P.L.2009, c.307  
24 (C.24:6I-1 et al.)<sup>5</sup>[or P.L. , c. (C. ) (pending before the  
25 Legislature as this bill)]<sup>5</sup> , including, but not limited to, authorizing  
26 qualifying patients for the medical use of cannabis, issuing written  
27 instructions pursuant to section 10 of P.L.2009, c.307 (C.24:6I-10),  
28 and consulting with patients regarding the use of medical cannabis to  
29 treat a qualifying medical condition. No insurer or insurance  
30 association shall be penalized or denied any benefit under State law  
31 solely on the basis of providing medical malpractice liability insurance  
32 to a health care practitioner who engages in conduct authorized under  
33 P.L.2009, c.307 (C.24:6I-1 et al.)<sup>5</sup>[or P.L. , c. (C. ) (pending  
34 before the Legislature as this bill)]<sup>5</sup> .

35 m. A person’s status as a registered qualifying patient, a  
36 designated or institutional caregiver, or an owner, director, officer, or  
37 employee of a medical cannabis cultivator, medical cannabis  
38 manufacturer,<sup>5</sup> medical cannabis wholesaler,<sup>5</sup> medical cannabis  
39 dispensary,<sup>5</sup>[or]<sup>5</sup> clinical registrant<sup>5</sup>, or licensed testing laboratory,  
40 or as a certified medical cannabis handler,<sup>5</sup> shall not constitute the sole  
41 grounds for entering an order that restricts or denies custody of, or  
42 visitation with, a minor child of the person.

43 <sup>1</sup>n. (1) No health care facility shall be penalized or denied any  
44 benefit under State law solely for permitting or prohibiting the  
45 handling, administration, usage, or storage of medical cannabis,  
46 provided that the facility’s policies related to medical cannabis are

1 consistent with all other facility policies concerning medication  
2 handling, administration, usage, or storage.

3 (2) No health care facility shall be penalized or denied any benefit  
4 under State law solely for prohibiting the smoking of medical cannabis  
5 on facility property in accordance with the facility's smoke free  
6 policy.<sup>1</sup>

7 <sup>5</sup>o. No action or proceeding by the Division of Child Protection  
8 and Permanency in the Department of Children and Families shall be  
9 initiated against a pregnant woman or against the parent or legal  
10 guardian of minor child on the sole grounds that the pregnant woman  
11 or the parent or legal guardian is a registered qualifying patient, a  
12 designated or institutional caregiver, an owner, director, officer, or  
13 employee of a medical cannabis cultivator, medical cannabis  
14 manufacturer, medical cannabis wholesaler, medical cannabis  
15 dispensary, clinical registrant, or licensed testing laboratory, or a  
16 certified medical cannabis handler; provided, however, that nothing in  
17 this subsection shall preclude any action or proceeding by the division  
18 based on harm or risk of harm to a child.<sup>5</sup>

19 (cf: P.L.2015, c.158, s.4)

20

21 9. (New section) a. It shall be unlawful to take any adverse  
22 employment action against an employee who is a registered qualifying  
23 patient based solely on the employee's status as a <sup>1</sup>**[registry**  
24 **identification cardholder]** registrant with the commission<sup>1</sup>.

25 b. (1) If an employer has a drug testing policy and an employee or  
26 job applicant tests positive for cannabis, the employer shall offer the  
27 employee or job applicant an opportunity to present a legitimate  
28 medical explanation for the positive test result, and shall provide  
29 written notice of the right to explain to the employee or job applicant.

30 (2) Within three working days after receiving notice pursuant to  
31 paragraph (1) of this subsection, the employee or job applicant may  
32 submit information to the employer to explain the positive test result,  
33 or may request a confirmatory retest of the original sample at the  
34 employee's or job applicant's own expense. As part of an employee's  
35 or job applicant's explanation for the positive test result, the employee  
36 or job applicant may present an authorization for medical cannabis  
37 issued by a health care practitioner, <sup>1</sup>**[a registry identification card]**  
38 proof of registration with the commission<sup>1</sup>, or both.

39 c. Nothing in this section shall be deemed to:

40 (1) restrict an employer's ability to prohibit, or take adverse  
41 employment action for, the possession or use of intoxicating  
42 substances during work hours <sup>4</sup>or on the premises of the workplace  
43 outside of work hours<sup>4</sup>; or

44 (2) require an employer to commit any act that would cause the  
45 employer to be in violation of federal law, that would result in a loss of  
46 a licensing-related benefit pursuant to federal law, or that would result  
47 in the loss of a federal contract or federal funding.

1 d. No employer shall be penalized or denied any benefit under  
2 State law solely on the basis of employing a person who is <sup>1</sup>【a registry  
3 identification cardholder】 registered with the commission<sup>1</sup>.  
4

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

7 7. a. (1) The 【department】 commission shall accept applications  
8 from entities for permits to operate as 【alternative treatment centers  
9 and may charge a reasonable fee for the issuance of a permit under this  
10 section】 medical cannabis cultivators, medical cannabis  
11 manufacturers, <sup>5</sup>medical cannabis wholesalers, <sup>5</sup> and medical cannabis  
12 dispensaries. <sup>5</sup>For the purposes of this section, the term “permit” shall  
13 be deemed to include a conditional permit issued pursuant to  
14 subsection d. of section 11 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill) and any permit issued to a microbusiness  
16 pursuant to subsection e. of section 11 of P.L. , c. (C. )  
17 (pending before the Legislature as this bill).<sup>5</sup>

18 (2) (a) For a period of 18 months after the effective date of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill):

20 (i) <sup>5</sup>【an】 no<sup>5</sup> applicant may concurrently hold <sup>5</sup>【a medical  
21 cannabis cultivator permit and a medical cannabis manufacturer  
22 permit, but shall not be authorized to hold a medical cannabis  
23 dispensary】 more than one<sup>5</sup> permit <sup>5</sup>issued by the commission  
24 pursuant to this section, regardless of type<sup>5</sup> ; and

25 (ii) <sup>5</sup>【an applicant who holds a medical cannabis dispensary permit  
26 shall not be authorized to concurrently hold a medical cannabis  
27 cultivator permit or a medical cannabis manufacturer permit】 there  
28 shall be no more than 23 active medical cannabis cultivator permits,  
29 including medical cannabis cultivator permits deemed to be held by  
30 alternative treatment centers issued a permit prior to the effective date  
31 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
32 and medical cannabis cultivator permits deemed to be held by  
33 alternative treatment centers issued a permit subsequent to the  
34 effective date of P.L. , c. (C. ) (pending before the Legislature  
35 as this bill) pursuant to an application submitted prior to the effective  
36 date of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill); provided that medical cannabis cultivator permits issued to  
38 microbusinesses pursuant to subsection e. of section 11 of P.L. , c.  
39 (C. ) (pending before the Legislature as this bill) shall not count  
40 toward this limit<sup>5</sup> .

41 (b) Commencing 18 months after the effective date of P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill), a permit  
43 holder shall be authorized to concurrently hold a medical cannabis  
44 cultivator permit, a medical cannabis manufacturer permit, and a  
45 medical cannabis dispensary permit, provided that no permit holder  
46 shall be authorized to concurrently hold more than one permit of each  
47 type. The permit holder may submit an application for a permit of any



1 type that the permit holder does not currently hold prior to the  
2 expiration of the 18 month period described in subparagraph (a) of this  
3 paragraph, provided that no <sup>5</sup>additional<sup>5</sup> permit shall be awarded to the  
4 permit holder during the 18 month period <sup>5</sup>[if issuance of the permit  
5 would violate the restrictions set forth in subparagraph (a) of this  
6 paragraph concerning the types of permits that may be concurrently  
7 held during the 18 month period] . In no case shall an entity holding a  
8 medical cannabis wholesaler permit be authorized to concurrently hold  
9 any medical cannabis cultivator, medical cannabis manufacturer, or  
10 medical cannabis dispensary permit, and no entity holding a medical  
11 cannabis cultivator, medical cannabis manufacturer, or medical  
12 cannabis dispensary permit shall be authorized to concurrently hold a  
13 medical cannabis wholesaler permit<sup>5</sup> .

14 (c) The provisions of subparagraph (a) of this paragraph shall not  
15 apply to any alternative treatment center that was issued a permit prior  
16 to the effective date of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill), to any alternative treatment center that was  
18 issued a permit after the effective date of P.L. , c. (C. )  
19 (pending before the Legislature as this bill) pursuant to an application  
20 submitted prior to the effective date of P.L. , c. (C. ) (pending  
21 before the Legislature as this bill), or to one of the <sup>5</sup>[six] <sup>5</sup>seven<sup>5</sup>  
22 alternative treatment centers issued a permit pursuant to section 11 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill) that  
24 are expressly exempt from the provisions of <sup>4</sup>[subsection]  
25 <sup>5</sup>subsubparagraph (i) of<sup>5</sup> subparagraph<sup>4</sup> (a) of this paragraph, which  
26 alternative treatment centers shall be deemed to concurrently hold a  
27 medical cannabis cultivator permit, a medical cannabis manufacturer  
28 permit, and a medical cannabis dispensary permit, and shall be  
29 authorized to engage in any conduct authorized pursuant to those  
30 permits in relation to the cultivation, manufacturing, and dispensing of  
31 medical cannabis <sup>5</sup>[. In addition, an alternative treatment center that  
32 was issued a permit prior to the effective date of P.L. , c. (C. )  
33 (pending before the Legislature as this bill), an alternative treatment  
34 center that was issued a permit after the effective date of P.L. , c.  
35 (C. ) (pending before the Legislature as this bill) pursuant to an  
36 application submitted prior to the effective date of P.L. ,  
37 c. (C. ) (pending before the Legislature as this bill), and the six  
38 alternative treatment center permits issued pursuant to section 11 of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill) that  
40 are expressly exempt from the provisions of subparagraph (a) of this  
41 paragraph shall, upon the effective date of P.L. , c. (C. )  
42 (pending before the Legislature as Senate Bill No. 2703), be deemed to  
43 <sup>1</sup>either hold a Class 3 Cannabis Wholesaler license or<sup>1</sup> concurrently  
44 hold a Class 1 Cannabis Grower license, a Class 2 Cannabis Processor  
45 <sup>1</sup>[License, a Class 3 Cannabis Wholesaler]<sup>1</sup> license, and a Class 4  
46 Cannabis <sup>1</sup>[Retail] Retailer<sup>1</sup> license, plus an additional Class 4  
47 Cannabis <sup>1</sup>[Retail] Retailer<sup>1</sup> license for each satellite dispensary that

1 was approved pursuant to an application submitted prior to<sup>3</sup> or within  
2 18 months after<sup>3</sup> the effective date of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill)<sup>4</sup>, subject to the requirements of  
4 subparagraph (d) of this paragraph<sup>4</sup>. <sup>1</sup>【The】 In no case may an  
5 alternative treatment center holding a Class 3 Cannabis Wholesaler  
6 license concurrently hold a Class I Cannabis Grower license, Class 2  
7 Cannabis Processor license, or Class 4 Cannabis Retailer license; and  
8 in no case may an alternative treatment center holding a Class 1  
9 Cannabis Grower license, a Class 2 Cannabis Processor license, a  
10 Class 4 Cannabis Retailer license, or any combination thereof,  
11 concurrently hold a Class 3 Cannabis Wholesaler license. An<sup>1</sup>  
12 alternative treatment center <sup>1</sup>issued an adult use cannabis license  
13 pursuant to this subparagraph<sup>1</sup> shall be authorized to use the same  
14 premises for all activities authorized under P.L.2009, c.307 (C.24:6I-1  
15 et al.) and P.L. , c. (C. ) (pending before the Legislature as  
16 Senate Bill No. 2703) without being required to establish or maintain  
17 any physical barriers or separations between operations related to the  
18 medical use of cannabis and operations related to adult use cannabis,  
19 provided that the alternative treatment center shall be required to  
20 certify to the commission that the alternative treatment center has  
21 sufficient quantities of medical cannabis and medical cannabis  
22 products available to meet the reasonably anticipated treatment needs  
23 of registered qualifying patients as a condition of <sup>1</sup>【selling】 engaging  
24 in activities related to the growing, producing, wholesaling, or retail  
25 sale of<sup>1</sup> adult use cannabis <sup>1</sup>【at retail】 , as applicable<sup>1</sup> ; provided that  
26 such alternative treatment centers shall not be authorized to  
27 concurrently hold any medical cannabis wholesaler permit<sup>5</sup> .

28 (d) No entity may be issued or concurrently hold more than one  
29 medical cannabis cultivator permit, one medical cannabis  
30 manufacturer permit, <sup>5</sup>one medical cannabis wholesaler permit,<sup>5</sup> or  
31 one medical cannabis dispensary permit at one time, and no medical  
32 cannabis dispensary shall be authorized to establish a satellite location  
33 on or after the effective date of P.L. , c (C. ) (pending before the  
34 Legislature as this bill), except that an alternative treatment center that  
35 was issued a permit prior to the effective date of P.L. , c. (C. )  
36 (pending before the Legislature as this bill) or that was issued a permit  
37 after the effective date of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill) pursuant to an application submitted prior to  
39 the effective date of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill) shall be authorized to maintain <sup>5</sup>up to two  
41 satellite dispensaries, including<sup>5</sup> any satellite dispensary that was  
42 approved pursuant to an application submitted prior to<sup>3</sup> or within 18  
43 months after<sup>3</sup> the effective date of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill). <sup>4</sup>【<sup>3</sup>An alternative treatment center  
45 that was issued a permit after the effective date of P.L. , c.  
46 (C. ) (pending before the Legislature as this bill) pursuant to an

1 application submitted prior to the effective date of P.L. , c.  
2 (C. ) (pending before the Legislature as this bill) shall be  
3 authorized to establish and maintain one additional satellite dispensary  
4 upon an application to and approval by the commission, which  
5 approval shall not be unreasonably withheld.<sup>3</sup>】 The <sup>5</sup>【~~six~~】 <sup>5</sup>seven<sup>5</sup>  
6 alternative treatment centers issued permits pursuant to section 11 of  
7 P.L. , c. (C. ) (pending before the Legislature as this bill) that  
8 are expressly exempt from the provisions of <sup>5</sup>subsubparagraph (i) of<sup>5</sup>  
9 subparagraph (a) of this paragraph shall be authorized to establish and  
10 maintain up to one satellite dispensary location, provided that the  
11 satellite dispensary was approved pursuant to an application submitted  
12 within 18 months after the effective date of P.L. , c. (C. )  
13 (pending before the Legislature as this bill).<sup>4</sup>

14 (e) No entity issued a medical cannabis cultivator, medical  
15 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> or medical  
16 cannabis dispensary permit may concurrently hold a clinical registrant  
17 permit issued pursuant to section 13 of P.L. , c. (C. ) (pending  
18 before the legislature as this bill), and no entity issued a clinical  
19 registrant permit pursuant to section 13 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill) may concurrently hold a  
21 medical cannabis cultivator permit, a medical cannabis manufacturer  
22 permit, <sup>5</sup>a medical cannabis wholesaler permit,<sup>5</sup> or a medical cannabis  
23 dispensary permit.

24 <sup>5</sup>(f) Any medical cannabis dispensary permit holder may be  
25 approved by the commission to operate a medical cannabis  
26 consumption area, provided that the permit holder otherwise meets the  
27 requirements of section 28 of P.L. , c. (C. ) (pending before the  
28 Legislature as this bill).<sup>5</sup>

29 (3) The **【department】** commission shall seek to ensure the  
30 availability of a sufficient number of **【alternative treatment centers】**  
31 medical cannabis cultivators, medical cannabis manufacturers, and  
32 medical cannabis dispensaries throughout the State, pursuant to need,  
33 including at least two each in the northern, central, and southern  
34 regions of the State. **【The first two centers issued a permit in each**  
35 region shall be nonprofit entities, and centers subsequently】 **Medical**  
36 cannabis cultivators, medical cannabis manufacturers, <sup>5</sup>medical  
37 cannabis wholesalers,<sup>5</sup> and medical cannabis dispensaries issued  
38 permits pursuant to this section may be nonprofit or for-profit entities.

39 **【An alternative treatment center】**

40 (4) The commission shall periodically evaluate whether the  
41 number of medical cannabis cultivator, medical cannabis  
42 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> and medical cannabis  
43 dispensary permits issued are sufficient to meet the needs of qualifying  
44 patients in the State, and shall make requests for applications and issue  
45 such additional permits as shall be necessary to meet those needs. The  
46 types of permits requested and issued, and the locations of any

1 additional permits that are authorized, shall be in the discretion of the  
2 <sup>5</sup>【executive director】 commission<sup>5</sup> based on the needs of qualifying  
3 patients in the State.

4 (5) (a) A medical cannabis cultivator shall be authorized to:  
5 acquire a reasonable initial and ongoing inventory, as determined by  
6 the 【department】 commission, of 【marijuana】 cannabis seeds or  
7 seedlings and paraphernalia 【,】 ; possess, cultivate, plant, grow,  
8 harvest, 【process, display, manufacture,】 and package medical  
9 cannabis, including prerolled forms, for any authorized purpose,  
10 including, but not limited to, research purposes; and deliver, transfer,  
11 transport, distribute, supply, or sell 【, or dispense】 medical  
12 【marijuana】 cannabis 【, or】 and related supplies to any medical  
13 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
14 wholesaler, <sup>5</sup> medical cannabis dispensary, or clinical registrant in the  
15 State. In no case shall a medical cannabis cultivator <sup>5</sup>【or clinical  
16 registrant】<sup>5</sup> operate or be located on land that is valued, assessed or  
17 taxed as an agricultural or horticultural use pursuant to the "Farmland  
18 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

19 (b) A medical cannabis manufacturer shall be authorized to:  
20 purchase or <sup>5</sup>【obtain】 acquire<sup>5</sup> medical cannabis from any medical  
21 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
22 wholesaler, <sup>5</sup> or clinical registrant in the State; possess and utilize  
23 medical cannabis in the manufacture, production, and creation of  
24 medical cannabis products; and deliver, transfer, transport, supply, or  
25 sell medical cannabis products and related supplies to any medical  
26 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> medical  
27 cannabis dispensary, or clinical registrant in the State.

28 (c) <sup>5</sup>A medical cannabis wholesaler shall be authorized to:  
29 purchase or acquire medical cannabis from a medical cannabis  
30 cultivator or clinical registrant for resale to a medical cannabis  
31 cultivator, medical cannabis manufacturer, medical cannabis  
32 wholesaler, medical cannabis dispensary, or clinical registrant; and to  
33 purchase or acquire medical cannabis products from a medical  
34 cannabis manufacturer, medical cannabis wholesaler, or clinical  
35 registrant for resale to another medical cannabis manufacturer, medical  
36 cannabis wholesaler, medical cannabis dispensary, or clinical  
37 registrant.

38 (d)<sup>5</sup> A medical cannabis dispensary shall be authorized to:  
39 purchase or acquire medical cannabis from any medical cannabis  
40 cultivator, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> medical cannabis  
41 dispensary, or clinical registrant in the State and medical cannabis  
42 products and related supplies from any medical cannabis  
43 manufacturer, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> medical cannabis  
44 dispensary, or clinical registrant in the State; purchase or acquire  
45 paraphernalia from any legal source; and distribute, supply, sell, or  
46 dispense medical cannabis, medical cannabis products, paraphernalia,

1 and related supplies to qualifying patients or their [primary]  
2 designated or institutional caregivers who are registered with the  
3 [department] commission pursuant to section 4 of [this act] P.L.2009,  
4 c.307 (C.24:6I-4). [An alternative treatment center] <sup>5</sup>A medical  
5 cannabis dispensary may furnish medical cannabis, medical cannabis  
6 products, paraphernalia, and related supplies to a medical cannabis  
7 handler for delivery to a registered qualifying patient, designated  
8 caregiver, or institutional caregiver consistent with the requirements of  
9 subsection i. of section 27 of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill).<sup>5</sup>

11 (6) A medical cannabis cultivator shall not be limited in the  
12 number of strains of medical [marijuana] cannabis cultivated, and a  
13 medical cannabis manufacturer shall not be limited in the number or  
14 type of medical cannabis products manufactured, produced, or created.  
15 A medical cannabis manufacturer may package, and a medical  
16 cannabis dispensary may directly dispense [marijuana] medical  
17 cannabis and medical cannabis products to qualifying patients and  
18 their designated and institutional caregivers in any authorized form.  
19 Authorized forms shall include dried form, oral lozenges, topical  
20 formulations, transdermal form, sublingual form, tincture form, or  
21 edible form, or any other form as authorized by the [commissioner]  
22 <sup>5</sup>[executive director] commission<sup>5</sup> . Edible form shall include <sup>5</sup>pills,<sup>5</sup>  
23 tablets, capsules, drops or syrups, oils, <sup>5</sup>chewable forms,<sup>5</sup> and any  
24 other form as authorized by the [commissioner] <sup>5</sup>[executive director]  
25 commission, except that the edible forms made available to minor  
26 patients shall be limited to forms that are medically appropriate for  
27 children, including pills, tablets, capsules, chewable forms, and drops,  
28 oils, syrups, and other liquids<sup>5</sup>. [Edible forms shall be available only  
29 to qualifying patients who are minors.

30 Applicants for authorization as nonprofit alternative treatment  
31 centers shall be subject to all applicable State laws governing nonprofit  
32 entities, but]

33 (7) <sup>5</sup>(a) All medical cannabis and medical cannabis products  
34 packaged for dispensing to or on behalf of a registered qualifying  
35 patient shall include a label that details:

36 (i) the production date of the medical cannabis or medical  
37 cannabis product;

38 (ii) the strain or type of medical cannabis contained in the package  
39 or used to manufacture, produce, or create the medical cannabis  
40 product, as applicable, including the scientific name and any brand or  
41 product name for the medical cannabis or medical cannabis product;

42 (iii) the growth method for medical cannabis contained in the  
43 package or used to manufacture, produce, or create the medical  
44 cannabis product, including an indication as to whether the medical  
45 cannabis was grown in dirt, hydroponically, or otherwise, whether the  
46 medical cannabis was grown using all-organic materials, and a

1 complete list of any nonorganic pesticides, fungicides, and herbicides  
2 used during the cultivation of the medical cannabis;

3 (iv) in the case of a medical cannabis product, a list of all the  
4 ingredients used to manufacture, produce, or create the medical  
5 cannabis product, which list shall specifically highlight potential  
6 allergens contained within the product or to which the product may  
7 have been exposed during the manufacturing, processing, or creation  
8 process;

9 (v) in the case of a medical cannabis product, whether the product  
10 requires refrigeration or other specific actions to preserve the quality,  
11 integrity, and safety of the product, along with the expiration date for  
12 the product, if any; and

13 (vi) information identifying the medical cannabis cultivator or  
14 clinical registrant that cultivated the medical cannabis and the medical  
15 cannabis manufacturer or clinical registrant that manufactured,  
16 produced, or created the medical cannabis product, if applicable, as  
17 well as the production batch and lot numbers of the medical cannabis  
18 and, if applicable, medical cannabis product.

19 (b) In the case of medical cannabis, the label required pursuant to  
20 subparagraph (a) of this paragraph shall be prepared by the medical  
21 cannabis cultivator or clinical registrant that cultivated the medical  
22 cannabis, and shall be affixed at the time the medical cannabis is  
23 packaged for dispensing. In the case of a medical cannabis product,  
24 the label required pursuant to subparagraph (a) of this paragraph shall  
25 be prepared by the medical cannabis manufacturer or clinical registrant  
26 that manufactured, produced, or created the product, and shall be  
27 affixed at the time the product is packaged for dispensing. In addition,  
28 each package of medical cannabis and each medical cannabis product  
29 shall include a label with the name and contact information for the  
30 medical cannabis dispensary or clinical registrant that dispensed the  
31 medical cannabis or medical cannabis product, which shall be affixed  
32 by the dispensary or clinical registrant prior to or at the time of  
33 dispensing, along with a label that includes the name and contact  
34 information for the medical cannabis handler that delivered the  
35 medical cannabis or medical cannabis product, if applicable, to be  
36 affixed by the handler prior to delivery.

37 (c) A medical cannabis cultivator or clinical registrant that  
38 furnishes medical cannabis to a medical cannabis manufacturer or  
39 clinical registrant for processing shall furnish all such information to  
40 the manufacturer or clinical registrant as shall be necessary to prepare  
41 a label that meets the requirements of subparagraph (a) of this  
42 paragraph.

43 (8)<sup>5</sup> Nonprofit medical cannabis cultivators, medical cannabis  
44 manufacturers,<sup>5</sup> medical cannabis wholesalers,<sup>5</sup> and medical cannabis  
45 dispensaries need not be recognized as a 501(c)(3) organization by the  
46 federal Internal Revenue Service.

47 b. The **【department】** commission shall require that an applicant  
48 provide such information as the **【department】** commission determines

1 to be necessary pursuant to regulations adopted pursuant to **[this act]**  
2 P.L.2009, c.307 (C.24:6I-1 et al.).

3 c. A person who has been convicted of a crime of the first,  
4 second, or third degree under New Jersey law or of a crime involving  
5 any controlled dangerous substance or controlled substance analog as  
6 set forth in chapter 35 of Title 2C of the New Jersey Statutes except  
7 paragraph (11) or (12) of subsection b. of N.J.S.2C:35-5, or<sup>5</sup>  
8 paragraph (3) or (4) of subsection a. of N.J.S.2C:35-10, or any  
9 similar law of the United States or any other state shall not be issued a  
10 permit to operate as **[an alternative treatment center]** a medical  
11 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
12 wholesaler, <sup>5</sup> medical cannabis dispensary, or clinical registrant or be a  
13 director, officer, or employee of **[an alternative treatment center]** a  
14 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
15 cannabis wholesaler, <sup>5</sup> medical cannabis dispensary, or clinical  
16 registrant, unless such conviction occurred after the effective date of  
17 **[this act]** P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of  
18 federal law relating to possession or sale of **[marijuana]** cannabis for  
19 conduct that is authorized under **[this act]** P.L.2009, c.307 (C.24:6I-1  
20 et al.) <sup>5</sup>**[,]** or <sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**[,]** or P.L.     ,  
21 c. (C.    ) (pending before the Legislature as this bill)]<sup>5</sup> .

22 d. (1) The **[commissioner]** <sup>5</sup>**[executive director]** commission<sup>5</sup>  
23 shall require each applicant seeking a permit to operate as **[an**  
24 alternative treatment center] <sup>1</sup>, to be a director, officer, or employee  
25 of, or to be <sup>5</sup>**[an investor]** a significantly involved person<sup>5</sup> in, <sup>1</sup> a  
26 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
27 cannabis wholesaler, <sup>5</sup> medical cannabis dispensary, or clinical  
28 registrant to undergo a criminal history record background check <sup>5</sup>**[,**  
29 except that no criminal history record background check shall be  
30 required for an <sup>1</sup>**[applicant]** individual<sup>1</sup> who holds less than a five  
31 percent investment interest in the medical cannabis cultivator, medical  
32 cannabis manufacturer, medical cannabis dispensary, or clinical  
33 registrant or who is a member of a group that holds less than a 20  
34 percent investment interest in the medical cannabis cultivator, medical  
35 cannabis manufacturer, medical cannabis dispensary, or clinical  
36 registrant where no member of the group holds more than a five  
37 percent interest in the total group investment interest, and the  
38 <sup>1</sup>**[applicant]** individual or group<sup>1</sup> lacks the authority to make  
39 controlling decisions regarding medical cannabis cultivator, medical  
40 cannabis manufacturer, medical cannabis dispensary, or clinical  
41 registrant operations]<sup>5</sup> .

42 <sup>5</sup>**[In the event that an]** Any<sup>5</sup> individual <sup>5</sup>**[who is exempt from the**  
43 criminal history record background check requirement of this section  
44 subsequently acquires an investment interest of five percent or more in  
45 the] seeking to become a director, officer, or employee of a<sup>5</sup> medical

1 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
2 wholesaler, <sup>5</sup>medical cannabis dispensary, or clinical registrant, <sup>5</sup>[or a  
3 group that is exempt from the criminal history record background  
4 check requirement of this section subsequently acquires an investment  
5 interest of 20 percent or more in the medical cannabis cultivator,  
6 medical cannabis manufacturer, medical cannabis dispensary, or  
7 clinical registrant or any member of the group acquires more than a  
8 five percent interest in the total group investment interest, or the  
9 individual or group gains the authority to make controlling decisions  
10 regarding medical cannabis cultivator, medical cannabis manufacturer,  
11 medical cannabis dispensary, or clinical registrant operations, the  
12 individual or the members of the group, as applicable,] after issuance  
13 of an initial permit <sup>5</sup> shall notify the commission and shall complete a  
14 criminal history record background check <sup>1</sup> and provide all information  
15 as may be required by the commission <sup>1</sup> <sup>5</sup> as a condition of assuming a  
16 position as director, officer, or employee of the permitted entity. An  
17 individual who incurs an investment interest or gains the authority to  
18 make controlling decisions in a permitted entity that makes the  
19 individual a significantly involved person shall notify the commission,  
20 complete a criminal history record background check, and provide all  
21 information as may be required by the commission <sup>5</sup> no later than 30  
22 days after <sup>5</sup> [the date that such change occurs] the date the individual  
23 becomes a significantly involved person <sup>5</sup> , or any permit issued to the  
24 individual or group <sup>5</sup> of which the significantly involved person is a  
25 member <sup>5</sup> shall be revoked and the individual or group shall be deemed  
26 ineligible to hold any ownership or investment interest in a medical  
27 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
28 wholesaler, <sup>5</sup>medical cannabis dispensary, or clinical registrant for a  
29 period of <sup>5</sup> at least <sup>5</sup> two years, commencing from the date of revocation  
30 <sup>5</sup> , and for such additional period of time as the commission deems  
31 appropriate, based on the duration of the nondisclosure, the size of the  
32 individual's or group's investment interest in the permitted entity, the  
33 amount of profits, revenue, or income realized by the individual or  
34 group from the permitted entity during the period of nondisclosure,  
35 and whether the individual had a disqualifying conviction or would  
36 otherwise have been deemed ineligible to be a significantly involved  
37 person in a medical cannabis cultivator, medical cannabis  
38 manufacturer, medical cannabis wholesaler, medical cannabis  
39 dispensary, or clinical registrant <sup>5</sup> .

40 For purposes of this section, the term "applicant" shall include any  
41 owner, director, officer, or employee of [an alternative treatment  
42 center] <sup>1</sup> , and any <sup>5</sup> [investor] significantly involved person <sup>5</sup> in, <sup>1</sup> a  
43 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
44 cannabis wholesaler, <sup>5</sup>medical cannabis dispensary, or clinical  
45 registrant <sup>5</sup> <sup>1</sup> , but shall not include any individual or group that is  
46 exempt from the criminal history record background check



1 requirements of this section, which individuals and groups shall not be  
2 required to complete any portion of an initial or renewal permit  
3 application unless the individual or group subsequently becomes  
4 subject to the criminal history record background check requirement as  
5 provided in this section, in which case the individual or group shall be  
6 required to provide all information as may be required by the  
7 commission within 30 days of the change or any permit issued to the  
8 individual or group shall be revoked and the individual or group shall  
9 be deemed ineligible to hold any ownership or investment interest in a  
10 medical cannabis cultivator, medical cannabis manufacturer, medical  
11 cannabis dispensary, or clinical registrant for a period of two years,  
12 commencing from the date of revocation<sup>1</sup>]<sup>5</sup> . The [commissioner]  
13 <sup>5</sup>[executive director] commission<sup>5</sup> is authorized to exchange  
14 fingerprint data with and receive criminal history record background  
15 information from the Division of State Police and the Federal Bureau  
16 of Investigation consistent with the provisions of applicable federal  
17 and State laws, rules, and regulations. The Division of State Police  
18 shall forward criminal history record background information to the  
19 [commissioner] <sup>5</sup>[executive director] commission<sup>5</sup> in a timely  
20 manner when requested pursuant to the provisions of this section.

21 An applicant who is required to undergo a criminal history record  
22 background check pursuant to this section shall submit to being  
23 fingerprinted in accordance with applicable State and federal laws,  
24 rules, and regulations. No check of criminal history record  
25 background information shall be performed pursuant to this section  
26 unless the applicant has furnished [his] the applicant's written consent  
27 to that check. An applicant who is required to undergo a criminal  
28 history record background check pursuant to this section who refuses  
29 to consent to, or cooperate in, the securing of a check of criminal  
30 history record background information shall not be considered for a  
31 permit to operate, or authorization to be employed at <sup>1</sup>or to be <sup>5</sup>[an  
32 investor] a significantly involved person<sup>5</sup> in<sup>1</sup>, [an alternative  
33 treatment center] a medical cannabis cultivator, medical cannabis  
34 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis  
35 dispensary, or clinical registrant. An applicant shall bear the cost for  
36 the criminal history record background check, including all costs of  
37 administering and processing the check.

38 (2) The [commissioner] <sup>5</sup>[executive director] commission<sup>5</sup> shall  
39 not approve an applicant for a permit to operate, or authorization to be  
40 employed at <sup>1</sup>or to be <sup>5</sup>[an investor] a significantly involved person<sup>5</sup>  
41 in<sup>1</sup>, [an alternative treatment center] a medical cannabis cultivator,  
42 medical cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup>  
43 medical cannabis dispensary, or clinical registrant if the criminal  
44 history record background information of the applicant reveals a  
45 disqualifying conviction as set forth in subsection c. of this section.

46 (3) Upon receipt of the criminal history record background  
47 information from the Division of State Police and the Federal Bureau

1 of Investigation, the ~~commissioner~~ <sup>5</sup>executive director  
2 commission<sup>5</sup> shall provide written notification to the applicant of  
3 ~~his~~ the applicant's qualification for or disqualification for a permit  
4 to operate or be a director, officer, or employee of ~~an alternative~~  
5 treatment center <sup>1</sup>or <sup>5</sup>an investor a significantly involved person<sup>5</sup>  
6 in<sup>1</sup> a medical cannabis cultivator, medical cannabis manufacturer,  
7 <sup>5</sup>medical cannabis wholesaler, medical cannabis dispensary, or  
8 clinical registrant.

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

13 (4) The Division of State Police shall promptly notify the  
14 ~~commissioner~~ <sup>5</sup>executive director commission<sup>5</sup> in the event that  
15 an individual who was the subject of a criminal history record  
16 background check conducted pursuant to this section is convicted of a  
17 crime or offense in this State after the date the background check was  
18 performed. Upon receipt of that notification, the ~~commissioner~~  
19 <sup>5</sup>executive director commission<sup>5</sup> shall make a determination  
20 regarding the continued eligibility to operate or be a director, officer,  
21 or employee of ~~an alternative treatment center~~ <sup>1</sup>or <sup>5</sup>an investor a  
22 significantly involved person<sup>5</sup> in<sup>1</sup> a medical cannabis cultivator,  
23 medical cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup>  
24 medical cannabis dispensary, or clinical registrant.

25 (5) Notwithstanding the provisions of subsection ~~b.~~ c. of this  
26 section to the contrary, the ~~commissioner~~ <sup>5</sup>executive director  
27 commission<sup>5</sup> may offer provisional authority for an applicant to be an  
28 owner, director, officer, or employee of ~~an alternative treatment~~  
29 center <sup>1</sup>or <sup>5</sup>an investor a significantly involved person<sup>5</sup> in<sup>1</sup> a  
30 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
31 cannabis wholesaler, <sup>5</sup> medical cannabis dispensary, or clinical  
32 registrant for a period not to exceed three months if the applicant  
33 submits to the ~~commissioner~~ <sup>5</sup>executive director commission<sup>5</sup> a  
34 sworn statement attesting that the person has not been convicted of any  
35 disqualifying conviction pursuant to this section.

36 (6) Notwithstanding the provisions of subsection ~~b.~~ c. of this  
37 section to the contrary, no applicant to be an owner, director, officer,  
38 or employee of ~~an alternative treatment center~~ <sup>1</sup>or <sup>5</sup>an investor a  
39 significantly involved person<sup>5</sup> in<sup>1</sup> a medical cannabis cultivator,  
40 medical cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup>  
41 medical cannabis dispensary, or clinical registrant shall be disqualified  
42 on the basis of any conviction disclosed by a criminal history record  
43 background check conducted pursuant to this section if the individual  
44 has affirmatively demonstrated to the ~~commissioner~~ <sup>5</sup>executive  
45 director commission<sup>5</sup> clear and convincing evidence of rehabilitation.

1 In determining whether clear and convincing evidence of rehabilitation  
2 has been demonstrated, the following factors shall be considered:

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

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

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

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

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

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

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

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

20 e. The **[department]** commission shall issue a permit to **[a person**  
21 **to]** operate **[as an alternative treatment center]** or be an owner,  
22 director, officer, or employee of <sup>1</sup>or <sup>5</sup>**[an investor]** a significantly  
23 involved person<sup>5</sup> in<sup>1</sup> a medical cannabis cultivator, medical cannabis  
24 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> or medical cannabis  
25 dispensary if the **[department]** commission finds that issuing such a  
26 permit would be consistent with the purposes of **[this act]** P.L.2009,  
27 c.307 (C.24:6I-1 et al.) and the requirements of this section and section  
28 11 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
29 are met **[and the department has verified the information contained in**  
30 the application. The department shall approve or deny an application  
31 within 60 days after receipt of a completed application]. The denial of  
32 an application shall be considered a final agency decision, subject to  
33 review by the Appellate Division of the Superior Court. **[The**  
34 **department may suspend or revoke a permit to operate as an**  
35 **alternative treatment center for cause, which shall be subject to review**  
36 **by the Appellate Division of the Superior Court]** <sup>5</sup>**[An initial]** A<sup>5</sup>  
37 permit to operate a medical cannabis cultivator, medical cannabis  
38 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> or medical cannabis  
39 dispensary issued on or after the effective date of P.L. , c. (C. )  
40 (pending before the Legislature as this bill) shall be valid for <sup>5</sup>**[three**  
41 years. Medical cannabis cultivator, medical cannabis manufacturer,  
42 and medical cannabis dispensary permits shall be renewable  
43 biennially] one year and shall be renewable annually<sup>5</sup>.

44 f. A person who has been issued a permit pursuant to this  
45 section <sup>5</sup>**[, a conditional permit pursuant to section 11 of P.L. ,**  
46 c. (C. ) (pending before the Legislature as this bill),]<sup>5</sup> or a

1 clinical registrant permit pursuant to section 13 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill) shall display the permit  
3 <sup>5</sup>[or conditional permit]<sup>5</sup> at the front entrance to the premises of the  
4 [alternative treatment center] permitted facility at all times when  
5 [marijuana is being produced, or dispensed to a registered qualifying  
6 patient or the patient's primary caregiver] the facility is engaged in  
7 conduct authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
8 involving medical cannabis, including, but not limited to, the  
9 cultivating, manufacturing, <sup>5</sup>warehousing, resale,<sup>5</sup> or dispensing of  
10 medical cannabis.

11 g. [An alternative treatment center] A medical cannabis  
12 cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
13 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant shall  
14 report any change in information to the [department] commission not  
15 later than 10 days after such change, or the permit shall be deemed null  
16 and void.

17 h. [An alternative treatment center may charge a registered  
18 qualifying patient or primary caregiver for the reasonable costs  
19 associated with the production and distribution of marijuana for the  
20 cardholder] <sup>5</sup>[(1) Each medical cannabis cultivator shall maintain and  
21 make available through its Internet website, if any, a standard price list  
22 that shall apply to all medical cannabis, which prices shall be  
23 reasonable and consistent with the actual costs incurred by the medical  
24 cannabis cultivator in connection with cultivating the medical  
25 cannabis. The prices charged by the medical cannabis cultivator shall  
26 not deviate from the prices indicated on the facility's current price list.

27 (2) Each medical cannabis manufacturer shall maintain and make  
28 available through its Internet website, if any, a standard price list that  
29 shall apply to all medical cannabis products sold by the medical  
30 cannabis manufacturer to other medical cannabis manufacturers and to  
31 medical cannabis dispensaries and clinical registrants, which prices  
32 shall be reasonable and consistent with the actual costs incurred by the  
33 medical cannabis manufacturer in connection with producing the  
34 medical cannabis product. The prices charged by the medical cannabis  
35 manufacturer shall not deviate from the prices indicated on the  
36 facility's current price list.

37 (3) Each clinical registrant shall maintain and make available  
38 through its Internet website, if any, a standard price list that shall apply  
39 to all medical cannabis sold by the clinical registrant to other clinical  
40 registrants and to medical cannabis cultivators, medical cannabis  
41 manufacturers, and medical cannabis dispensaries and to all medical  
42 cannabis products sold by the clinical registrant to other clinical  
43 registrants and to medical cannabis manufacturers and medical  
44 cannabis dispensaries, which prices shall be reasonable and consistent  
45 with the actual costs incurred by the clinical registrant in connection  
46 with cultivating the medical cannabis or producing the medical  
47 cannabis product. The prices charged by the clinical registrant shall

1 not deviate from the prices indicated on the clinical registrant's current  
2 price list. Any prices a clinical registrant charges to a qualifying  
3 patient, designated caregiver, or institutional caregiver for medical  
4 cannabis, medical cannabis products, and related supplies and  
5 paraphernalia shall be reasonable and consistent with the actual costs  
6 incurred by the <sup>4</sup>【medical cannabis dispensary】 clinical registrant<sup>4</sup> in  
7 connection with cultivating, producing, acquiring, or dispensing the  
8 medical cannabis or medical cannabis product and related supplies and  
9 paraphernalia. A clinical registrant may establish a written policy for  
10 making medical cannabis available at a reduced price or without  
11 charge to qualifying patients who have a demonstrated financial  
12 hardship, as that term shall be defined by the commission by  
13 regulation.

14 (4) Any prices a medical cannabis dispensary charges to another  
15 medical cannabis dispensary or to a clinical registrant, qualifying  
16 patient, designated caregiver, or institutional caregiver for medical  
17 cannabis, medical cannabis products, and related supplies and  
18 paraphernalia shall be reasonable and consistent with the actual costs  
19 incurred by the medical cannabis dispensary in connection with  
20 acquiring and selling, transferring, or dispensing the medical cannabis  
21 or medical cannabis product and related supplies and paraphernalia. A  
22 medical cannabis dispensary may establish a written policy for making  
23 medical cannabis available at a reduced price or without charge to  
24 qualifying patients who have a demonstrated financial hardship, as that  
25 term shall be defined by the commission by regulation.

26 (5) A price list required under paragraphs (1), (2), or (3) of】

27 Each medical cannabis dispensary and clinical registrant shall  
28 maintain and make available on its Internet website, if any, a standard  
29 price list that shall apply to all medical cannabis, medical cannabis  
30 products, and related supplies and paraphernalia sold or dispensed by  
31 the medical cannabis dispensary or clinical registrant, which prices  
32 shall be reasonable and consistent with the actual costs incurred by the  
33 medical cannabis dispensary or clinical registrant in connection with  
34 acquiring and selling, transferring, or dispensing the medical cannabis  
35 or medical cannabis product and related supplies and paraphernalia.  
36 The prices charged by medical cannabis dispensary or clinical  
37 registrant shall not deviate from the prices indicated on the entity's  
38 current price list. A price list required pursuant to<sup>5</sup> this subsection  
39 may be revised no more than once per month, and each medical  
40 cannabis <sup>5</sup>【cultivator, medical cannabis manufacturer,】 dispensary<sup>5</sup>  
41 and clinical registrant shall be responsible for ensuring that the  
42 commission has a copy of the facility's current price list. A medical  
43 cannabis <sup>5</sup>【cultivator, medical cannabis manufacturer,】 dispensary<sup>5</sup> or  
44 clinical registrant shall be liable to a civil penalty of \$1,000 for each  
45 sale that occurs at a price that deviates from the entity's current price  
46 list, and to a civil penalty of \$10,000 for each week during which the  
47 entity's current price list is not on file with the commission. Any civil

1 penalties collected by the commission pursuant to this section shall be  
2 used by the commission for the purposes of administering the State  
3 medical cannabis program.

4 i. The **[commissioner]** <sup>5</sup>[executive director] commission<sup>5</sup> shall  
5 adopt regulations to:

6 (1) require such written documentation of each delivery <sup>5</sup>or  
7 dispensation<sup>5</sup> of [marijuana] cannabis to, and pickup of [marijuana]  
8 cannabis for, a registered qualifying patient, including the date and  
9 amount dispensed <sup>5</sup>, and, in the case of delivery, the date and times the  
10 at the delivery commenced and was completed, the address where the  
11 medical cannabis was delivered, the name of the patient or caregiver to  
12 whom the medical cannabis was delivered, and the name, handler  
13 certification number, and delivery certification number of the medical  
14 cannabis handler who performed the delivery<sup>5</sup>, to be maintained in the  
15 records of the [alternative treatment center] medical cannabis  
16 dispensary or clinical registrant, as the [commissioner] <sup>5</sup>[executive  
17 director] commission<sup>5</sup> determines necessary to ensure effective  
18 documentation of the operations of each [alternative treatment center]  
19 medical cannabis dispensary or clinical registrant;

20 (2) monitor, oversee, and investigate all activities performed by  
21 [an alternative treatment center] medical cannabis cultivators, medical  
22 cannabis manufacturers, <sup>5</sup>medical cannabis wholesalers,<sup>5</sup> medical  
23 cannabis dispensaries, and clinical registrants; [and]

24 (3) ensure adequate security of all facilities 24 hours per day [,  
25 including production and retail locations,] and security of all delivery  
26 methods to registered qualifying patients; and

27 (4) establish thresholds for administrative action to be taken  
28 against a medical cannabis cultivator, medical cannabis manufacturer,  
29 <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis dispensary, or  
30 clinical registrant and its employees, officers, investors, directors, or  
31 governing board pursuant to subsection m. of this section, including,  
32 but not limited to, specific penalties or disciplinary actions that may be  
33 imposed in a summary proceeding.

34 j. (1) Each medical cannabis cultivator, medical cannabis  
35 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis  
36 dispensary, and clinical registrant shall require the owners, directors,  
37 officers, and employees at the permitted facility to complete at least  
38 eight hours of ongoing training each calendar year. The training shall  
39 be tailored to the roles and responsibilities of the individual's job  
40 function, and shall include training on confidentiality and such other  
41 topics as shall be required by the commission.

42 (2) Each medical cannabis dispensary and clinical registrant shall  
43 consider whether to make interpreter services available to the  
44 population served, including for individuals with a visual or hearing  
45 impairment. The commission shall provide assistance to any medical  
46 cannabis dispensary or clinical registrant that seeks to provide such

1 services in locating appropriate interpreter resources. A medical  
2 cannabis dispensary or clinical registrant shall assume the cost of  
3 providing interpreter services pursuant to this subsection.

4 k. <sup>4</sup>[(1) A medical cannabis cultivator, medical cannabis  
5 manufacturer, or medical cannabis dispensary that seeks to sell or  
6 transfer its permit to another entity shall apply to the commission for  
7 approval of the sale or transfer. The commission shall not approve the  
8 sale or transfer of a permit until each applicant at the entity applying to  
9 purchase or receive the transfer of the permit undergoes a criminal  
10 history record background check pursuant to subsection d. of this  
11 section and the commission finds that the sale or transfer of the permit  
12 would be consistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et  
13 al.). The denial of an application to sell or transfer a medical cannabis  
14 cultivator, medical cannabis manufacturer, or medical cannabis  
15 dispensary permit shall be considered a final agency decision, subject  
16 to review by the Appellate Division of the Superior Court.

17 (2) If a nonprofit medical cannabis cultivator, medical cannabis  
18 manufacturer, or medical cannabis dispensary proposes to sell or  
19 transfer its permit <sup>1</sup>and other assets<sup>1</sup> to a for-profit entity, its board of  
20 directors may proceed with the sale or transfer upon receiving  
21 approval for the sale or transfer from the commission pursuant to  
22 paragraph (1) of this subsection. In the case of a nonprofit alternative  
23 treatment center that was issued a permit prior to the effective date of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill) or that  
25 was issued a permit after the effective date of P.L. , c. (C. )  
26 (pending before the Legislature as this bill) pursuant to an application  
27 submitted prior to the effective date of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), any such transfer<sup>5</sup>(1)<sup>5</sup> The first  
29 six alternative treatment centers issued permits following the effective  
30 date of P.L.2009, c.307 (C.24:6I-1 et al.) shall be authorized to sell or  
31 transfer such permit and other assets to a for-profit entity, provided  
32 that: the sale or transfer is approved by the commission; each owner,  
33 director, officer, and employee of, and <sup>5</sup>[investor] significantly  
34 involved person<sup>5</sup> in, the entity seeking to purchase or receive the  
35 transfer of the permit, undergoes a criminal history record background  
36 check pursuant to subsection d. of this section, provided that nothing  
37 in this subsection shall be construed to require any individual to  
38 undergo a criminal history record background check if the individual  
39 would otherwise be exempt from undergoing a criminal history record  
40 background check pursuant to subsection d. of this section; the  
41 commission finds that the sale or transfer of the permit would be  
42 consistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.); and  
43 no such sale or transfer shall be authorized more than one year after  
44 the effective date of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill). The sale or transfer of a permit pursuant to  
46 this subsection<sup>4</sup> shall not be subject to the requirements of the “New  
47 Jersey Nonprofit Corporation Act,” N.J.S.15A:1-1 et seq., provided

1 that, prior to or at the time of the sale or transfer, all debts and  
2 obligations of the nonprofit entity are either paid in full or assumed by  
3 the for-profit entity purchasing or acquiring the permit, or a reserve  
4 fund is established for the purpose of paying in full the debts and  
5 obligations of the nonprofit entity <sup>1</sup>, and the for-profit entity pays the  
6 full value of all assets held by the nonprofit entity, as reflected on the  
7 nonprofit entity's balance sheet, in addition to the agreed-upon <sup>4</sup>and  
8 commission-approved <sup>4</sup> price for the sale or transfer of the entity's  
9 alternative treatment center permit <sup>1</sup> . <sup>4</sup>Until such time as the members  
10 of the Cannabis Regulatory Commission are appointed and the  
11 commission first organizes, the Department of Health shall have full  
12 authority to approve a sale or transfer pursuant to this <sup>5</sup>subsection .  
13 No other entity holding a permit issued pursuant to this section or  
14 pursuant to section 13 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill) shall be authorized to sell or transfer such  
16 permit to any other entity at any time <sup>5</sup> <sup>4</sup>

17 <sup>5</sup>(2) The sale or transfer of any interest of five percent or more in a  
18 medical cannabis cultivator, medical cannabis manufacturer, medical  
19 cannabis wholesaler, medical cannabis dispensary, or clinical  
20 registrant permit shall be subject to approval by the commission and  
21 conditioned on the entity that is purchasing or receiving transfer of the  
22 interest in the medical cannabis cultivator, medical cannabis  
23 manufacturer, medical cannabis wholesaler, medical cannabis  
24 dispensary, or clinical registrant permit completing a criminal history  
25 record background check pursuant to the requirements of subsection d.  
26 of this section. <sup>5</sup>

27 1. No employee of any department, division, agency, board, or  
28 other State, county, or local government entity involved in the process  
29 of reviewing, processing, or making determinations with regard to  
30 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
31 cannabis wholesaler, <sup>5</sup> medical cannabis dispensary, or clinical  
32 registrant permit applications shall have any direct or indirect financial  
33 interest in the cultivating, manufacturing, or dispensing of medical  
34 cannabis or related paraphernalia, or otherwise receive anything of  
35 value from an applicant for a medical cannabis cultivator, medical  
36 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> medical  
37 cannabis dispensary, or clinical registrant permit in exchange for  
38 reviewing, processing, or making any recommendations with respect  
39 to a permit application.

40 m. In the event that a medical cannabis cultivator, medical  
41 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> medical  
42 cannabis dispensary, or clinical registrant fails to comply with any  
43 requirements set forth in P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>], P.L. ,  
44 c. (C. ) (pending before the Legislature as this bill), <sup>5</sup> or any  
45 related law or regulation, the commission may invoke penalties or take  
46 administrative action against the medical cannabis cultivator, medical



1 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical  
2 cannabis dispensary, or clinical registrant and its employees, officers,  
3 investors, directors, or governing board, including, but not limited to,  
4 assessing fines, referring matters to another State agency, and  
5 suspending or terminating any permit held by the medical cannabis  
6 cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
7 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant. Any  
8 penalties imposed or administrative actions taken by the commission  
9 pursuant to this subsection may be imposed in a summary proceeding.  
10 (cf: P.L.2013, c.160, s.2)

11

12 11. (New section) <sup>5</sup>a.<sup>5</sup> The commission shall, no later than 90  
13 days after the effective date of P.L. , c. (C. ) (pending before  
14 the Legislature as this bill) or upon adoption of rules and regulations as  
15 provided in subsection c. of section 18 of P.L.2009, c.307 (C.24:6I-  
16 16), whichever occurs first, begin accepting and processing  
17 applications for new medical cannabis cultivator, medical cannabis  
18 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> and medical cannabis  
19 dispensary permits. Notwithstanding the provisions of  
20 <sup>5</sup>subsubparagraph (i) of<sup>5</sup> subparagraph (a) of paragraph (2) of  
21 subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7), the first  
22 <sup>5</sup>【six】 seven<sup>5</sup> alternative treatment center permits issued by the  
23 commission pursuant to an application submitted on or after the  
24 effective date of P.L. , c. (C. ) (pending before the Legislature  
25 as this bill) shall be deemed to concurrently hold a medical cannabis  
26 cultivator permit, a medical cannabis manufacturer permit, and a  
27 medical cannabis dispensary permit <sup>5</sup>; of these seven, at least one  
28 permit shall be issued to an applicant located in the northern region of  
29 the State, at least one permit shall be issued to an applicant located in  
30 the central region of the State, and at least one permit shall be issued to  
31 an applicant located in the southern region of the State<sup>5</sup> . Any permits  
32 issued by the commission thereafter shall be subject to the provisions  
33 of <sup>5</sup>subsubparagraph (i) of<sup>5</sup> subparagraph (a) of paragraph (2) of  
34 subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7) <sup>5</sup>, and the  
35 requirements of subsection d. of this section concerning conditional  
36 permits<sup>5</sup> .

37 <sup>5</sup>b.<sup>5</sup> The commission may establish nonrefundable application fees  
38 for permit applications <sup>5</sup>and conditional permit applications,<sup>5</sup> and  
39 permit <sup>5</sup>and conditional permit<sup>5</sup> fees for successful applicants.

40 <sup>5</sup>c. (1)<sup>5</sup> The commission shall make a determination as to any  
41 permit application <sup>5</sup>, other than an application for a conditional permit  
42 submitted pursuant to subsection d. of this section,<sup>5</sup> no later than 90  
43 days after receiving the application, which may include a  
44 determination that the commission reasonably requires more time to  
45 adequately review the application. <sup>5</sup>【The commission may issue a  
46 conditional permit to an applicant pending the commission's final

1 determination on the applicant's permit application, provided the  
2 applicant submits a sworn statement attesting that no person named in  
3 the permit application has been convicted of any disqualifying  
4 conviction pursuant to subsection c. of section 7 of P.L.2009, c.307  
5 (C.24:6I-7) or that, if a person named in the application has been  
6 convicted of a disqualifying conviction, the person has or will submit  
7 evidence of rehabilitation. The commission shall determine by  
8 regulation which permit requirements are necessary for the issuance of  
9 a conditional permit pursuant to this section and the scope of conduct  
10 authorized under a conditional permit, and shall establish the terms,  
11 conditions, and restrictions for such conditional permit as may be  
12 necessary and appropriate.】<sup>5</sup>

13 <sup>5</sup>(2)<sup>5</sup> The commission shall issue a permit <sup>5</sup>, other than a  
14 conditional permit,<sup>5</sup> to an approved applicant at such time as the  
15 commission completes the application review process and any  
16 mandatory inspections, and determines that the applicant is in  
17 compliance with and is implementing the plans, procedures, protocols,  
18 actions, or other measures set forth in the applicant's permit  
19 application submitted pursuant to section 12 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill), did maintain compliance  
21 with the terms, conditions, or restrictions of a conditional permit  
22 issued to the applicant, if applicable, and is otherwise in compliance  
23 with the requirements of P.L.2009, c.307 (C.24:6I-1 et al.)  
24 <sup>5</sup>【and P.L. , c. (C. ) (pending before the Legislature as this  
25 bill)】<sup>5</sup> .

26 <sup>5</sup>d. (1) The commission shall ensure that at least one third of the  
27 total permits issued for each type of medical cannabis permit are  
28 conditional permits, which one-third figure shall include any  
29 conditional permit issued to an applicant which is subsequently  
30 converted by the commission into a full permit pursuant to paragraph  
31 (4) of this subsection and any conditional permit, including a  
32 converted permit, issued to a microbusiness pursuant to subsection e.  
33 of this section. The requirements of this subsection shall not apply to  
34 permits issued to clinical registrants or to permits issued to the seven  
35 alternative treatment centers issued a permit pursuant to subsection a.  
36 of this section that are expressly exempt from the provisions of  
37 subsubparagraph (i) of subparagraph (a) of paragraph (2) of subsection  
38 a. of section 7 of P.L.2009, c.307 (C.24:6I-7).

39 (2) An application for a conditional permit shall include:

40 (a) documentation that the applicant entity includes at least one  
41 significantly involved person who has resided in this State for at least  
42 two years as of the date of the application;

43 (b) a list of all owners, officers, directors, and employees of, and  
44 significantly involved persons in, the proposed medical cannabis  
45 entity, including their names, addresses, dates of birth, resumes, and a  
46 photocopy of their driver's licenses or other government-issued form  
47 of identification;

1 (c) a criminal history record background check completed  
2 pursuant to subsection d. of section 7 of P.L.2009, c.307 (C.24:6I-7)  
3 for each owner, officer, director, and employee of, and each  
4 significantly involved person in, the proposed medical cannabis entity,  
5 provided that a conditional permit may be issued pending the results of  
6 a criminal history record background check;

7 (d) documentation that each significantly involved person in the  
8 proposed medical cannabis entity has, for the immediately preceding  
9 taxable year, an adjusted gross income of no more than \$200,000 or no  
10 more than \$400,000 if filing jointly with another;

11 (e) a certification that each significantly involved person in the  
12 proposed medical cannabis entity does not have any financial interest  
13 in an entity applying for any other medical cannabis permit, or in an  
14 entity that currently holds a permit issued pursuant to section 7 of  
15 P.L.2009, c.307 (C.24:6I-7);

16 (f) the federal and State tax identification numbers for the  
17 proposed medical cannabis entity, and proof of business registration  
18 with the Division of Revenue in the Department of the Treasury;

19 (g) information about the proposed medical cannabis entity,  
20 including its legal name, any registered alternate name under which it  
21 may conduct business, and a copy of its articles of organization and  
22 bylaws;

23 (h) the business plan and management operation profile for the  
24 proposed medical cannabis entity;

25 (i) the plan by which the applicant intends to obtain appropriate  
26 liability insurance coverage for the proposed medical cannabis entity;  
27 and

28 (j) any other requirements established by the commission pursuant  
29 to regulation.

30 (3) The commission shall make a determination on an application  
31 for a conditional permit within 30 days after the date the application is  
32 received. A determination made pursuant to this paragraph may  
33 include a determination that the commission requires more time to  
34 adequately review the application. The commission shall approve a  
35 permit application that meets the requirements of this subsection  
36 unless the commission finds by clear and convincing evidence that the  
37 applicant would be manifestly unsuitable to perform the activities  
38 authorized for the permit sought by the applicant. The commission  
39 shall deny a conditional permit to any applicant who fails to provide  
40 information, documentation, and assurances as required by this  
41 subsection; who fails to reveal any fact material to qualification; or  
42 who supplies information that is untrue or misleading as to a material  
43 fact pertaining to the qualification criteria for issuance of a conditional  
44 permit. If the application is denied, the commission shall notify the  
45 applicant in writing of the specific reason for its denial and provide the  
46 applicant with the opportunity for a hearing in accordance with the  
47 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

1       (4) The commission shall furnish to each entity issued a  
2 conditional permit a list of the requirements that the entity will be  
3 required to comply with within 120 days after issuance of the  
4 conditional permit. If the commission subsequently determines that,  
5 during the 120-day period, the conditional permit holder is in  
6 compliance with all applicable conditions and is implementing the  
7 plans, procedures, protocols, actions, or other measures set forth in its  
8 application, the commission shall convert the conditional permit into a  
9 full permit, which will expire one year from its date of issuance and be  
10 subject to annual renewal; if the commission determines that the  
11 conditional permit holder is not in compliance with all applicable  
12 conditions or not implementing the plans, procedures, protocols,  
13 actions, or other measures set forth in its application, the conditional  
14 permit shall automatically expire at the end of the 120-day period, or,  
15 at the discretion of the commission, may be revoked prior to the end of  
16 the 120-day period.

17       (5) A conditional permit issued pursuant this subsection may not  
18 be sold or transferred.

19       e. (1) The commission shall ensure that at least 10 percent of the  
20 total permits issued for each medical cannabis permit type, other than a  
21 clinical registrant permit, are designated for and only issued to  
22 microbusinesses, and that at least 25 percent of the total permits issued  
23 be issued to microbusinesses. A microbusiness may be issued a full  
24 annual permit pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7) or a  
25 conditional permit pursuant to subsection d. of this section. The  
26 maximum fee assessed by the commission for issuance or renewal of a  
27 permit issued to a microbusiness shall be no more than half the fee  
28 applicable to a permit of the same type issued to a person or entity that  
29 is not a microbusiness. A permit issued to a microbusiness shall be  
30 valid for one year and may be renewed annually.

31       (2) A microbusiness shall meet the following requirements:

32       (a) 100 percent of the ownership interest in the microbusiness shall  
33 be held by current New Jersey residents who have resided in the State  
34 for at least the past two consecutive years;

35       (b) at least 51 percent of the owners, directors, officers, and  
36 employees of the microbusiness shall be residents of the municipality  
37 in which the microbusiness is or will be located, or a municipality  
38 bordering the municipality in which the microbusiness is or will be  
39 located;

40       (c) the microbusiness shall employ no more than 10 employees at  
41 one time, inclusive of any owners, officers, and directors of the  
42 microbusiness;

43       (d) the microbusiness shall not exceed the following size and  
44 capacity restrictions:

45       (i) the entire microbusiness facility shall occupy an area of no  
46 more than 2,500 square feet;

47       (ii) in the case of a microbusiness that is a medical cannabis  
48 cultivator, the total medical cannabis grow area shall not exceed 2,500

1 square feet, measured on a horizontal plane, shall grow no higher than  
2 24 feet above that plane, and shall possess a total of no more than  
3 1,000 plants, including mature and immature medical cannabis plants,  
4 but not including seedlings;

5 (iii) in the case of a microbusiness that is a medical cannabis  
6 manufacturer, the manufacturer shall acquire and process no more than  
7 1,000 pounds of medical cannabis in dried form each month;

8 (iv) in the case of a microbusiness that is a medical cannabis  
9 wholesaler, the wholesaler shall acquire for resale no more than 1,000  
10 pounds of medical cannabis in dried form, or the equivalent amount of  
11 medical cannabis products based on the dosage equivalency guidelines  
12 developed by the commission, or any combination thereof, each  
13 month; and

14 (v) in the case of a microbusiness that is a medical cannabis  
15 dispensary, the dispensary shall acquire no more than 1,000 pounds of  
16 medical cannabis in dried form, or the equivalent amount in any other  
17 form, or any combination thereof, for dispensing to or on behalf of  
18 registered qualifying patients each month; and

19 (e) the microbusiness shall comply with such other requirements  
20 as may be established by the commission by regulation.<sup>5</sup>

21

22 12. (New section) a. Each application for <sup>5</sup>[an initial three-  
23 year] <sup>5</sup>a<sup>5</sup> medical cannabis cultivator permit, medical cannabis  
24 manufacturer permit, <sup>5</sup>medical cannabis wholesaler permit,<sup>5</sup> and  
25 medical cannabis dispensary permit, and each application for  
26 <sup>5</sup>[biennial] <sup>5</sup>annual<sup>5</sup> renewal of such permit, <sup>5</sup>including permit and  
27 renewal applications for microbusinesses that meet the requirements of  
28 subsection e. of section 11 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill),<sup>5</sup> shall be submitted to the commission. A full,  
30 separate application shall be required for each initial permit requested  
31 by the applicant and for each location at which an applicant seeks to  
32 operate, regardless of whether the applicant was previously issued <sup>5</sup>[,  
33 or currently holds,]<sup>5</sup> a medical cannabis cultivator, medical cannabis  
34 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis  
35 dispensary, or clinical registrant permit <sup>5</sup>, and regardless of whether  
36 the applicant currently holds a medical cannabis cultivator, medical  
37 cannabis manufacturer, medical cannabis wholesaler, or medical  
38 cannabis dispensary permit<sup>5</sup>. Renewal applications shall be submitted  
39 to the commission on a form and in a manner as shall be specified by  
40 the commission no later than 90 days before the date the current permit  
41 will expire.

42 b. An initial permit application shall be evaluated according to  
43 criteria to be developed by the commission. The commission shall  
44 determine the point values to be assigned to each criterion, which shall  
45 include bonus points for applicants who are residents of New Jersey.

46 c. The criteria to be developed by the commission pursuant to  
47 subsection b. of this section shall include, in addition to the criteria set

1 forth in subsections d. and e. of this section and any other criteria  
2 developed by the commission, an analysis of the applicant's operating  
3 plan, excluding safety and security criteria, which shall include the  
4 following:

5 (1) In the case of an applicant for a medical cannabis cultivator  
6 permit, the operating plan summary shall include a written description  
7 concerning the applicant's qualifications for, experience in, and  
8 knowledge of each of the following topics:

9 (a) State-authorized cultivation of medical cannabis;

10 (b) conventional horticulture or agriculture, familiarity with good  
11 agricultural practices, and any relevant certifications or degrees;

12 (c) quality control and quality assurance;

13 (d) recall plans;

14 (e) packaging and labeling;

15 (f) inventory control and tracking software or systems for the  
16 production of medical cannabis;

17 (g) analytical chemistry and testing of medical cannabis;

18 (h) water management practices;

19 (i) odor mitigation practices;

20 (j) onsite and offsite recordkeeping;

21 (k) strain variety and plant genetics;

22 (l) pest control and disease management practices, including plans  
23 for the use of pesticides, nutrients, and additives;

24 (m) waste disposal plans; and

25 (n) compliance with applicable laws and regulations.

26 (2) In the case of an applicant for a medical cannabis manufacturer  
27 permit, the operating plan summary shall include a written description  
28 concerning the applicant's qualifications for, experience in, and  
29 knowledge of each of the following topics:

30 (a) State-authorized manufacture, production, and creation of  
31 cannabis products using appropriate extraction methods, including  
32 intended use and sourcing of extraction equipment and associated  
33 solvents or intended methods and equipment for non-solvent  
34 extraction;

35 (b) pharmaceutical manufacturing, good manufacturing practices,  
36 and good laboratory practices;

37 (c) quality control and quality assurance;

38 (d) recall plans;

39 (e) packaging and labeling;

40 (f) inventory control and tracking software or systems for the  
41 production of medical cannabis;

42 (g) analytical chemistry and testing of medical cannabis and  
43 medical cannabis products and formulations;

44 (h) water management practices;

45 (i) odor mitigation practices;

46 (j) onsite and offsite recordkeeping;

- 1 (k) a list of product formulations or products proposed to be  
2 manufactured with estimated cannabinoid profiles, if known, including  
3 varieties with high cannabidiol content;
- 4 (l) intended use and sourcing of all non-cannabis ingredients used  
5 in the manufacture, production, and creation of cannabis products,  
6 including methods to verify or ensure the safety and integrity of those  
7 ingredients and their potential to be or contain allergens;
- 8 (m) waste disposal plans; and
- 9 (n) compliance with applicable laws and regulations.
- 10 (3) <sup>5</sup>In the case of an applicant for a medical cannabis wholesaler  
11 permit, the operating plan summary shall include a written description  
12 concerning the applicant's qualifications for, experience in, and  
13 knowledge of each of the following topics:
- 14 (a) quality control and quality assurance;
- 15 (b) recall plans;
- 16 (c) packaging and labeling;
- 17 (d) inventory control and systems for the resale of medical  
18 cannabis and medical cannabis products;
- 19 (e) current industry best practices concerning the warehousing of  
20 medical cannabis and medical cannabis products;
- 21 (f) secure transportation and storage of medical cannabis and  
22 medical cannabis products;
- 23 (g) odor mitigation practices;
- 24 (h) onsite and offsite recordkeeping;
- 25 (i) waste disposal plans; and
- 26 (j) compliance with applicable laws and regulations.
- 27 (4)<sup>5</sup> In the case of an applicant for a medical cannabis dispensary  
28 permit, the operating plan summary shall include a written description  
29 concerning the applicant's qualifications for, experience in, and  
30 knowledge of each of the following topics:
- 31 (a) State-authorized dispensation of medical cannabis to qualifying  
32 patients;
- 33 (b) healthcare, medicine, and treatment of patients with qualifying  
34 medical conditions;
- 35 (c) medical cannabis product evaluation procedures;
- 36 (d) recall plans;
- 37 (e) packaging and labeling;
- 38 (f) inventory control and point-of-sale software or systems for the  
39 sale of medical cannabis;
- 40 (g) patient counseling procedures;
- 41 (h) the routes of administration, strains, varieties, and cannabinoid  
42 profiles of medical cannabis and medical cannabis products;
- 43 (i) odor mitigation practices;
- 44 (j) onsite and offsite recordkeeping;
- 45 (k) compliance with State and federal patient privacy rules;
- 46 (l) waste disposal plans; and
- 47 (m) compliance with applicable laws and regulations.

1 d. The criteria to be developed by the commission pursuant to  
2 subsection b. of this section shall include, in addition to the criteria set  
3 forth in subsections c. and e. of this section and any other criteria  
4 developed by the commission, an analysis of the following factors, if  
5 applicable:

6 (1) The applicant's environmental impact plan.

7 (2) A summary of the applicant's safety and security plans and  
8 procedures, which shall include descriptions of the following:

9 (a) plans for the use of security personnel, including contractors;

10 (b) the experience or qualifications of security personnel and  
11 proposed contractors;

12 (c) security and surveillance features, including descriptions of any  
13 alarm systems, video surveillance systems, and access and visitor  
14 management systems, along with drawings identifying the proposed  
15 locations for surveillance cameras and other security features;

16 (d) plans for the storage of medical cannabis and medical cannabis  
17 products, including any safes, vaults, and climate control systems that  
18 will be utilized for this purpose;

19 (e) a diversion prevention plan;

20 (f) an emergency management plan;

21 (g) procedures for screening, monitoring, and performing criminal  
22 history record background checks of employees;

23 (h) cybersecurity procedures, including, in the case of an applicant  
24 for a medical cannabis dispensary permit, procedures for collecting,  
25 processing, and storing patient data, and the applicant's familiarity  
26 with State and federal privacy laws;

27 (i) workplace safety plans and the applicant's familiarity with  
28 federal Occupational Safety and Health Administration regulations;

29 (j) the applicant's history of workers' compensation claims and  
30 safety assessments;

31 (k) procedures for reporting adverse events; and

32 (l) a sanitation practices plan.

33 (3) A summary of the applicant's business experience, including  
34 the following, if applicable:

35 (a) the applicant's experience operating businesses in highly-  
36 regulated industries;

37 (b) the applicant's experience in operating alternative treatment  
38 centers and related medical cannabis production and dispensation  
39 entities under the laws of New Jersey or any other state or jurisdiction  
40 within the United States; and

41 (c) the applicant's plan to comply with and mitigate the effects of  
42 26 U.S.C. s.280E on cannabis businesses, and for evidence that the  
43 applicant is not in arrears with respect to any tax obligation to the  
44 State.

45 In evaluating the experience described under subparagraphs (a),  
46 (b), and (c) of this paragraph, the commission shall afford the greatest  
47 weight to the experience of the applicant itself, controlling owners, and  
48 entities with common ownership or control with the applicant;



1 followed by the experience of those with a 15 percent or greater  
2 ownership interest in the applicant's organization; followed by  
3 <sup>5</sup>**[interest holders]** significantly involved persons<sup>5</sup> in the applicant's  
4 organization; followed by other officers, directors, and <sup>5</sup>**[bona fide**  
5 **full-time]** current and prospective<sup>5</sup> employees of the applicant <sup>5</sup>who  
6 have a bona fide relationship with the applicant's organization<sup>5</sup> as of  
7 the submission date of the application.

8 (4) A description of the proposed location for the applicant's site,  
9 including the following, if applicable:

10 (a) the proposed location, the surrounding area, and the suitability  
11 or advantages of the proposed location, along with a floor plan and  
12 optional renderings or architectural or engineering plans;

13 (b) the submission of zoning approvals for the proposed location,  
14 which shall consist of a letter or affidavit from appropriate municipal  
15 officials that the location will conform to municipal zoning  
16 requirements allowing for such activities related to the cultivation,  
17 manufacturing, or dispensing of medical cannabis, cannabis products,  
18 and related supplies as will be conducted at the proposed facility; and

19 (c) the submission of proof of local support for the suitability of  
20 the location, which may be demonstrated by a resolution adopted by  
21 the municipality's governing body indicating that the intended location  
22 is appropriately located or otherwise suitable for such activities related  
23 to the cultivation, manufacturing, or dispensing of medical cannabis,  
24 cannabis products, and related supplies as will be conducted at the  
25 proposed facility.

26 Notwithstanding any other provision of this subsection, an  
27 application shall be disqualified from consideration unless it includes  
28 documentation demonstrating that the applicant will have final control  
29 of the premises upon approval of the application, including, but not  
30 limited to, a lease agreement, contract for sale, title, deed, or similar  
31 documentation. In addition, if the applicant will lease the premises,  
32 the application will be disqualified from consideration unless it  
33 includes certification from the landlord that the landlord is aware that  
34 the tenant's use of the premises will involve activities related to the  
35 cultivation, manufacturing, or dispensing of medical cannabis and  
36 medical cannabis products. An application shall not be disqualified  
37 from consideration if the application does not include the materials  
38 described in subparagraphs (b) or (c) of this paragraph.

39 (5) A community impact, social responsibility, and research  
40 statement, which <sup>5</sup>**[may]** shall<sup>5</sup> include, but shall not be limited to, the  
41 following:

42 (a) a community impact plan summarizing how the applicant  
43 intends to have a positive impact on the community in which the  
44 proposed entity is to be located, which shall include an economic  
45 impact plan, a description of outreach activities, and any financial  
46 assistance or discount plans the applicant will provide to qualifying  
47 patients and designated caregivers;

1 (b) a written description of the applicant’s record of social  
2 responsibility, philanthropy, and ties to the proposed host community;

3 (c) a written description of any research the applicant has  
4 conducted on the medical efficacy or adverse effects of cannabis use  
5 and the applicant’s participation in or support of cannabis-related  
6 research and educational activities; and

7 (d) a written plan describing any research and development  
8 regarding the medical efficacy or adverse effects of cannabis, and any  
9 cannabis-related educational and outreach activities, which the  
10 applicant intends to conduct if issued a permit by the commission.

11 In evaluating the information submitted pursuant to subparagraphs  
12 (b) and (c) of this paragraph, the commission shall afford the greatest  
13 weight to <sup>5</sup>the experience of responses pertaining to<sup>5</sup> the applicant  
14 itself, controlling owners, and entities with common ownership or  
15 control with the applicant; followed by <sup>5</sup>the experience of responses  
16 pertaining to<sup>5</sup> those with a 15 percent or greater ownership interest in  
17 the applicant’s organization; followed by <sup>5</sup>interest holders  
18 significantly involved persons<sup>5</sup> in the applicant’s organization;  
19 followed by other officers, directors, and <sup>5</sup>bona fide full-time  
20 current and prospective<sup>5</sup> employees of the applicant <sup>5</sup>who have a bona  
21 fide relationship with the applicant’s organization<sup>5</sup> as of the  
22 submission date of the application.

23 (6) A workforce development and job creation plan, which may  
24 include, but shall not be limited to a description of the applicant’s  
25 workforce development and job creation plan, which may include  
26 information on the applicant’s history of job creation and planned job  
27 creation at the proposed facility; education, training, and resources to  
28 be made available for employees; any relevant certifications; and <sup>5</sup>an  
29 optional a<sup>5</sup> diversity plan.

30 (7) A business and financial plan, which may include, but shall not  
31 be limited to, the following:

32 (a) an executive summary of the applicant’s business plan;

33 (b) a demonstration of the applicant’s financial ability to  
34 implement its business plan, which may include, but shall not be  
35 limited to, bank statements, business and individual financial  
36 statements, net worth statements, and debt and equity financing  
37 statements; and

38 (c) a description of the applicant’s experience complying with  
39 guidance pertaining to cannabis issued by the Financial Crimes  
40 Enforcement Network under 31 U.S.C. s.5311 et seq., the federal  
41 “Bank Secrecy Act”, which may be demonstrated by submitting letters  
42 regarding the applicant’s banking history from banks or credit unions  
43 that certify they are aware of the business activities of the applicant, or  
44 entities with common ownership or control of the applicant’s  
45 organization, in any state where the applicant has operated a business  
46 related to medical cannabis. For the purposes of this subparagraph, the  
47 commission shall consider only bank references involving accounts in

1 the name of the applicant or of an entity with common ownership or  
2 control of the applicant's organization. An applicant who does not  
3 submit the information described in this subparagraph shall not be  
4 disqualified from consideration.

5 (8) Whether any of the applicant's majority or controlling owners  
6 were previously approved by the commission to serve as an officer,  
7 director, principal, or key employee of an alternative treatment center,  
8 provided any such individual served in that capacity at the alternative  
9 treatment center for six or more months <sup>5</sup>[;] <sup>5</sup>.

10 (9) Whether the applicant can demonstrate that its governance  
11 structure includes the involvement of a school of medicine or  
12 osteopathic medicine licensed and accredited in the United States, or a  
13 general acute care hospital, ambulatory care facility, adult day care  
14 services program, or pharmacy licensed in New Jersey, provided that:

15 (a) the school, hospital, facility, or pharmacy has conducted or  
16 participated in research approved by an institutional review board  
17 related to cannabis involving the use of human subjects, except in the  
18 case of an accredited school of medicine or osteopathic medicine that  
19 is located and licensed in New Jersey;

20 (b) the school, hospital, facility, or pharmacy holds a profit share  
21 or ownership interest in the applicant's organization of 10 percent or  
22 more, except in the case of an accredited school of medicine or  
23 osteopathic medicine that is located and licensed in New Jersey; and

24 (c) the school, hospital, facility, or pharmacy participates in major  
25 decision-making activities within the applicant's organization, which  
26 may be demonstrated by representation on the board of directors of the  
27 applicant's organization.

28 (10) The proposed composition of the applicant's medical advisory  
29 board established pursuant to section 15 of P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill), if any.

31 (11) <sup>5</sup>Whether the applicant intends to or has entered into a  
32 partnership with a prisoner re-entry program for the purpose of  
33 identifying and promoting employment opportunities at the applicant's  
34 organization for former inmates and current inmates leaving the  
35 corrections system. If so, the applicant shall provide details  
36 concerning the name of the re-entry program, the employment  
37 opportunities at the applicant's organization that will be made  
38 available to the re-entry population, and any other initiatives the  
39 applicant's organization will undertake to provide support and  
40 assistance to the re-entry population.

41 (12)<sup>5</sup> Any other information the commission deems relevant in  
42 determining whether to grant a permit to the applicant.

43 e. In addition to the information to be submitted pursuant to  
44 subsections c. and d. of this section, the commission shall require all  
45 permit applicants, other than applicants issued a conditional <sup>5</sup>[license]  
46 permit<sup>5</sup>, to submit an attestation signed by a bona fide labor  
47 organization stating that the applicant has entered into a labor peace

1 agreement with such bona fide labor organization. <sup>5</sup>~~【The】~~ Except in  
2 the case of an entity holding an unconverted conditional permit, the<sup>5</sup>  
3 maintenance of a labor peace agreement with a bona fide labor  
4 organization shall be an ongoing material condition of maintaining a  
5 medical cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical  
6 cannabis wholesaler,<sup>5</sup> or medical cannabis dispensary permit. The  
7 submission of an attestation and maintenance of a labor peace  
8 agreement with a bona fide labor organization by an applicant issued a  
9 conditional permit pursuant to <sup>5</sup>subsection d. of<sup>5</sup> section 11 of P.L. ,  
10 c. (C. ) (pending before the Legislature as this bill) shall be a  
11 requirement for <sup>5</sup>【final approval for a】 conversion of a conditional  
12 permit into a full<sup>5</sup> permit <sup>5</sup>【;】 The<sup>5</sup> failure to enter into a collective  
13 bargaining agreement within 200 days <sup>5</sup>【of the opening of】 after the  
14 date that<sup>5</sup> a medical cannabis cultivator, medical cannabis  
15 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> or medical cannabis  
16 dispensary <sup>5</sup>first opens<sup>5</sup> shall result in the suspension or revocation of  
17 such permit or conditional permit. In reviewing initial permit  
18 applications, the commission shall give priority to the following:

19 (1) Applicants that are party to a collective bargaining agreement  
20 with a labor organization that currently represents, or is actively  
21 seeking to represent <sup>5</sup>,<sup>5</sup> cannabis workers in New Jersey.

22 (2) Applicants that are party to a collective bargaining agreement  
23 with a labor organization that currently represents cannabis workers in  
24 another state.

25 (3) Applicants that include a significantly involved person or  
26 persons lawfully residing in New Jersey for at least two years as of the  
27 date of the application.

28 (4) Applicants that submit an attestation affirming that they will  
29 use best efforts to utilize union labor in the construction or retrofit of  
30 the facilities associated with the permitted entity.

31 <sup>5</sup>The requirements of this subsection shall not apply to a  
32 microbusiness applying for a conditional or annual permit of any  
33 type.<sup>5</sup>

34 f. In reviewing an initial permit application, unless the  
35 information is otherwise solicited by the commission in a specific  
36 application question, the commission's evaluation of the application  
37 shall be limited to the experience and qualifications of the applicant's  
38 organization, including any entities with common ownership or control  
39 of the applicant's organization, controlling owners or interest holders  
40 in the applicant's organization, <sup>5</sup>【and】<sup>5</sup> the officers, directors, and  
41 current <sup>5</sup>【full-time existing】 or prospective<sup>5</sup> employees of the  
42 applicant's organization <sup>5</sup>who have a bona fide relationship with the  
43 applicant's organization as of the date of the application, and  
44 consultants and independent contractors who have a bona fide  
45 relationship with the applicant as of the date of the application<sup>5</sup> .  
46 Responses pertaining to <sup>5</sup>【consultants, independent contractors,】<sup>5</sup>

1 applicants who are exempt from the criminal history record  
2 background check requirements of section 7 of P.L.2009, c.307  
3 (C.24:6I-7) <sup>5</sup>], and prospective or part-time employees of the entity<sup>5</sup>  
4 shall not be considered. Each applicant shall certify as to the status of  
5 the individuals and entities included in the application.

6 g. <sup>5</sup>【The commission shall develop policies and procedures to  
7 promote and encourage full participation in the medical cannabis  
8 industry by individuals from communities that have historically  
9 experienced disproportionate harm under the State’s cannabis  
10 prohibition and enforcement laws, and to have a positive effect on  
11 those communities.】<sup>5</sup> The commission shall conduct a disparity study  
12 to determine whether race-based measures should be considered when  
13 issuing permits pursuant to this section, and shall <sup>5</sup>incorporate the  
14 policies, practices, protocols, standards, and criteria developed by the  
15 Office of Minority, Disabled Veterans, and Women Medical Cannabis  
16 Business Development pursuant to section 32 of P.L. , c. (C. )  
17 (pending before the Legislature as this bill) to promote participation in  
18 the medical cannabis industry by persons from socially and  
19 economically disadvantaged communities, including promoting  
20 applications for, and the issuance of, medical cannabis cultivator,  
21 medical cannabis manufacturer, medical cannabis wholesaler, and  
22 medical cannabis dispensary permits to certified minority,  
23 women’s, and disabled veterans’ businesses. To this end, the  
24 commission shall<sup>5</sup> require that at least <sup>1</sup>【25】 <sup>1</sup>30 percent of the total  
25 number of new medical cannabis cultivator permits, medical cannabis  
26 manufacturer permits, <sup>5</sup>medical cannabis wholesaler permits,<sup>5</sup> and  
27 medical cannabis dispensary permits issued on or after the effective  
28 date of P.L. , c. (C. ) (pending before the Legislature as this  
29 bill) are issued <sup>1</sup>【to a qualified applicant that】 as follows<sup>1</sup>:

30 (1) <sup>1</sup>at least 15 percent of the total number of new medical  
31 cannabis cultivator permits, medical cannabis manufacturer permits,  
32 <sup>5</sup>medical cannabis wholesaler permits,<sup>5</sup> and medical cannabis  
33 dispensary permits issued on or after the effective date of P.L. , c.  
34 (C. ) (pending before the Legislature as this bill) shall be issued to  
35 a qualified applicant that<sup>1</sup> has been certified as a minority business  
36 <sup>1</sup>【or as a women’s business】<sup>1</sup> pursuant to P.L.1986, c.195 (C.52:27H-  
37 21.18 et seq.); <sup>1</sup>and<sup>1</sup>

38 (2) <sup>1</sup>【has been certified as a veteran-owned business pursuant to  
39 P.L.2011, c.147 (C.52:32-49 et seq.);

40 (3)】 at least 15 percent of the total number of new medical  
41 cannabis cultivator permits, medical cannabis manufacturer permits,  
42 <sup>5</sup>medical cannabis wholesaler permits,<sup>5</sup> and medical cannabis  
43 dispensary permits issued on or after the effective date of P.L. , c.  
44 (C. ) (pending before the Legislature as this bill) shall be issued to  
45 a qualified applicant that has been certified as a women’s business  
46 pursuant to P.L.1986, c.195 (C.52:27H-21.18 et seq.) or that<sup>1</sup> is a

1 disabled-veterans' business, as defined in section 2 of P.L.2015, c.116  
2 (C.52:32-31.2) <sup>1</sup>]; or

3 (4) has been certified by the United States Small Business  
4 Administration or other issuing agency of the federal government as a  
5 minority-owned business, women-owned business, or service-disabled  
6 veteran-owned business<sup>1</sup>.

7 In selecting among applicants who meet these criteria, the  
8 commission shall grant a higher preference to applicants with up to  
9 two of the certifications described in this subsection.

10 h. The commission shall give special consideration to any  
11 applicant that has entered into an agreement with an institution of  
12 higher education to create an integrated curriculum involving the  
13 cultivation, manufacturing, <sup>5</sup>[and]<sup>5</sup> dispensing <sup>5</sup>, resale, warehousing,  
14 or delivery<sup>5</sup> of medical cannabis, provided that the curriculum is  
15 approved by both the commission and the <sup>5</sup>[Department of  
16 Education] Office of the Secretary of Higher Education<sup>5</sup> and the  
17 applicant agrees to maintain the integrated curriculum in perpetuity.  
18 An integrated curriculum permit shall be subject to revocation if the IC  
19 permit holder fails to maintain or continue the integrated curriculum.  
20 In the event that, because of circumstances outside an IC permit  
21 holder's control, the IC permit holder will no longer be able to  
22 continue an integrated curriculum, the IC permit holder shall notify the  
23 commission and shall make reasonable efforts to establish a new  
24 integrated curriculum with an institution of higher education, subject  
25 to approval by the commission and the <sup>5</sup>[Department of Education]  
26 Office of the Secretary of Higher Education<sup>5</sup>. If the IC permit holder  
27 is unable to establish a new integrated curriculum within six months  
28 after the date the current integrated curriculum arrangement ends, the  
29 commission shall revoke the entity's IC permit, unless the commission  
30 finds there are extraordinary circumstances that justify allowing the  
31 permit holder to retain the permit without an integrated curriculum and  
32 the commission finds that allowing the permit holder to retain the  
33 permit would be consistent with the purposes of P.L.2009, c.307  
34 (C.24:6I-1 et al.), in which case the IC permit shall convert to a regular  
35 permit of the same type. The commission may revise the application  
36 and permit fees or other conditions for an IC permit as may be  
37 necessary to encourage applications for IC permits.

38 i. Application materials submitted to the commission pursuant to  
39 this section shall not be considered a public record pursuant to  
40 P.L.1963, c.73 <sup>1</sup>], P.L.2001, c.404<sup>1</sup> (C.47:1A-1 et <sup>1</sup>[al.], or the  
41 common law concerning access to public records] seq.) or P.L.2001,  
42 c.404 (C.47:1A-5 et al.)<sup>1</sup>.

43 j. If the commission notifies an applicant that it has performed  
44 sufficiently well on multiple applications to be awarded more than one  
45 medical cannabis cultivator permit, more than one medical cannabis  
46 manufacturer permit, <sup>5</sup>more than one medical cannabis wholesaler  
47 permit<sup>5</sup> or more than one medical cannabis dispensary permit by the

1 commission, the applicant shall notify the commission, within seven  
2 business days after receiving such notice, as to which permit it will  
3 accept. For any permit award declined by an applicant pursuant to this  
4 subsection, the commission shall, upon receiving notice from the  
5 applicant of the declination, award the permit to the applicant for that  
6 permit type who, in the determination of the commission, best satisfies  
7 the commission's criteria while meeting the commission's  
8 determination of Statewide need. If an applicant fails to notify the  
9 commission as to which permit it will accept, the commission shall  
10 have the discretion to determine which permit it will award to the  
11 applicant, based on the commission's determination of Statewide need  
12 and other applications submitted for facilities to be located in the  
13 affected regions.

14

15 13. (New section) a. The commission shall issue clinical  
16 registrant permits to qualified applicants that meet the requirements of  
17 this section. In addition to any other requirements as the commission  
18 establishes by regulation regarding application for and issuance of a  
19 clinical registrant permit, each clinical registrant applicant shall:

20 (1) complete a criminal history record background check that  
21 meets the requirements of subsection d. of section 7 of P.L.2009, c.307  
22 (C.24:6I-7);

23 (2) submit to the commission any required application and permit  
24 fees;

25 (3) submit to the commission written documentation of an existing  
26 contract with an academic medical center that meets the requirements  
27 of subsection c. of this section; and

28 (4) submit to the commission documentation that the applicant has  
29 a minimum of \$15 million in capital.

30 b. The commission shall, no later than 90 days after the effective  
31 date of P.L. , c. (C. ) (pending before the Legislature as this  
32 bill) or upon adoption of rules and regulations as provided in  
33 subsection c. of section 18 of P.L.2009, c.307 (C.24:6I-16), whichever  
34 occurs first, begin accepting and processing applications for four  
35 clinical registrant permits. Thereafter, the commission shall accept  
36 applications for and issue such additional clinical registrant permits as  
37 it determines to be necessary and consistent with the provisions of  
38 P.L.2009, c.307 (C.24:6I-1 et al.)<sup>5</sup> [and P.L. , c. (C. ) (pending  
39 before the Legislature as this bill)]<sup>5</sup>. The commission shall make a  
40 determination as to a clinical registrant permit application no later than  
41 90 days after receiving the application, which may include a  
42 determination that the commission reasonably requires more time to  
43 adequately review the application. <sup>5</sup>In reviewing and approving  
44 applications for clinical registrant permits, the commission shall seek  
45 to incorporate the policies, practices, protocols, standards, and criteria  
46 developed by the Office of Minority, Disabled Veterans, and Women  
47 Medical Cannabis Business Development pursuant to section 32 of  
48 P.L. , c. (C. ) (pending before the Legislature as this bill) to

1 promote participation in the medical cannabis industry by persons  
2 from socially and economically disadvantaged communities. In no  
3 case shall the commission accept, process, or approve an  
4 application submitted by an applicant that has contracted with an  
5 academic medical center that is part of a health care system that  
6 includes another academic medical center that has contracted with  
7 an applicant for, or a holder of, a clinical registrant permit.<sup>5</sup>

8 c. A contract between a clinical registrant and an academic  
9 medical center shall include a commitment by the academic medical  
10 center, or its affiliate, to engage in clinical research related to the use  
11 of medical cannabis in order to advise the clinical registrant  
12 concerning patient health and safety, medical applications, and  
13 dispensing and management of controlled substances, among other  
14 areas. A clinical registrant issued a permit pursuant to this section  
15 shall have a written contractual relationship with no more than one  
16 academic medical center.

17 d. A clinical registrant issued a permit pursuant to this section  
18 shall be authorized to engage in all conduct involving the cultivation,  
19 <sup>5</sup>**processing** manufacturing<sup>5</sup>, and dispensing of medical cannabis as  
20 is authorized for an entity holding medical cannabis cultivator, medical  
21 cannabis manufacturer, and medical cannabis dispensary permits  
22 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**and P.L. , c.**  
23 **(C. )**(pending before the Legislature as this bill)<sup>5</sup>, including  
24 dispensing medical cannabis and medical cannabis products to  
25 qualifying patients and designated and institutional caregivers. The  
26 clinical registrant shall additionally be authorized to engage in clinical  
27 research involving medical cannabis using qualifying patients who  
28 consent to being part of such research, subject to any restrictions  
29 established by the commission. <sup>5</sup>The clinical registrant shall be  
30 prohibited from engaging in any activities authorized for a medical  
31 cannabis wholesaler pursuant to P.L.2009, c.307 (C.24:6I-1 et al.),  
32 except to the extent that such activities are otherwise authorized for a  
33 medical cannabis cultivator, medical cannabis manufacturer, or  
34 medical cannabis dispensary.<sup>5</sup>

35 e. <sup>5</sup>**A** clinical registrant issued a permit pursuant to this section  
36 may apply to the commission for a <sup>1</sup>Class 3 Cannabis Wholesaler  
37 license or for a<sup>1</sup> Class 1 Cannabis Grower license, a Class 2 Cannabis  
38 Processor <sup>1</sup>**License, a Class 3 Cannabis Wholesaler**<sup>1</sup> license, and a  
39 Class 4 Cannabis <sup>1</sup>**Retail** Retailer<sup>1</sup> license, and shall be authorized  
40 to <sup>1</sup>**concurrently hold one of each license type and**<sup>1</sup> engage in any  
41 activities authorized pursuant to <sup>1</sup>**the** any such<sup>1</sup> license <sup>1</sup>issued,  
42 provided that:

43 (1) a clinical registrant may concurrently hold a Class 1 Cannabis  
44 Grower license, a Class 2 Cannabis Processor license, and a Class 4  
45 Cannabis Retailer license;

46 (2) a clinical registrant that is issued a Class 3 Cannabis  
47 Wholesaler license shall not be authorized to concurrently hold a Class



1 1 Cannabis Grower license, a Class 2 Cannabis Processor license, or a  
2 Class 4 Cannabis Retailer license; and

3 (3) a clinical registrant that has been issued a Class 1 Cannabis  
4 Grower license, a Class 2 Cannabis Processor license, or a Class 4  
5 Cannabis Retailer license shall not be authorized to concurrently hold  
6 a Class 3 Cannabis Wholesaler license<sup>1</sup>.

7 <sup>1</sup>**[The]** <sup>1</sup>**A** clinical registrant <sup>1</sup>issued an adult use cannabis license  
8 pursuant to this subsection<sup>1</sup> shall be authorized to use the same  
9 premises for all activities authorized under P.L.2009, c.307 (C.24:6I-1  
10 et al.) and P.L. , c. (C. ) (pending before the Legislature as  
11 Senate Bill No. 2703) without being required to establish or maintain  
12 any physical barriers or separations between operations related to the  
13 medical use of cannabis and operations related to adult use cannabis,  
14 provided that the clinical registrant shall be required to certify to the  
15 commission that the clinical registrant has sufficient quantities of  
16 medical cannabis and medical cannabis products available to meet the  
17 reasonably anticipated treatment needs of registered qualifying  
18 patients as a condition of <sup>1</sup>**[selling]** engaging in activities related to  
19 the growing, producing, wholesaling, or retail sale of<sup>1</sup> adult use  
20 cannabis <sup>1</sup>**[at retail]** , as applicable<sup>1</sup>.

21 f.]<sup>5</sup> (1) A clinical registrant issued a permit pursuant to this  
22 section may conduct authorized activities related to medical cannabis  
23 <sup>5</sup>**[and, if applicable, adult use cannabis,]**<sup>5</sup> at more than one physical  
24 location, provided that each location is approved by the commission  
25 and is in the same region in which the academic medical center with  
26 which the clinical registrant has a contract is located.

27 (2) A clinical registrant may apply to the commission for approval  
28 to relocate an approved facility to another location in the same region,  
29 which application shall be approved unless the commission makes a  
30 specific determination that the proposed relocation would be  
31 inconsistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.)  
32 <sup>5</sup>**[and P.L. , c. (C. ) (pending before the Legislature as this**  
33 **bill)]<sup>5</sup>.** The denial of an application for relocation submitted pursuant  
34 to this paragraph shall be considered a final agency decision, subject to  
35 review by the Appellate Division of the Superior Court.

36 (3)The commission may authorize a clinical registrant to dispense  
37 medical cannabis and medical cannabis products from more than one  
38 physical location if the commission determines that authorizing  
39 additional dispensing locations is necessary for the clinical registrant  
40 to best serve and treat qualifying patients and clinical trial participants  
41 <sup>5</sup>.

42 (4) In no case shall a clinical registrant operate or be located on  
43 land that is valued, assessed or taxed as an agricultural or horticultural  
44 use pursuant to the "Farmland Assessment Act of 1964," P.L.1964,  
45 c.48 (C.54:4-23.1 et seq.)<sup>5</sup>.

46 <sup>5</sup>**[g.]** f.<sup>5</sup> A clinical registrant permit shall not be sold or  
47 transferred to any other entity <sup>4</sup>**[unless the commission finds that the**

1 sale or transfer of the permit is necessary to continue essential clinical  
2 research or the commission finds that the sale or transfer is otherwise  
3 consistent with the purposes of P.L.2009, c.307 (C.24:6I-1 et al.) and  
4 P.L. , c. (C. ) (pending before the Legislature as this bill). No  
5 sale or transfer of a clinical registrant permit shall be approved until  
6 each applicant at the entity applying to purchase or receive the transfer  
7 of the permit undergoes a criminal history record background check  
8 pursuant to subsection d. of section 7 of P.L.2009, c.307 (C.24:6I-7)]<sup>4</sup>.

9 <sup>5</sup>[h.] g.<sup>5</sup> Clinical registrant permits shall be valid for the term of  
10 the contractual relationship between the academic medical center and  
11 the clinical registrant. The commission may renew a clinical registrant  
12 permit to correspond to any renewal of the contractual relationship  
13 between the academic medical center and the clinical registrant.

14 <sup>5</sup>[i.] h.<sup>5</sup> Each clinical registrant shall submit the results of the  
15 clinical research obtained through an approved clinical registrant  
16 permit to the commission no later than one year following the  
17 conclusion of the research study or publication of the research study in  
18 a peer-reviewed medical journal. Nothing in this subsection shall be  
19 deemed to require the disclosure of any clinical research that would  
20 infringe on the intellectual property of the clinical registrant or on the  
21 confidentiality of patient information.

22 <sup>5</sup>[j.] i.<sup>5</sup> Application materials submitted to the commission  
23 pursuant to this section shall not be considered a public record  
24 pursuant to P.L.1963, c.73 <sup>1</sup>[, P.L.2001, c.404]<sup>1</sup> (C.47:1A-1 et <sup>1</sup>[al.],  
25 or the common law concerning access to public records] seq.) or  
26 P.L.2001, c.404 (C.47:1A-5 et al.)<sup>1</sup>.

27  
28 14. (New section) a. (1) The commission shall, within 18  
29 months following the commission's organization, and every three  
30 years thereafter, conduct a feasibility study concerning the potential  
31 for establishing a cannabis research and development permit type. In  
32 order to advance scientific and medical understanding concerning the  
33 potential uses of medical cannabis, and to ensure ongoing quality  
34 control in the collection of data and the aggregation of clinical,  
35 translational, and other research, the feasibility study shall assess the  
36 medical cannabis market and industry, current perspectives in the  
37 scientific and medical communities on medical cannabis, as well as  
38 those of other relevant disciplines, to determine the potential benefits  
39 of establishing a research and development permit type. Any cannabis  
40 research and development permit established by the commission shall  
41 be limited to advancing the use of cannabis as medicine, improving the  
42 lives of current registered qualifying patients as well as future patients  
43 who could derive therapeutic benefit from the use of cannabis, and  
44 furthering the knowledge of cannabis in the scientific and medical  
45 communities.

46 (2) The commission shall additionally assess the feasibility of  
47 securing State funding to support the award of a monetary grant in

1 conjunction with the issuance of a cannabis research and development  
2 permit to a successful applicant, following a competitive application  
3 process, as well as assess potential future regulations to apply to any  
4 cannabis research and development permits that are supported by  
5 private investment.

6 (3) Each feasibility study conducted pursuant to this subsection  
7 shall include at least one public hearing, at which the commission shall  
8 receive testimony from interested members of the public.

9 (4) The commission shall submit a report of its findings and  
10 conclusions to the Governor and, pursuant to section 2 of P.L.1991,  
11 c.164 (C.52:14-19.1), to the Legislature, within 90 days following the  
12 conclusion of each feasibility study.

13 b. The requirement to complete a feasibility study pursuant to  
14 subsection a. of this section shall expire at such time as the  
15 commission establishes a cannabis research and development permit  
16 type and promulgates rules and regulations with regard to the permit  
17 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
18 (C.52:14B-1 et seq.).

19 c. The commission may establish, by regulation, such additional  
20 permit types in connection with medical cannabis as the commission  
21 deems necessary and appropriate to maximize the effectiveness and  
22 efficiency of the State medical cannabis program and meet the needs  
23 of qualifying patients, health care practitioners, medical cannabis  
24 cultivators, medical cannabis manufacturers, <sup>5</sup>medical cannabis  
25 wholesalers,<sup>5</sup> medical cannabis dispensaries, and related entities. Such  
26 permits may include, but shall not be limited to, permits authorizing  
27 pharmacy practice sites licensed pursuant to P.L.2003, c.280 (C.45:14-  
28 40 et seq.) to be authorized to dispense medical cannabis to qualifying  
29 patients and their designated and institutional caregivers.

30  
31 15. (New section) a. A medical cannabis cultivator, medical  
32 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical  
33 cannabis dispensary, or clinical registrant may appoint a medical  
34 advisory board to provide advice to the medical cannabis cultivator,  
35 medical cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup>  
36 medical cannabis dispensary, or clinical registrant on all aspects of its  
37 business.

38 b. A medical advisory board appointed pursuant to this section  
39 shall comprise five members: three health care practitioners licensed  
40 or certified to practice in New Jersey; one qualifying patient who  
41 resides in the same area in which the medical cannabis cultivator,  
42 medical cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup>  
43 medical cannabis dispensary, or clinical registrant is located; and one  
44 individual who owns a business in the same area in which the medical  
45 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
46 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant is  
47 located. No owner, director, officer, or employee of a medical

1 cannabis cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
2 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant may  
3 serve on a medical advisory board. The membership of a medical  
4 advisory board shall be subject to commission approval.

5 c. A medical advisory board appointed pursuant to this section  
6 shall meet at least two times per calendar year.  
7

8 16. (New section) a. (1) An organization issued a permit to  
9 operate a medical cannabis cultivator, medical cannabis manufacturer,  
10 <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical cannabis dispensary, or  
11 clinical registrant <sup>5</sup>or that employs certified medical cannabis handlers  
12 for transfer or delivery of medical cannabis pursuant to section 27 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill<sup>5</sup> shall  
14 not be eligible for a State or local economic incentive.

15 (2) The issuance of a permit to operate a medical cannabis  
16 cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
17 wholesaler,<sup>5</sup> cannabis dispensary, or clinical registrant <sup>5</sup>or a  
18 certification to a handler employed by any entity to perform transfers  
19 or deliveries of medical cannabis pursuant to section 27 of P.L. , c.  
20 (C. ) (pending before the Legislature as this bill)<sup>5</sup> to an  
21 organization that has been awarded a State or local economic incentive  
22 shall invalidate the right of the organization to benefit from the  
23 economic incentive as of the date of issuance of the permit, except that  
24 an academic medical center that has entered into a contractual  
25 relationship with a clinical registrant shall not have any right to benefit  
26 from an economic incentive invalidated pursuant to this paragraph on  
27 the basis of that contractual relationship.

28 b. (1) A property owner, developer, or operator of a project to  
29 be used, in whole or in part, as a medical cannabis cultivator, medical  
30 cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> medical  
31 cannabis dispensary, or clinical registrant <sup>5</sup>or an entity that employs  
32 medical cannabis handlers to perform transfers or deliveries of medical  
33 cannabis pursuant to section 27 of P.L. , c. (C. ) (pending  
34 before the Legislature as this bill)<sup>5</sup> shall not be eligible for a State or  
35 local economic incentive during the period of time that the economic  
36 incentive is in effect.

37 (2) The issuance of a permit to operate a medical cannabis  
38 cultivator, medical cannabis manufacturer, <sup>5</sup>medical cannabis  
39 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant <sup>5</sup>or of a  
40 certification to a medical cannabis handler employed by any entity to  
41 perform transfers and deliveries of medical cannabis pursuant to  
42 section 27 of P.L. , c. (C. ) (pending before the Legislature as  
43 this bill)<sup>5</sup> at a location that is the subject of a State or local economic  
44 incentive shall invalidate the right of a property owner, developer, or  
45 operator to benefit from the economic incentive as of the date of  
46 issuance of the permit, except that an academic medical center that has  
47 entered into a contractual relationship with a clinical registrant shall

1 not have any right to benefit from an economic incentive invalidated  
2 pursuant to this paragraph on the basis of that contractual relationship.

3 c. As used in this section:

4 "Business" means any non-governmental person, association, for-  
5 profit or non-profit corporation, joint venture, limited liability  
6 company, partnership, sole proprietorship, or other form of business  
7 organization or entity.

8 "Governmental entity" means the State, a local unit of government,  
9 or a State or local government agency or authority.

10 "State or local economic incentive" means a financial incentive,  
11 awarded by a governmental entity to a business, or agreed to between  
12 a governmental entity and a business, for the purpose of stimulating  
13 economic development or redevelopment in New Jersey, including,  
14 but not limited to, a bond, grant, loan, loan guarantee, matching fund,  
15 tax credit, or other tax expenditure.

16 "Tax expenditure" means the amount of foregone tax collections  
17 due to any abatement, reduction, exemption, credit, or transfer  
18 certificate against any State or local tax.

19

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

22 8. The provisions of **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.)  
23 **<sup>5</sup>【,】** **and<sup>5</sup>** P.L.2015, c.158 (C.18A:40-12.22 et al.) **<sup>5</sup>【, and**  
24 P.L. , c. (C. ) (pending before the Legislature as this bill)】<sup>5</sup>  
25 shall not be construed to permit a person to:

26 a. operate, navigate, or be in actual physical control of any  
27 vehicle, aircraft, railroad train, stationary heavy equipment or vessel  
28 while under the influence of **【marijuana】** cannabis; or

29 b. smoke **【marijuana】** cannabis in a school bus or other form of  
30 public transportation, in a private vehicle unless the vehicle is not in  
31 operation, on any school grounds, in any correctional facility, at any  
32 public park or beach, at any recreation center, or in any place where  
33 smoking is prohibited pursuant to N.J.S.2C:33-13.

34 A person who commits an act as provided in this section shall be  
35 subject to such penalties as are provided by law.

36 (cf: P.L.2009, c.307, c.8)

37

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

40 10. a. A **【physician】** health care practitioner shall provide written  
41 instructions for a registered qualifying patient or **【his】** the patient's  
42 designated caregiver, or an institutional caregiver acting on behalf of  
43 the patient, to present to **【an alternative treatment center】** a medical  
44 cannabis dispensary or a clinical registrant concerning the total amount  
45 of usable **【marijuana】** cannabis that a patient may be dispensed, in  
46 weight, in a 30-day period, which amount shall not exceed **【two**  
47 ounces. If no amount is noted, the maximum amount that may be

1 dispensed at one time is two ounces] the maximum amount that may  
2 be authorized for the patient pursuant to subsection f. of this section.

3 b. A [physician] health care practitioner may issue multiple  
4 written instructions at one time authorizing the patient to receive a  
5 total of up to a [90-day] one year supply, provided that the following  
6 conditions are met:

7 (1) Each separate set of instructions shall be issued for a legitimate  
8 medical purpose by the [physician] health care practitioner, as  
9 provided in [this act] P.L.2009, c.307 (C.24:6I-1 et al.);

10 (2) Each separate set of instructions shall indicate the earliest date  
11 on which a [center] dispensary or clinical registrant may dispense the  
12 [marijuana] cannabis, except for the first dispensation if it is to be  
13 filled immediately; and

14 (3) The [physician] health care practitioner has determined that  
15 providing the patient with multiple instructions in this manner does not  
16 create an undue risk of diversion or abuse.

17 c. A registered qualifying patient or [his primary] the patient's  
18 designated caregiver, or an institutional caregiver acting on behalf of a  
19 qualifying patient, shall present <sup>1</sup>verification of<sup>1</sup> the patient's or  
20 caregiver's <sup>1</sup>[registry identification card] registration with the  
21 commission<sup>1</sup>, as applicable, and these written instructions to [the  
22 alternative treatment center] any medical cannabis dispensary or  
23 clinical registrant <sup>5</sup>at the time the patient or caregiver requests the  
24 dispensing or delivery of medical cannabis<sup>5</sup>, which <sup>5</sup>medical cannabis  
25 dispensary or clinical registrant<sup>5</sup> shall verify and log the  
26 documentation presented. An institutional caregiver shall additionally  
27 present an authorization executed by the patient certifying that the  
28 institutional caregiver is authorized to obtain medical cannabis on  
29 behalf of the patient. A [physician] health care practitioner may  
30 provide a copy of a written instruction by electronic or other means, as  
31 determined by the [commissioner] <sup>5</sup>[executive director]  
32 commission<sup>5</sup>, directly to [an alternative treatment center] a medical  
33 cannabis dispensary or a clinical registrant on behalf of a registered  
34 qualifying patient. The dispensation of [marijuana] medical cannabis  
35 pursuant to any written instructions shall occur within one <sup>5</sup>[month]  
36 year<sup>5</sup> of the date that the instructions were written or become eligible  
37 for dispensing, whichever is later, or the instructions are void.

38 d. [A patient may be registered at only one alternative treatment  
39 center at any time.] (deleted by amendment, P.L. , c. ) (pending  
40 before the Legislature as this bill)

41 e. Prior to dispensing medical cannabis to a qualifying patient, the  
42 patient's designated caregiver, or an institutional caregiver, the  
43 medical cannabis dispensary or clinical registrant shall access the  
44 system established pursuant to section 11 of P.L.2009, c.307 (C.45:1-  
45 45.1) to ascertain whether medical cannabis was dispensed <sup>5</sup>[for] to

1 or on behalf of<sup>5</sup> the patient by any medical cannabis dispensary or  
2 clinical registrant within the preceding 30 days. Upon dispensing  
3 medical cannabis to a qualifying patient, the patient's designated  
4 caregiver, or an institutional caregiver, the medical cannabis  
5 dispensary or clinical registrant shall transmit to the patient's health  
6 care practitioner information concerning the amount, strain, and form  
7 of medical cannabis that was dispensed.

8 f. (1) Except as provided in paragraph (2) of this subsection,<sup>5</sup> for  
9 a period of 18 months after the effective date of P.L. , c. (C. )  
10 (pending before the Legislature as this bill),<sup>5</sup> the maximum amount of  
11 usable cannabis that a patient may be dispensed, in weight, in a 30-day  
12 period, shall be <sup>5</sup>]:

13 (a) until January 1, 2019, two ounces in dried form or the  
14 equivalent amount in any other form;

15 (b) on or after January 1, 2019 and continuing until July 1, 2019,  
16 two and one-half ounces in dried form or the equivalent amount in any  
17 other form; and

18 (c) on or after July 1, 2019, three ounces in dried form or the  
19 equivalent amount in any other form] three ounces. Commencing 18  
20 months after the effective date of P.L. , c. (C. ) (pending  
21 before the Legislature as this bill), the maximum amount of usable  
22 cannabis that a patient may be dispensed shall prescribed by the  
23 commission by regulation<sup>5</sup> .

24 (2) The monthly limits set forth in paragraph (1) of this subsection  
25 shall not apply to patients who are terminally ill or who are currently  
26 receiving hospice care through a licensed hospice, which patients may  
27 be dispensed an unlimited amount of medical cannabis. Qualifying  
28 patients who are not receiving hospice care or who are not terminally  
29 ill may petition the commission, on a form and in a manner as the  
30 commission shall require by regulation, for an exemption from the  
31 monthly limits set forth in paragraph (1) of this paragraph, which  
32 petition the commission shall approve if the commission finds that  
33 granting the exemption is necessary to meet the patient's treatment  
34 needs and is consistent with the provisions of P.L.2009, c.307  
35 (C.24:6I-1 et al.).

36 g. The <sup>5</sup>[executive director] commission<sup>5</sup> shall establish, by  
37 regulation, curricula for health care practitioners and for staff at  
38 medical cannabis dispensaries and clinical registrants:

39 (1) The curriculum for health care practitioners shall be designed  
40 to assist practitioners in counseling patients with regard to the  
41 quantity, dosing, and administration of medical cannabis as shall be  
42 appropriate to treat the patient's qualifying medical condition. Health  
43 care practitioners shall complete the curriculum as a condition of  
44 authorizing patients for the medical use of cannabis; and

45 (2) The curriculum for employees of medical cannabis  
46 dispensaries and clinical registrants shall be designed to assist the  
47 employees in counseling patients with regard to determining the strain

1 and form of medical cannabis that is appropriate to treat the patient's  
2 qualifying medical condition. Employees of medical cannabis  
3 dispensaries and clinical registrants shall be required to complete the  
4 curriculum as a condition of registration with the commission.  
5 Completion of the curriculum may constitute part of the annual  
6 training required pursuant to paragraph (1) of subsection j. of section 7  
7 of P.L.2009, c.307 (C.24:6I-7).

8 h. <sup>5</sup>Commencing July 1, 2020, the amount of the sales tax that  
9 may be imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
10 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical  
11 cannabis dispensary or clinical registrant shall not exceed five percent.

12 Commencing July 1, 2022, the amount of the sales tax that may be  
13 imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
14 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical  
15 cannabis dispensary or clinical registrant shall not exceed three  
16 percent.

17 Commencing July 1, 2023, the amount of the sales tax that may be  
18 imposed under the "Sales and Use Tax Act," P.L.1966, c.30  
19 (C.54:32B-1 et seq.) on medical cannabis dispensed by a medical  
20 cannabis dispensary or clinical registrant shall not exceed one  
21 percent.]<sup>5</sup> Commencing <sup>5</sup>July 1, 2024 January 1, 2025<sup>5</sup> ,  
22 medical cannabis dispensed by a medical cannabis dispensary or  
23 clinical registrant shall not be subject to any tax imposed under the  
24 "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

25 <sup>1</sup>Any revenue collected pursuant to a tax imposed on the sale of  
26 medical cannabis under the "Sales and Use Tax Act," P.L.1966, c.30  
27 (C.54:32B-1 et seq.), shall be exclusively appropriated to programs for  
28 the treatment of mental health and substance use disorders.<sup>1</sup>

29 <sup>5</sup>i. A municipality in which a medical cannabis dispensary is  
30 located may adopt an ordinance imposing a transfer tax on any  
31 medical cannabis dispensed by the dispensary, including medical  
32 cannabis that is furnished by the dispensary to a medical cannabis  
33 handler for delivery to a registered qualifying patient or the patient's  
34 caregiver. The rate of a transfer tax established pursuant to this  
35 subsection shall be at the discretion of the municipality, except that in  
36 no case shall the rate exceed two percent of the purchase price of the  
37 medical cannabis.<sup>5</sup>

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

39  
40 19. Section 13 of P.L.2009, c.307 (C.24:6I-11) is amended to read  
41 as follows:

42 13. a. The **[commissioner]** <sup>5</sup>**[executive director]** commission<sup>5</sup>  
43 may accept from any governmental department or agency, public or  
44 private body or any other source grants or contributions to be used in  
45 carrying out the purposes of **[this act]** P.L.2009, c.307 (C.24:6I-1 et  
46 al.) <sup>5</sup>**[and P.L. , c. (C. ) (pending before the Legislature as this**  
47 bill)]<sup>5</sup>.



1        b. All fees collected pursuant to **【this act】** P.L.2009, c.307  
2 (C.24:6I-1 et al.) <sup>5</sup>**【and P.L. , c. (C. ) (pending before the**  
3 **Legislature as this bill)】**<sup>5</sup>, including those from qualifying patients,  
4 designated and institutional caregivers, and **【alternative treatment**  
5 **centers'】** initial, modification and renewal applications for alternative  
6 treatment centers, including medical cannabis cultivators, medical  
7 cannabis manufacturers, <sup>5</sup>medical cannabis wholesalers, <sup>5</sup> medical  
8 cannabis dispensaries, and clinical registrants, shall be used to offset  
9 the cost of the **【department's】** commission's administration of the  
10 provisions of **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**【and**  
11 **P.L. , c. (C. ) (pending before the Legislature as this bill)】**<sup>5</sup>.  
12 (cf: P.L.2009, c.307, s.13)

13  
14        20. Section 14 of P.L.2009, c.307 (C.24:6I-12) is amended to read  
15 as follows:

16        14. a. The commissioner, or after the effective date of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
18 <sup>5</sup>**【executive director】** commission<sup>5</sup> , shall report to the Governor, and  
19 to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
20 19.1):

21        (1) no later than one year after the effective date of **【this act】**  
22 P.L.2009, c.307 (C.24:6I-1 et al.), on the actions taken to implement  
23 the provisions of **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.); and

24        (2) annually thereafter on the number of applications for <sup>1</sup>**【registry**  
25 **identification cards】** registration with the commission<sup>1</sup>, the number of  
26 qualifying patients registered, the number of **【primary】** designated and  
27 institutional caregivers registered, the nature of the **【debilitating】**  
28 qualifying medical conditions of the patients, the number of <sup>1</sup>**【registry**  
29 **identification cards】** registrations<sup>1</sup> revoked, the number of **【alternative**  
30 **treatment center】** medical cannabis cultivator, medical cannabis  
31 manufacturer, <sup>5</sup>medical cannabis wholesaler, <sup>5</sup> and medical cannabis  
32 dispensary permits issued and revoked, the number and type of  
33 integrated curricula approved, established, and maintained in  
34 connection with an IC permit, the number of testing laboratories  
35 licensed, the number of clinical registrant permits issued and the  
36 nature of the clinical research conducted by each clinical registrant,  
37 any incidents of diversion of medical cannabis, information  
38 concerning racial, ethnic, <sup>5</sup>disabled veteran, <sup>5</sup> and gender diversity in  
39 the individuals issued and currently holding permits issued by the  
40 commission, <sup>5</sup>the number of permit applications received from  
41 businesses owned by minorities, disabled veterans, and women and the  
42 number of such applications that were approved, the business  
43 development initiatives undertaken by the Office of Minority,  
44 Disabled Veterans, and Women Medical Cannabis Business  
45 Development pursuant to section 32 of P.L. , c. (C. ) (pending  
46 before the Legislature as this bill) and the outcomes or effects of those

1 initiatives,<sup>5</sup> statistics concerning arrests for drug offenses throughout  
2 the State and in areas where medical cannabis dispensaries are located,  
3 including information concerning racial disparities in arrest rates for  
4 drug offenses generally and cannabis offenses in particular,<sup>5</sup>the  
5 number of motor vehicle stops by law enforcement involving  
6 violations of R.S.39:4-50, or section 5 of P.L.1990, c.103 (C.39:3-  
7 10.13) concerning operators of commercial motor vehicles, for driving  
8 under the influence of medical cannabis, or suspicion thereof,  
9 cataloged by the jurisdictions in which the stop occurred, and the race,  
10 ethnicity, gender, and age of the vehicle driver and any other vehicle  
11 occupants, the number of deliveries of medical cannabis performed  
12 and the percentage of total medical cannabis dispensations that were  
13 completed by delivery,<sup>5</sup> and the number of [physicians providing  
14 certifications for] health care practitioners authorizing patients for the  
15 medical use of cannabis, including the types of license or certification  
16 held by those practitioners.

17 b. The reports shall not contain any identifying information of  
18 patients, caregivers, or [physicians] health care practitioners.

19 c. Within two years after the effective date of [this act] P.L.2009,  
20 c.307 (C.24:6I-1 et al.) and every two years thereafter, the  
21 commissioner or, after the effective date of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
23 <sup>5</sup>[executive director] commission<sup>5</sup> , shall: evaluate whether there are  
24 sufficient numbers of [alternative treatment centers] medical cannabis  
25 cultivators, medical cannabis manufacturers,<sup>5</sup>medical cannabis  
26 wholesalers,<sup>5</sup> medical cannabis dispensaries, and clinical registrants to  
27 meet the needs of registered qualifying patients throughout the State;  
28 <sup>5</sup>[evaluate whether the maximum amount of medical [marijuana]  
29 cannabis allowed pursuant to [this act] P.L.2009, c.307 (C.24:6I-1 et  
30 al.) is sufficient to meet the medical needs of qualifying patients;]<sup>5</sup>  
31 and determine whether any [alternative treatment center] medical  
32 cannabis cultivator, medical cannabis manufacturer,<sup>5</sup>medical cannabis  
33 wholesaler,<sup>5</sup> medical cannabis dispensary, or clinical registrant has  
34 charged excessive prices [for marijuana] in connection with medical  
35 cannabis [that the center dispensed].

36 The commissioner or, after the effective date of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
38 <sup>5</sup>[executive director] commission<sup>5</sup> , shall report <sup>5</sup>[his] all such<sup>5</sup>  
39 findings no later than two years after the effective date of [this act]  
40 P.L.2009, c.307 (C.24:6I-1 et al.), and every two years thereafter, to  
41 the Governor, and to the Legislature pursuant to section 2 of P.L.1991,  
42 c.164 (C.52:14-19.1).

43 (cf: P.L.2009, c.307, s.14)

44  
45 21. Section 15 of P.L.2009, c.307 (C.24:6I-13) is amended to read  
46 as follows:

1 15. a. The **【Department of Health】** Cannabis Regulatory  
2 Commission is authorized to exchange fingerprint data with, and  
3 receive information from, the Division of State Police in the  
4 Department of Law and Public Safety and the Federal Bureau of  
5 Investigation for use in reviewing applications for individuals  
6 **【seeking】** who are required to complete a criminal history record  
7 background check in connection with applications to serve as  
8 **【primary】** designated caregivers or institutional caregivers pursuant to  
9 section 4 of P.L.2009, c.307 (C.24:6I-4), for licenses to operate as, or  
10 to be a director, officer, or employee of, medical cannabis testing  
11 laboratories pursuant to section 25 of P.L. , c. (C. ) (pending  
12 before the Legislature as this bill), for permits to operate as, or to be a  
13 director, officer, or employee of <sup>1</sup>or <sup>5</sup>**【an investor】** a significantly  
14 involved person<sup>5</sup> in<sup>1</sup> clinical registrants pursuant to section 13 of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
16 for permits to operate as, or to be a director, officer, or employee of,  
17 **【alternative treatment centers】** <sup>1</sup>or <sup>5</sup>**【an investor】** a significantly  
18 involved person<sup>5</sup> in<sup>1</sup> medical cannabis cultivators, medical cannabis  
19 manufacturers, <sup>5</sup>medical cannabis wholesalers,<sup>5</sup> and medical cannabis  
20 dispensaries pursuant to section 7 of P.L.2009, c.307 (C.24:6I-7).

21 b. The Division of State Police shall promptly notify the  
22 **【Department of Health】** Cannabis Regulatory Commission in the  
23 event an applicant seeking to serve as a **【primary】** designated or  
24 institutional caregiver, an applicant for a license to operate as, or to be  
25 a director, officer, or employee of, a medical cannabis testing  
26 laboratory, an applicant for a <sup>5</sup>**【license】** permit<sup>5</sup> to operate as, or to be  
27 a director, officer, or employee of, <sup>1</sup>or <sup>5</sup>**【an investor】** a significantly  
28 involved person<sup>5</sup> in<sup>1</sup> a clinical registrant, or an applicant for a permit  
29 to operate as, or to be a director, officer, or employee of, 【an  
30 alternative treatment center】 <sup>1</sup>or <sup>5</sup>**【an investor】** a significantly  
31 involved person<sup>5</sup> in<sup>1</sup> a medical cannabis cultivator, medical cannabis  
32 manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> or medical cannabis  
33 dispensary, who was the subject of a criminal history record  
34 background check conducted pursuant to subsection a. of this section,  
35 is convicted of a crime involving possession or sale of a controlled  
36 dangerous substance.

37 (cf: P.L.2012, c.17, s.91)

38

39 22. Section 16 of P.L.2009, c.307 (C.24:6I-14) is amended to read  
40 as follows:

41 16. Nothing in **【this act】** P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**【,】** or<sup>5</sup>  
42 P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**【, or P.L. , c. (C. )**  
43 (pending before the Legislature as this bill)]<sup>5</sup> shall be construed to  
44 require a government medical assistance program or private health  
45 insurer to reimburse a person for costs associated with the medical use  
46 of **【marijuana, or an employer to accommodate the medical use of**

1 marijuana in any workplace] cannabis, or to restrict or otherwise  
2 affect the distribution, sale, prescribing, and dispensing of any product  
3 that has been approved for marketing as a prescription drug or device  
4 by the federal Food and Drug Administration.

5 (cf: P.L.2009, c.307, s.16)

6  
7 23. Section 18 of P.L.2009, c.307 (C.24:6I-16) is amended to read  
8 as follows:

9 18. a. Pursuant to the "Administrative Procedure Act," P.L.1968,  
10 c.410 (C.52:14B-1 et seq.), the commissioner or, after the effective  
11 date of P.L. , c. (C. ) (pending before the Legislature as this  
12 bill), the <sup>5</sup>[executive director] commission<sup>5</sup> , shall promulgate rules  
13 and regulations to effectuate the purposes of [this act] P.L.2009, c.307  
14 (C.24:6I-1 et al.), in consultation with the Department of Law and  
15 Public Safety.

16 b. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1  
17 et seq.) to the contrary, the commissioner shall adopt, immediately  
18 upon filing with the Office of Administrative Law and no later than the  
19 90th day after the effective date of [this act] P.L.2009, c.307 (C.24:6I-  
20 1 et al.), such regulations as the commissioner deems necessary to  
21 implement the provisions of [this act] P.L.2009, c.307 (C.24:6I-1 et  
22 al.). Regulations adopted pursuant to this subsection shall be effective  
23 until the adoption of rules and regulations pursuant to subsection a. of  
24 this section and may be amended, adopted, or readopted by the  
25 commissioner in accordance with the requirements of P.L.1968, c.410  
26 (C.52:14B-1 et seq.).

27 c. No later than <sup>5</sup>[90] 180<sup>5</sup> days after the effective date of  
28 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
29 <sup>5</sup>[executive director] commission<sup>5</sup> shall promulgate rules and  
30 regulations to effectuate the purposes of P.L. , c. (C. )  
31 (pending before the Legislature as this bill). Rules and regulations  
32 adopted pursuant to this subsection shall, at a minimum:

33 (1) Specify the number of new medical cannabis cultivator,  
34 medical cannabis manufacturer, <sup>5</sup>medical cannabis wholesaler,<sup>5</sup> and  
35 medical cannabis dispensary permits the commission will issue in the  
36 first year next following the effective date of P.L. , c. (C. )  
37 (pending before the Legislature as this bill); and

38 (2) Establish recommended dosage guidelines for medical  
39 cannabis in each form available to qualifying patients that are  
40 equivalent to one ounce of medical cannabis in dried form. The  
41 <sup>5</sup>[executive director] commission<sup>5</sup> shall periodically review and  
42 update the dosage guidelines as appropriate, including to establish  
43 dosage guidelines for new forms of medical cannabis that become  
44 available.

45 <sup>5</sup>d. The commission may convene a task force comprised of  
46 individuals with expertise in matters pertaining to the medical  
47 cannabis industry to make recommendations to the commission

1 concerning the content of rules and regulations adopted by the  
2 commission to implement the provisions of P.L.2009, c.307 (C.24:6I-1  
3 et al.) and P.L. , c. (C. ) (pending before the Legislature as  
4 this bill).<sup>5</sup>  
5 (cf: P.L.2009, c.307, s.18)  
6

7 24. (New section) a. Each batch of medical cannabis cultivated by  
8 a medical cannabis cultivator or a clinical registrant and each batch of  
9 a medical cannabis product produced by a medical cannabis  
10 manufacturer or a clinical registrant shall be tested in accordance with  
11 the requirements of section 26 of P.L. , c. (C. ) (pending before  
12 the Legislature as this bill) by a laboratory licensed pursuant to section  
13 25 of P.L. , c. (C. ) (pending before the Legislature as this  
14 bill). The laboratory performing the testing shall produce a written  
15 report detailing the results of the testing, a summary of which shall be  
16 included in any packaging materials for medical cannabis and medical  
17 cannabis products dispensed to qualifying patients and their designated  
18 and institutional caregivers. The laboratory may charge a reasonable  
19 fee for any test performed pursuant to this section.

20 b. The requirements of subsection a. of this section shall take  
21 effect at such time as the <sup>5</sup>**[executive director]** commission<sup>5</sup> certifies  
22 that a sufficient number of laboratories have been licensed pursuant to  
23 section 25 of P.L. , c. (C. ) (pending before the Legislature as  
24 this bill) to ensure that all medical cannabis and medical cannabis  
25 products can be promptly tested and labeled without disrupting patient  
26 access to medical cannabis.  
27

28 25. (New section) a. A laboratory that performs testing services  
29 pursuant to section 24 of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) shall be licensed by the commission and may  
31 be subject to inspection by the commission to determine the condition  
32 and calibration of any equipment used for testing purposes and to  
33 ensure that testing is being performed in accordance with the  
34 requirements of section 26 of P.L. , c. (C. ) (pending before the  
35 Legislature as this bill).

36 b. There shall be no upper limit on the number of laboratories that  
37 may be licensed to perform testing services.

38 c. A person who has been convicted of a crime involving any  
39 controlled dangerous substance or controlled substance analog as set  
40 forth in chapter 35 of Title 2C of the New Jersey Statutes except  
41 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law of  
42 the United States or any other state shall not be issued a license to  
43 operate as or be a director, officer, or employee of a medical cannabis  
44 testing laboratory, unless such conviction occurred after the effective  
45 date of P.L.2009, c.307 (C.24:6I-1 et al.) and was for a violation of  
46 federal law relating to possession or sale of cannabis for conduct that  
47 is authorized under P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**[.]**

1 or<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>[, or  
2 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup>.

3 d. (1) The <sup>5</sup>[executive director] commission<sup>5</sup> shall require each  
4 applicant for licensure as a medical cannabis testing laboratory to  
5 undergo a criminal history record background check, except that no  
6 criminal history record background check shall be required for an  
7 applicant who completed a criminal history record background check  
8 as a condition of professional licensure or certification.

9 For purposes of this section, the term "applicant" shall include any  
10 owner, director, officer, or employee of a medical cannabis testing  
11 laboratory. The <sup>5</sup>[executive director] commission<sup>5</sup> is authorized to  
12 exchange fingerprint data with and receive criminal history record  
13 background information from the Division of State Police and the  
14 Federal Bureau of Investigation consistent with the provisions of  
15 applicable federal and State laws, rules, and regulations. The Division  
16 of State Police shall forward criminal history record background  
17 information to the <sup>5</sup>[executive director] commission<sup>5</sup> in a timely  
18 manner when requested pursuant to the provisions of this section.

19 An applicant who is required to undergo a criminal history record  
20 background check pursuant to this section shall submit to being  
21 fingerprinted in accordance with applicable State and federal laws,  
22 rules, and regulations. No check of criminal history record  
23 background information shall be performed pursuant to this section  
24 unless the applicant has furnished the applicant's written consent to  
25 that check. An applicant who is required to undergo a criminal history  
26 record background check pursuant to this section who refuses to  
27 consent to, or cooperate in, the securing of a check of criminal history  
28 record background information shall not be considered for a license to  
29 operate, or authorization to be employed at, a medical cannabis testing  
30 laboratory. An applicant shall bear the cost for the criminal history  
31 record background check, including all costs of administering and  
32 processing the check.

33 (2) The <sup>5</sup>[executive director] commission<sup>5</sup> shall not approve an  
34 applicant for a license to operate, or authorization to be employed at, a  
35 medical cannabis testing laboratory if the criminal history record  
36 background information of the applicant reveals a disqualifying  
37 conviction as set forth in subsection c. of this section.

38 (3) Upon receipt of the criminal history record background  
39 information from the Division of State Police and the Federal Bureau  
40 of Investigation, the <sup>5</sup>[executive director] commission<sup>5</sup> shall provide  
41 written notification to the applicant of the applicant's qualification for  
42 or disqualification for a permit to operate or be a director, officer, or  
43 employee of a medical cannabis testing laboratory.

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

1 (4) The Division of State Police shall promptly notify the  
2 <sup>5</sup>[executive director] commission<sup>5</sup> in the event that an individual who  
3 was the subject of a criminal history record background check  
4 conducted pursuant to this section is convicted of a crime or offense in  
5 this State after the date the background check was performed. Upon  
6 receipt of that notification, the <sup>5</sup>[executive director] commission<sup>5</sup>  
7 shall make a determination regarding the continued eligibility to  
8 operate or be a director, officer, or employee of a medical cannabis  
9 testing laboratory.

10 (5) Notwithstanding the provisions of subsection c. of this section  
11 to the contrary, the <sup>5</sup>[executive director] commission<sup>5</sup> may offer  
12 provisional authority for an applicant to be an owner, director, officer,  
13 or employee of a medical cannabis testing laboratory for a period not  
14 to exceed three months if the applicant submits to the <sup>5</sup>[executive  
15 director] commission<sup>5</sup> a sworn statement attesting that the person has  
16 not been convicted of any disqualifying conviction pursuant to this  
17 section.

18 (6) Notwithstanding the provisions of subsection c. of this section  
19 to the contrary, no applicant to be an owner, director, officer, or  
20 employee of a medical cannabis testing laboratory shall be disqualified  
21 on the basis of any conviction disclosed by a criminal history record  
22 background check conducted pursuant to this section if the individual  
23 has affirmatively demonstrated to the <sup>5</sup>[executive director]  
24 commission<sup>5</sup> clear and convincing evidence of rehabilitation. In  
25 determining whether clear and convincing evidence of rehabilitation  
26 has been demonstrated, the following factors shall be considered:

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

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

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

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

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

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

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

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

44  
45 26. (New section) a. The commission shall establish, by  
46 regulation, standardized requirements and procedures for testing  
47 medical cannabis and medical cannabis products.

1 b. Any test performed on medical cannabis or on a medical  
2 cannabis product shall include <sup>3</sup>[, at a minimum,]<sup>3</sup> liquid  
3 chromatography analysis to determine chemical composition and  
4 potency, and <sup>3</sup>, at a minimum,<sup>3</sup> screening for <sup>3</sup>each of the following:

5 (1) microbial<sup>3</sup> contamination <sup>3</sup>[[by biologic contaminants,]<sup>3</sup>;

6 (2)<sup>3</sup> foreign material <sup>3</sup>[[,]<sup>3</sup>;

7 (3)<sup>3</sup> residual pesticides <sup>3</sup>[[, and]<sup>3</sup>;

8 (4)<sup>3</sup> other agricultural residue and residual solvents <sup>3</sup>; and

9 (5) heavy metals<sup>3</sup>.

10 c. Laboratories shall use the dosage equivalence guidelines  
11 developed by the commission pursuant to paragraph (2) of subsection  
12 c. of section 18 of P.L.2009, c.307 (C.24:6I-16) when testing and  
13 determining the potency of medical cannabis products.

14 d. <sup>3</sup>[[Equipment used by a licensed laboratory for testing purposes  
15 shall be] As a condition of licensure, each laboratory shall certify its  
16 intention to seek third party accreditation in accordance with ISO  
17 17025 standards in order to ensure equipment is<sup>3</sup> routinely inspected,  
18 calibrated, and maintained <sup>3</sup>[[in accordance with national standards or,  
19 if national standards are not available, with the manufacturer's  
20 specifications. Calibration procedures shall include specific directions  
21 and limits for accuracy and precision, and provisions for remedial  
22 action when these limits are not met. Each licensed laboratory shall  
23 maintain records of all inspection, calibration, and maintenance  
24 activities, which shall be made available to the commission upon  
25 request] until such time as the commission issues its own standards or  
26 confirms the use of ISO 17025<sup>3</sup>.

27 e. Until such time as the commission establishes the standards  
28 required by this section, a licensed laboratory <sup>3</sup>[[may utilize testing  
29 standards established by any other] shall utilize the testing standards  
30 established by another<sup>3</sup> state with a medical cannabis program <sup>3</sup>,  
31 which state shall be designated by the <sup>5</sup>[[executive director<sup>3</sup>]  
32 commission<sup>5</sup>.

33  
34 <sup>5</sup>27. (New section) a. An individual who performs work for or on  
35 behalf of a medical cannabis cultivator, medical cannabis  
36 manufacturer, medical cannabis wholesaler, or medical cannabis  
37 dispensary, issued a permit pursuant to section 7 of P.L.2009, c.307  
38 (C.24:6I-7), a clinical registrant issued a permit pursuant to section 13  
39 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
40 or a testing laboratory licensed pursuant to section 25 of P.L. , c.  
41 (C. ) (pending before the Legislature as this bill) shall hold a valid  
42 medical cannabis handler certification issued by the commission  
43 pursuant to this section if the individual participates in any activity  
44 involving obtaining, possessing, cultivating, processing,  
45 manufacturing, creating, testing, transporting, transferring, relocating,  
46 reselling, warehousing, dispensing, or delivering medical cannabis.



1        b. An entity issued a permit pursuant to section 7 of P.L.2009,  
2 c.307 (C.24:6I-7) or section 13 of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill) or a license pursuant to section 25 of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill) shall  
5 verify that, before allowing any individual to perform any work  
6 described in subsection a. of this section at the premises for which the  
7 permit has been issued, the individual holds a valid medical cannabis  
8 handler certification issued pursuant to this section.

9        c. The commission shall issue medical cannabis handler  
10 certifications to qualified applicants to perform work described in  
11 subsection a. of this section. The commission shall adopt rules and  
12 regulations establishing: the qualifications for performing work  
13 described in subsection a. of this section; the terms of a medical  
14 cannabis handler certification issued pursuant to this section;  
15 procedures for applying for and renewing a medical cannabis handler  
16 certification issued pursuant to this section; and reasonable  
17 application, issuance, and renewal fees for a medical cannabis handler  
18 certification issued pursuant to this section.

19        d. The commission may require an individual applying for a  
20 medical cannabis handler certification under this section to  
21 successfully complete a course, to be made available by or through the  
22 commission, in which the individual receives training on: verifying the  
23 registration status of patients, designated caregivers, and institutional  
24 caregivers; handling medical cannabis; statutory and regulatory  
25 provisions relating to medical cannabis; and any matter deemed  
26 necessary by the commission to protect the public health and safety.  
27 The commission or other provider may charge a reasonable fee for the  
28 course.

29        The commission shall not require an individual to successfully  
30 complete the course required pursuant to this subsection more than  
31 once, except that the commission may adopt regulations directing  
32 continuing education training on a prescribed schedule. The course  
33 may comprise part of the eight hours of training required for  
34 employees of medical cannabis cultivators, medical cannabis  
35 manufacturers, medical cannabis wholesalers, medical cannabis  
36 dispensaries, and clinical registrants pursuant to paragraph (1) of  
37 subsection j. of section 7 of P.L.2009, c.307 (C.24:6I-7).

38        As part of a final order suspending a medical cannabis handler  
39 certification issued pursuant to this section, the commission may  
40 require the holder of a medical cannabis handler certification to  
41 successfully complete the course described in this subsection as a  
42 condition of lifting the suspension; and as part of a final order  
43 revoking a medical cannabis handler certification issued pursuant to  
44 this section, the commission shall require an individual to successfully  
45 complete the course described in this subsection prior to applying for a  
46 new medical cannabis handler certification.

47        e. The commission shall deny an application to any applicant who  
48 fails to provide information, documentation, and assurances as

1 required by P.L.2009, c.307 (C.24:6I-1 et al.) or as requested by the  
2 commission, or who fails to reveal any fact material to qualification, or  
3 who supplies information which is untrue or misleading as to a  
4 material fact pertaining to the qualification criteria for medical  
5 cannabis handler certification.

6 f. The commission may suspend, revoke, or refuse to renew a  
7 medical cannabis handler certification if the individual who is  
8 applying for or who holds the certification: violates any provision of  
9 P.L.2009, c.307 (C.24:6I-1 et al.) or any rule or regulation adopted by  
10 the commission; makes a false statement to the commission; or refuses  
11 to cooperate in any investigation by the commission.

12 g. A medical cannabis handler certification issued pursuant to this  
13 section is a personal privilege and permits work described in  
14 subsection a. of this section only for the individual who holds the  
15 certification.

16 h. The commission shall enact rules and regulations governing the  
17 transfer of medical cannabis and medical cannabis products between  
18 medical cannabis cultivators, medical cannabis manufacturers, medical  
19 cannabis wholesalers, medical cannabis dispensaries, clinical  
20 registrants, and testing laboratories, which regulations shall require, at  
21 a minimum:

22 (1) Transfer of medical cannabis and medical cannabis products  
23 shall be made directly to the medical cannabis cultivator, medical  
24 cannabis manufacturer, medical cannabis wholesaler, medical cannabis  
25 dispensary, clinical registrant, or testing laboratory receiving the  
26 medical cannabis or medical cannabis product.

27 (2) Transfers shall be performed by a medical cannabis handler  
28 who is certified by the department to perform transfers and is at least  
29 18 years of age. Transfers of medical cannabis may be performed by a  
30 medical cannabis handler who is an employee of the medical cannabis  
31 cultivator, medical cannabis manufacturer, medical cannabis  
32 wholesaler, medical cannabis dispensary, or clinical registrant  
33 providing or receiving the transfer or by an independent third party  
34 who has entered into a contract with a medical cannabis cultivator,  
35 medical cannabis manufacturer, medical cannabis wholesaler, medical  
36 cannabis dispensary, or clinical registrant to perform transfers of  
37 medical cannabis, which contract may provide for a one-time transfer  
38 of medical cannabis or for ongoing transfers of medical cannabis. A  
39 medical cannabis handler holding a transfer certification issued by the  
40 commission may simultaneously hold a delivery certification issued by  
41 the commission, subject to the requirements of paragraph (2) of  
42 subsection i. of this section.

43 (3) Medical cannabis shall not be transferred to an address located  
44 on land owned by the federal government or any address on land or in  
45 a building leased by the federal government.

46 (4) All transfers of medical cannabis shall be made in person. A  
47 transfer of medical cannabis shall not be made through the use of an  
48 unmanned vehicle.

1       (5) Each certified medical cannabis handler shall carry a copy of  
2 the individual's medical cannabis handler certification card and  
3 transfer certification card when performing a transfer. The medical  
4 cannabis handler shall present the certification cards upon request to  
5 State and local law enforcement and to State and local regulatory  
6 authorities and agencies.

7       (6) Each certified medical cannabis handler engaged in a transfer  
8 of medical cannabis shall have access to a secure form of  
9 communication with the medical cannabis cultivator, medical cannabis  
10 manufacturer, medical cannabis wholesaler, medical cannabis  
11 dispensary, or clinical registrant that furnished the medical cannabis to  
12 the handler for transfer, such as a cellular telephone, at all times that  
13 the handler is in possession of medical cannabis for transfer.

14       (7) During transfer, the certified medical cannabis handler shall  
15 maintain a physical or electronic copy of the transfer order, and shall  
16 make it available upon request to State and local law enforcement and  
17 to State and local regulatory authorities and agencies.

18       (8) Vehicles used for the transfer of medical cannabis shall be  
19 equipped with a secure lockbox in a secured cargo area, which shall be  
20 used for the sanitary and secure transport of medical cannabis.

21       (9) A certified medical cannabis handler shall not leave medical  
22 cannabis in an unattended vehicle unless the vehicle is locked and  
23 equipped with an active vehicle alarm system.

24       (10) A transfer vehicle shall contain a Global Positioning System  
25 (GPS) device for identifying the geographic location of the vehicle.  
26 The device shall be either permanently or temporarily affixed to the  
27 vehicle while the vehicle is in operation, and the device shall remain  
28 active and in the possession of the certified medical cannabis handler  
29 at all times while the vehicle is being used for the transfer of medical  
30 cannabis. At all times, the medical cannabis cultivator, medical  
31 cannabis manufacturer, medical cannabis wholesaler, medical cannabis  
32 dispensary, or clinical registrant that furnished the medical cannabis to  
33 the handler for transfer shall be able to identify the geographic location  
34 of all vehicles that are making transfers for that entity and shall  
35 provide that information to the commission upon request.

36       (11) Each entity that employs a medical cannabis handler certified  
37 to perform transfers of medical cannabis shall provide the commission  
38 with current information concerning all vehicles utilized for medical  
39 cannabis transfers, including each vehicle's make, model, color,  
40 Vehicle Identification Number, license plate number, and vehicle  
41 registration.

42       (12) Each medical cannabis cultivator, medical cannabis  
43 manufacturer, medical cannabis wholesaler, medical cannabis  
44 dispensary, and clinical registrant that engages in, or contracts with an  
45 independent third party to perform, transfers of medical cannabis shall  
46 maintain current hired and non-owned automobile liability insurance  
47 sufficient to insure all transfer vehicles in the amount of not less than  
48 \$1,000,000 per occurrence or accident.

1       (13) Transfer vehicles shall bear no markings that would either  
2 identify or indicate that the vehicle is used to transport medical  
3 cannabis.

4       (14) All transfers of medical cannabis shall be completed in a  
5 timely and efficient manner.

6       (15) While performing transfers of medical cannabis, a certified  
7 medical cannabis handler shall only travel from the premises of the  
8 medical cannabis cultivator, medical cannabis manufacturer, medical  
9 cannabis wholesaler, medical cannabis dispensary, or clinical  
10 registrant furnishing the medical cannabis to the transfer address; from  
11 one transfer address to another transfer address; from a testing  
12 laboratory back to the medical cannabis cultivator, medical cannabis  
13 manufacturer, or clinical registrant that furnished the medical cannabis  
14 for testing purposes, or from a transfer address back to the premises of  
15 the medical cannabis handler's employer. A medical cannabis handler  
16 shall not deviate from the route described in this paragraph, except in  
17 the event of emergency or as necessary for rest, fuel, or vehicle repair  
18 stops, or because road conditions make continued use of the route or  
19 operation of the vehicle unsafe, impossible, or impracticable.

20       (16) The process of transfer shall begin when the certified medical  
21 cannabis handler leaves the premises of the medical cannabis  
22 cultivator, medical cannabis manufacturer, medical cannabis  
23 wholesaler, medical cannabis dispensary, clinical registrant, or testing  
24 laboratory with medical cannabis for transfer. The process of  
25 transferring medical cannabis ends when the medical cannabis handler  
26 returns to the premises of the medical cannabis handler's employer  
27 after completing the transfer.

28       (17) Each medical cannabis handler performing transfers of  
29 medical cannabis shall maintain a record of each transfer in a log,  
30 which may be written or electronic. For each transfer, the log shall  
31 record:

- 32       (a) The date and time that the transfer began and ended;  
33       (b) The handler's name, medical cannabis handler certification  
34 number, and medical cannabis transfer certification number;  
35       (c) The tracking number of the medical cannabis; and  
36       (d) The signature and employee identification number of the  
37 employee accepting the transfer.

38       (18) A medical cannabis handler shall report any vehicle accidents,  
39 diversions, losses, or other reportable events that occur during transfer  
40 of medical cannabis to the appropriate State and local authorities,  
41 including the commission. A medical cannabis cultivator, medical  
42 cannabis manufacturer, medical cannabis wholesaler, medical cannabis  
43 dispensary, or clinical registrant furnishing medical cannabis for  
44 transfer or accepting the transfer of medical cannabis shall have no  
45 criminal liability for any vehicle accidents, diversions, losses, or other  
46 reportable events that occur during the transfer.

47       i. The commission shall enact rules and regulations governing the  
48 delivery of medical cannabis, including medical cannabis products, to

1 a registered qualifying patient, designated caregiver, or institutional  
2 caregiver by a medical cannabis dispensary, which regulations shall  
3 require, at a minimum:

4 (1) Delivery of medical cannabis shall only be made to a registered  
5 qualifying patient at the patient's home or secondary address, to the  
6 patient's designated caregiver at the caregiver's home address, or  
7 directly to the patient's institutional caregiver at the health care facility  
8 where the patient is a current patient or resident; except that the  
9 commission shall establish a process for registered qualifying patients  
10 to request delivery directly to the patient at an alternate address in  
11 cases of need.

12 (2) Deliveries shall be performed by a medical cannabis handler  
13 who is certified by the department to perform deliveries, is at least 18  
14 years of age, is not employed by any medical cannabis cultivator,  
15 medical cannabis manufacturer, medical cannabis wholesaler, medical  
16 cannabis dispensary, or clinical registrant or by an owner, officer,  
17 director, or significantly involved person in a medical cannabis  
18 cultivator, medical cannabis manufacturer, medical cannabis  
19 wholesaler, medical cannabis dispensary, or clinical registrant, and has  
20 entered into a contract with a medical cannabis dispensary or clinical  
21 registrant to perform deliveries of medical cannabis, which contract  
22 may provide for a one-time delivery or for ongoing deliveries of  
23 medical cannabis. A medical cannabis handler holding a delivery  
24 certification issued by the commission may simultaneously hold a  
25 transfer certification issued by the commission.

26 (3) Medical cannabis shall not be delivered to an address located  
27 on land owned by the federal government or any address on land or in  
28 a building leased by the federal government.

29 (4) All deliveries of medical cannabis shall be made in person.  
30 Delivery of medical cannabis shall not be made through the use of an  
31 unmanned vehicle.

32 (5) Each certified medical cannabis handler shall carry a copy of  
33 the individual's medical cannabis handler certification card and  
34 delivery certification card when performing a delivery of medical  
35 cannabis. The medical cannabis handler shall present the certification  
36 cards upon request to State and local law enforcement and to State and  
37 local regulatory authorities and agencies.

38 (6) Each certified medical cannabis handler engaged in a delivery  
39 of medical cannabis shall have access to a secure form of  
40 communication with the medical cannabis dispensary or clinical  
41 registrant that furnished the medical cannabis to the handler for  
42 delivery, such as a cellular telephone, at all times that the handler is in  
43 possession of medical cannabis for delivery.

44 (7) During delivery, the certified medical cannabis handler shall  
45 maintain a physical or electronic copy of the delivery request, and  
46 shall make it available upon request to State and local law enforcement  
47 and to State and local regulatory authorities and agencies.

- 1       (8) Delivery vehicles shall be equipped with a secure lockbox in a  
2 secured cargo area, which shall be used for the sanitary and secure  
3 transport of medical cannabis.
- 4       (9) A certified medical cannabis handler shall not leave medical  
5 cannabis in an unattended vehicle unless the vehicle is locked and  
6 equipped with an active vehicle alarm system.
- 7       (10) A delivery vehicle shall contain a Global Positioning System  
8 (GPS) device for identifying the geographic location of the vehicle.  
9 The device shall be either permanently or temporarily affixed to the  
10 vehicle while the vehicle is in operation, and the device shall remain  
11 active and in the possession of the certified medical cannabis handler  
12 at all times during which the vehicle is engaged in the delivery of  
13 medical cannabis. At all times, the medical cannabis dispensary or  
14 clinical registrant that furnished the medical cannabis to the handler  
15 for delivery shall be able to identify the geographic location of all  
16 vehicles that are making deliveries for that entity and shall provide that  
17 information to the commission upon request.
- 18       (11) Each entity that employs a medical cannabis handler certified  
19 to deliver medical cannabis shall provide the commission with current  
20 information concerning all vehicles utilized for medical cannabis  
21 deliveries, including each vehicle's make, model, color, Vehicle  
22 Identification Number, license plate number, and vehicle registration.
- 23       (12) A medical cannabis dispensary or clinical registrant furnishing  
24 medical cannabis to a medical cannabis handler for delivery shall  
25 maintain current hired and non-owned automobile liability insurance  
26 sufficient to insure all delivery vehicles in the amount of not less than  
27 \$1,000,000 per occurrence or accident.
- 28       (13) Delivery vehicles shall bear no markings that would either  
29 identify or indicate that the vehicle is used to transport medical  
30 cannabis.
- 31       (14) All deliveries of medical cannabis shall be completed in a  
32 timely and efficient manner.
- 33       (15) While performing deliveries of medical cannabis, a certified  
34 medical cannabis handler shall only travel from the premises of the  
35 medical cannabis dispensary or clinical registrant furnishing the  
36 medical cannabis to the delivery address; from one delivery address to  
37 another delivery address; or from a delivery address back to the  
38 premises of the medical cannabis handler's employer. A medical  
39 cannabis handler shall not deviate from the route described in this  
40 paragraph, except in the event of emergency or as necessary for rest,  
41 fuel, or vehicle repair stops, or because road conditions make  
42 continued use of the route or operation of the vehicle unsafe,  
43 impossible, or impracticable.
- 44       (16) The process of delivery shall begin when the certified medical  
45 cannabis handler leaves the premises of the medical cannabis  
46 dispensary or clinical registrant with medical cannabis for delivery.  
47 The process of delivering medical cannabis ends when the medical

1 cannabis handler returns to the premises of the medical cannabis  
2 handler's employer after completing the delivery.

3 (17) Each medical cannabis handler performing deliveries of  
4 medical cannabis shall maintain a record of each delivery in a log,  
5 which may be written or electronic. For each delivery, the log shall  
6 record:

7 (a) The date and time that the delivery began and ended;

8 (b) The handler's name, medical cannabis handler certification  
9 number, and medical cannabis delivery certification number;

10 (c) The tracking number of the medical cannabis; and

11 (d) The signature and registry number of the patient or caregiver  
12 who accepted delivery.

13 (18) A medical cannabis handler shall report any vehicle accidents,  
14 diversions, losses, or other reportable events that occur during delivery  
15 of medical cannabis to the appropriate State and local authorities,  
16 including the commission. A medical cannabis cultivator, medical  
17 cannabis manufacturer, medical cannabis wholesaler, medical cannabis  
18 dispensary, or clinical registrant furnishing medical cannabis for  
19 delivery shall have no civil or criminal liability for any vehicle  
20 accidents, diversions, losses, or other reportable events that occur  
21 during delivery after such time as the cultivator, manufacturer,  
22 wholesaler, dispensary, or clinical registrant, as applicable, furnishes  
23 medical cannabis to the medical cannabis handler making the delivery.

24 (19) Subject to the requirements of paragraph (2) of this  
25 subsection, a medical cannabis dispensary or clinical registrant shall be  
26 authorized to use any medical cannabis handler for the purposes of  
27 delivering medical cannabis, and, subject to the requirements of  
28 paragraph (2) of this subsection, a medical cannabis handler  
29 possessing a delivery certification shall be authorized to provide  
30 medical cannabis transport services to any medical cannabis  
31 dispensary or clinical registrant.

32 j. Medical cannabis may be transferred or delivered, consistent  
33 with the requirements of subsections h. and i. of this section,  
34 respectively, to any location in the State. In no case may a  
35 municipality restrict transfers or deliveries of medical cannabis within  
36 that municipality by adoption of municipal ordinance or any other  
37 measure, and any restriction to the contrary shall be deemed void and  
38 unenforceable.

39 k. The commission may authorize the use of an Internet-based  
40 web service developed and maintained by an independent third party  
41 entity that does not hold any permit, license, or certificate issued  
42 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), and is not a significantly  
43 involved person or other investor in any permit holder, which web  
44 service may be used by registered qualifying patients, designated  
45 caregivers, and institutional caregivers to request or schedule  
46 deliveries of medical cannabis pursuant to subsection i. of this  
47 section.<sup>5</sup>

1           <sup>5</sup>28. (New section) a. A municipality may authorize, through the  
2 enactment of an ordinance, the operation of locally endorsed medical  
3 cannabis consumption areas by medical cannabis dispensaries and  
4 clinical registrants within its jurisdiction, at which areas the on-  
5 premises consumption of medical cannabis may occur.

6           b. Applications for an endorsement pursuant to this section shall  
7 be made to the commission in a form and manner as shall be  
8 prescribed the commission and shall set forth such information as the  
9 commission may require. Each application shall be verified by the  
10 oath or affirmation of such persons as the commission may prescribe.  
11 The endorsement shall be conditioned upon approval by a  
12 municipality. An applicant is prohibited from operating a cannabis  
13 consumption area without State and local approval. If the applicant  
14 does not receive approval from the municipality within one year after  
15 the date of State approval, the State endorsement shall expire and may  
16 not be renewed. If an application is denied by the municipality or the  
17 approval of the municipality is revoked, the commission shall revoke  
18 the State endorsement. Any person aggrieved by the local denial of an  
19 endorsement application may request a hearing in the Superior Court  
20 of the county in which the application was filed. The request for a  
21 hearing shall be filed within 30 days after the date the application was  
22 denied. The person shall serve a copy of the person's request for a  
23 hearing upon the appropriate officer for the municipality that denied  
24 the application. The hearing shall be held and a record made thereof  
25 within 30 days after the receipt of the application for a hearing. No  
26 formal pleading and no filing fee shall be required for the hearing.

27           c. (1) The commission shall deny a State endorsement if the  
28 premises on which the applicant proposes to conduct its business does  
29 not meet the requirements of P.L.2009, c.307 (C.24:6I-1 et al.) or for  
30 reasons set forth in this section. The commission may revoke or deny  
31 an endorsement renewal, or reinstatement, or an initial endorsement  
32 for good cause.

33           (2) For purposes of this subsection "good cause" means:

34           (a) the endorsed permit holder or applicant has violated, does not  
35 meet, or has failed to comply with, any of the terms, conditions, or  
36 provisions of this section, any rules promulgated pursuant to this  
37 section, or any supplemental local laws, rules, or regulations;

38           (b) the endorsed permit holder or applicant has failed to comply  
39 with any special terms or conditions that were placed on its  
40 endorsement by the commission or municipality; or

41           (c) the premises have been operated in a manner that adversely  
42 affects the public health or the safety of the immediate neighborhood  
43 in which the medical cannabis consumption area is located.

44           (3) Any commission decision made pursuant to this subsection  
45 shall be considered a final agency decision for the purposes of the  
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
47 and may be subject to judicial review as provided in the Rules of  
48 Court.



1       d. A medical cannabis consumption area endorsement shall be  
2 valid for one year and may be renewed annually, subject to the  
3 approval of the commission and the municipality as set forth in this  
4 section. The commission shall establish by rule the amount of the  
5 application fee and renewal fee for the endorsement, which shall not  
6 exceed the administrative cost for processing and reviewing the  
7 application.

8       e. The commission shall maintain a list of all medical cannabis  
9 consumption areas in the State and shall make the list available on its  
10 Internet website.

11       f. A medical cannabis consumption area shall be located on the  
12 premises of a medical cannabis dispensary or clinical registrant, may  
13 be indoors or outdoors, and shall be designated by conspicuous  
14 signage.

15       (1) An indoor medical cannabis consumption area shall be a  
16 structurally enclosed area within a medical cannabis dispensary or  
17 clinical registrant facility that is separated by solid walls or windows  
18 from the area in which medical cannabis is dispensed and shall only be  
19 accessible through an interior door after first entering the facility.

20       (2) An outdoor medical cannabis consumption area shall be an  
21 exterior structure on the same premises as the medical cannabis  
22 dispensary or clinical registrant facility, that is either separate from or  
23 connected to the facility, and that is not required to be completely  
24 enclosed, but shall have sufficient walls, fences, or other barriers to  
25 prevent any view of patients consuming medical cannabis from any  
26 sidewalk or other pedestrian or non-motorist right-of-way, as the case  
27 may be, within the consumption area.

28       (3) Nothing in this subsection shall be construed to authorize the  
29 consumption of medical cannabis by smoking in any indoor public  
30 place or workplace, as those terms are defined in subsection 3 of  
31 P.L.2005, c.383 (C.26:3D-57), and the medical cannabis dispensary or  
32 clinical registrant operating the consumption area shall ensure that any  
33 smoking of medical cannabis that occurs in an outdoor medical  
34 cannabis consumption area does not result in migration, seepage, or  
35 recirculation of smoke to any indoor public place or workplace. The  
36 commission may require a consumption area to include any ventilation  
37 features as the commission deems necessary and appropriate.

38       g. (1) A medical cannabis dispensary or clinical registrant  
39 holding a medical cannabis consumption area endorsement, and the  
40 employees of the dispensary or clinical registrant, subject to any  
41 regulations for medical cannabis consumption areas promulgated by  
42 the commission, may permit a person to bring medical cannabis into a  
43 medical cannabis consumption area.

44       (2) A medical cannabis dispensary or clinical registrant holding a  
45 medical cannabis consumption area endorsement shall not sell alcohol,  
46 including fermented malt beverages or malt, vinous, or spirituous  
47 liquor, sell tobacco or nicotine products, or allow the consumption of

1 alcohol, tobacco, or nicotine products on premises, or operate as a  
2 retail food establishment.

3 (3) A medical cannabis dispensary or clinical registrant holding a  
4 medical cannabis consumption area endorsement shall not allow on-  
5 duty employees of the establishment to consume any medical cannabis  
6 in the consumption area.

7 h. Access to a medical cannabis consumption area shall be  
8 restricted to employees of the medical cannabis dispensary or clinical  
9 registrant and to registered qualified patients and their designated  
10 caregivers.

11 i. When a patient leaves a medical cannabis consumption area,  
12 the establishment shall ensure any remaining unconsumed medical  
13 cannabis that is not taken by the patient or the patient's designated  
14 caregiver is destroyed.

15 j. A medical cannabis consumption area and its employees:

16 (1) shall operate the establishment in a decent, orderly, and  
17 respectable manner;

18 (2) may remove an individual from the establishment for any  
19 reason;

20 (3) shall not knowingly permit any activity or acts of disorderly  
21 conduct; and

22 (4) shall not permit rowdiness, undue noise, or other disturbances  
23 or activity offensive to the average citizen or to the residents of the  
24 neighborhood in which the consumption area is located.

25 k. If an emergency requires law enforcement, firefighters,  
26 emergency medical services providers, or other public safety personnel  
27 to enter a medical cannabis consumption area, employees of the  
28 establishment shall prohibit on-site consumption of medical cannabis  
29 until such personnel have completed their investigation or services and  
30 have left the premises.<sup>5</sup>

31

32 <sup>5</sup>29. (New section) a. (1) The commission shall develop and  
33 maintain a system for tracking the cultivation of medical cannabis, the  
34 manufacturing of medical cannabis products, the transfer of medical  
35 cannabis and medical cannabis products between medical cannabis  
36 cultivators, medical cannabis manufacturers, medical cannabis  
37 wholesalers, medical cannabis dispensaries, clinical registrants, and  
38 testing laboratories as authorized pursuant to paragraph (5) of  
39 subsection a. of section 7 of P.L.2009, c.307 (C.24:6I-7) and  
40 subsection h. of section 27 of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill), and the dispensing or delivery of medical  
42 cannabis to registered qualifying patients, designated caregivers, and  
43 institutional caregivers.

44 (2) The tracking system shall, among other features as determined  
45 by the commission, utilize a stamp affixed to a container or package  
46 for medical cannabis to assist in the collection of the information  
47 required to be tracked pursuant to subsection c. of this section.

1       (a) The commission, in consultation with the Director of the  
2 Division of Taxation, shall secure stamps based on the designs,  
3 specifications, and denominations prescribed by the commission in  
4 regulation, and which incorporate encryption, security, and  
5 counterfeit-resistant features to prevent the unauthorized duplication or  
6 counterfeiting of any stamp. The stamp shall be readable by a scanner  
7 or similar device that may be used by the commission, the Director of  
8 the Division of Taxation, and medical cannabis cultivators, medical  
9 cannabis manufacturers, medical cannabis wholesalers, medical  
10 cannabis dispensaries, or clinical registrants.

11       (b) The commission, and the Director of the Division of Taxation  
12 if authorized by the commission, shall make stamps available for  
13 purchase by medical cannabis cultivators, medical cannabis  
14 manufacturers, and clinical registrants, which shall be the only entities  
15 authorized to affix a stamp to a container or package for medical  
16 cannabis in accordance with applicable regulations promulgated by the  
17 commission in consultation with the Director of the Division of  
18 Taxation.

19       (c) A medical cannabis cultivator, medical cannabis manufacturer,  
20 medical cannabis wholesaler, medical cannabis dispensary, clinical  
21 registrant, or certified medical cannabis handler shall not purchase,  
22 sell, offer for sale, transfer, transport, or deliver any medical cannabis  
23 unless a stamp is properly affixed to the container or package for the  
24 medical cannabis.

25       b. The purposes of the system developed and maintained under  
26 this section include, but are not limited to:

27       (1) preventing the diversion of medical cannabis to criminal  
28 enterprises, gangs, cartels, persons not authorized to possess medical  
29 cannabis, and other states;

30       (2) preventing persons from substituting or tampering with  
31 medical cannabis;

32       (3) ensuring an accurate accounting of the cultivation,  
33 manufacturing, transferring, resale, warehousing, dispensing, and  
34 delivery of medical cannabis;

35       (4) ensuring that the testing results from licensed testing  
36 laboratories are accurately reported; and

37       (5) ensuring compliance with the rules and regulations adopted by  
38 the commission and any other law of this State that charges the  
39 commission with a duty, function, or power related to medical  
40 cannabis.

41       c. The system developed and maintained under this section shall  
42 be capable of tracking, at a minimum:

43       (1) the propagation of immature medical cannabis plants and the  
44 production of medical cannabis by a medical cannabis cultivator;

45       (2) the utilization of medical cannabis in the manufacture,  
46 production, and creation of medical cannabis products by a medical  
47 cannabis manufacturer;

1 (3) the receiving, warehousing, resale, and delivering of medical  
2 cannabis by a medical cannabis wholesaler;

3 (4) the transfer of medical cannabis and medical cannabis products  
4 to and from licensed testing laboratories for testing purposes;

5 (5) the dispensing of medical cannabis by a medical cannabis  
6 dispensary or clinical registrant;

7 (6) the furnishing of medical cannabis by a medical cannabis  
8 dispensary or clinical registrant to a medical cannabis handler for  
9 delivery;

10 (7) the delivery of medical cannabis by a medical cannabis  
11 handler;

12 (8) the purchase, sale, or other transfer of medical cannabis and  
13 medical cannabis products between medical cannabis cultivators,  
14 medical cannabis manufacturers, medical cannabis wholesalers,  
15 medical cannabis dispensaries, and clinical registrants as authorized  
16 pursuant to paragraph (5) of subsection a. of section 7 of P.L.2009,  
17 c.307 (C.24:6I-7) and subsection h. of section 27 of P.L. , c. (C.)  
18 (pending before the Legislature as this bill); and

19 (9) any other information that the commission determines is  
20 reasonably necessary to accomplish the duties, functions, and powers  
21 of the commission.<sup>5</sup>

22  
23 <sup>5</sup>[27.] <sup>5</sup>30.<sup>5</sup> (New section) The <sup>5</sup>[executive director]  
24 commission<sup>5</sup> may waive any requirement of P.L.2009, c.307 (C.24:6I-  
25 1 et al.) <sup>5</sup>[or P.L. , c. (C. ) (pending before the Legislature as  
26 this bill)]<sup>5</sup> if the <sup>5</sup>[executive director] commission<sup>5</sup> determines that  
27 granting the waiver is necessary to achieve the purposes of  
28 P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>[and P.L. , c. (C. ) (pending  
29 before the Legislature as this bill)]<sup>5</sup> and provide access to patients  
30 who would not otherwise qualify for the medical use of cannabis to  
31 alleviate suffering from a diagnosed medical condition, and does not  
32 create a danger to the public health, safety, or welfare.

33  
34 <sup>5</sup>[28. (New section) All powers, duties, and responsibilities  
35 with regard to the regulation and oversight of activities authorized  
36 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) and  
37 P.L. , c. (C. ) (pending before the Legislature as this bill)  
38 shall be transferred from the Department of Health to the Cannabis  
39 Regulatory Commission established pursuant to section 7 of  
40 P.L. , c. (C. ) (pending before the Legislature as Senate Bill  
41 No. 2703) at such time as the members of the Cannabis Regulatory  
42 Commission are appointed and the commission first organizes. Any  
43 reference to the Department of Health or the Commissioner of  
44 Health in any statute or regulation pertaining to the provisions of  
45 P.L.2009, c.307 (C.24:6I-1 et al.) or P.L. , c. (C. ) (pending  
46 before the Legislature as this bill) shall be deemed to refer to the  
47 Cannabis Regulatory Commission and the Executive Director of the

1 Cannabis Regulatory Commission, respectively. The provisions of  
2 this section shall be carried out in accordance with the “State  
3 Agency Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et seq.).<sup>5</sup>

4  
5 <sup>5</sup>31. (New section) a. The Cannabis Regulatory Commission is  
6 hereby created in, but not of, the Department of the Treasury, to  
7 assume all powers, duties, and responsibilities with regard to the  
8 regulation and oversight of activities authorized pursuant to P.L.2009,  
9 c.307 (C.24:6I-1 et al.) from the Department of Health for the further  
10 development, expansion, regulation, and enforcement of activities  
11 associated with the medical use of cannabis pursuant P.L.2009, c.307  
12 (C.24:6I-1 et al.). All powers, duties, and responsibilities with regard  
13 to the regulation and oversight of activities authorized pursuant to  
14 P.L.2009, c.307 (C.24:6I-1 et al.) shall be transferred from the  
15 Department of Health to the Cannabis Regulatory Commission at such  
16 time as the members of the commission are appointed as provided in  
17 subsection b. of this section and the commission first organizes.  
18 Thereafter, any reference to the Department of Health or the  
19 Commissioner of Health in any statute or regulation pertaining to the  
20 provisions of P.L.2009, c.307 (C.24:6I-1 et al.) shall be deemed to  
21 refer to the Cannabis Regulatory Commission. The provisions of this  
22 subsection shall be carried out in accordance with the “State Agency  
23 Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et seq.).

24 b. (1) The commission shall consist of five members, one of  
25 whom shall be designated by the Governor as the chair, and one of  
26 whom shall be designated the vice-chair in accordance with the  
27 appointment process set forth in paragraph (7) of this subsection.

28 (2) The members of the commission shall be appointed by the  
29 Governor as follows:

30 (a) One member shall be appointed upon recommendation of the  
31 Senate President;

32 (b) One member shall be appointed upon recommendation of the  
33 Speaker of the General Assembly;

34 (c) Three members, including the chair, shall be appointed without  
35 any needed recommendation.

36 (3) Initial appointments of commission members pursuant to  
37 paragraph (2) of this subsection shall not require the advice and  
38 consent of the Senate. Subsequent appointments made pursuant to  
39 subparagraph (c) of paragraph (2) of this subsection, including  
40 reappointments of members initially appointed, shall be made with the  
41 advice and consent of the Senate. Subsequent appointments made  
42 pursuant to subparagraphs (a) and (b) of paragraph (2) of this  
43 subsection shall be made in the same manner as the original  
44 appointment.

45 (4) All five members shall be residents of this State. At least one  
46 member shall be a State representative of a national organization or  
47 State branch of a national organization with a stated mission of  
48 studying, advocating, or adjudicating against minority historical

1 oppression, past and present discrimination, unemployment, poverty  
2 and income inequality, and other forms of social injustice or  
3 inequality, and all five members shall possess education, training, or  
4 experience with legal, policy, or criminal justice issues, corporate or  
5 industry management, finance, securities, or production or distribution,  
6 medicine or pharmacology, or public health, mental health, or  
7 substance use disorders.

8 (5) The chair and the other members shall serve for terms of five  
9 years; provided that, for the two other members initially appointed by  
10 the Governor without any needed recommendation, one shall be  
11 appointed for a term of four years, and one shall be appointed for a  
12 term of three years. The chair and the other members shall serve in  
13 their respective capacities throughout their entire term and until their  
14 successors shall have been duly appointed and qualified. Any vacancy  
15 in the commission occurring for any reason other than the expiration  
16 of a term, including a vacancy occurring during the term of the initial  
17 chair or another initial member, shall be filled in accordance with the  
18 requirements for subsequent appointments set forth in paragraph (3) of  
19 this subsection for the remainder of the unexpired term only.

20 (6) The chair and other members of the commission shall devote  
21 full time to their respective duties of office and shall not pursue or  
22 engage in any other business, occupation, or gainful employment.  
23 Each member shall receive an annual salary to be fixed and established  
24 by the Governor, which for the chair shall not exceed \$141,000, and  
25 for the other members shall not exceed \$125,000.

26 (7) The members of the commission, at the commission's first  
27 meeting when called by the chair, shall elect, by a majority of the total  
28 authorized membership of the commission, one of the members who is  
29 appointed based upon the recommendation of the Senate President or  
30 Speaker of the General Assembly as set forth in paragraph (2) of this  
31 subsection to serve as vice-chair during that member's term. A new  
32 vice-chair shall be elected upon the expiration of the current vice-  
33 chair's term, even if that member remains on the commission until that  
34 member's successor is duly appointed and qualified. The vice-chair  
35 shall be empowered to carry out all of the responsibilities of the chair  
36 during the chair's absence, disqualification, or inability to serve.

37 (8) A majority of the total authorized membership of the  
38 commission shall be required to establish a quorum, and a majority of  
39 the total authorized membership of the commission shall be required to  
40 exercise its powers at any meeting thereof. However, only if all five  
41 commissioners have been duly appointed in accordance with the  
42 appointment process set forth in paragraph (2) of this subsection, and  
43 five appointed commissioners are present at a meeting, may a majority  
44 of the total authorized membership act to assume the powers, duties,  
45 and responsibilities with regard to the regulation and oversight of  
46 activities authorized pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
47 from the Department of Health.

1       (9) The commission shall adopt annually a schedule of regular  
2 meetings, and special meetings may be held at the call of the chair.

3       (10) Any member of the commission may be removed from office  
4 by the Governor, for cause, upon notice and opportunity to be heard at  
5 a public hearing. Any member of the commission shall automatically  
6 forfeit the member's office upon conviction for any crime.

7       c. (1) The commission may establish, and from time to time  
8 alter, a plan of organization, and employ personnel as it deems  
9 necessary under the direct supervision of a full-time executive director  
10 for the commission. The plan of organization shall include the Office  
11 of Minority, Disabled Veterans, and Women Medical Cannabis  
12 Business Development established by section 32 of P.L. \_\_\_\_\_,  
13 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).

14       (a) The initial executive director shall be appointed by the  
15 Governor, and thereafter every subsequent executive director shall be  
16 appointed by the Governor with the advice and consent of the Senate.  
17 The executive director shall serve at the pleasure of the appointing  
18 Governor during the Governor's term of office and until a successor  
19 has been duly appointed and qualified. Any vacancy in the office  
20 occurring for any reason other than the expiration of a term, including  
21 a vacancy occurring during the term of the initial executive director,  
22 shall be filled for the unexpired term only in the same manner as the  
23 appointment of any subsequent executive director as set forth herein.  
24 The executive director shall receive an annual salary to be fixed and  
25 established by the Governor, which shall be at an amount not to  
26 exceed the annual salary of a member of the commission not serving  
27 as chair, as set forth in paragraph (6) of subsection b. of this section.

28       (b) (i) All employees of the commission under the direct  
29 supervision of the executive director, except for secretarial and clerical  
30 personnel, shall be in the State's unclassified service. All employees  
31 shall be deemed confidential employees for the purposes of the "New  
32 Jersey Employer-Employee Relations Act," P.L.1941, c.100  
33 (C.34:13A-1 et seq.).

34       (ii) If, as a result of transferring powers, duties, and responsibilities  
35 with regard to the regulation and oversight of activities authorized  
36 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) from the Department of  
37 Health to the commission pursuant to subsection a. of this section, the  
38 commission needs to employ an individual to fill a position,  
39 employees of the department who performed the duties of the position  
40 to be filled shall be given a one-time right of first refusal offer of  
41 employment with the commission, and such employees may be  
42 removed by the commission for cause or if deemed unqualified to hold  
43 the position, notwithstanding any other provision of law to the  
44 contrary. A department employee who becomes employed by the  
45 commission shall retain as an employee of the commission the  
46 seniority, and all rights related to seniority, that the employee had with  
47 the department as of the last day of employment with the department;  
48 provided, however, that such seniority and seniority rights shall be

1 retained only by an employee who was transferred from employment  
2 with the department to employment with the commission, and shall not  
3 be retained by an employee who was removed from employment with  
4 the department due to layoff procedures or who resigned from a  
5 position with the department prior to being hired by the commission.

6 (2) The commission may sue and be sued in any court, employ  
7 legal counsel to represent the commission in any proceeding to which  
8 it is a party and render legal advice to the commission upon its request,  
9 as well as contract for the services of other professional, technical, and  
10 operational personnel and consultants as may be necessary to the  
11 performance of its responsibilities.

12 (3) The commission may incur additional expenses within the  
13 limits of funds available to it in order to carry out its duties, functions,  
14 and powers under P.L.2009, c.307 (C.24:6I-1 et al.).

15 d. With respect to the activities of the commission, neither the  
16 President of the Senate or the Speaker of the General Assembly shall  
17 be permitted to appear or practice or act in any capacity whatsoever  
18 before the commission regarding any matter whatsoever, nor shall any  
19 member of the immediate family of the Governor, President of the  
20 Senate, or Speaker of the General Assembly be permitted to so  
21 practice or appear in any capacity whatsoever before the commission  
22 regarding any matter whatsoever. As used in this subsection,  
23 “immediate family” means the spouse, domestic partner, or civil union  
24 partner, and any dependent child or stepchild, recognized by blood or  
25 by law, of the Governor, President of the Senate, or Speaker of the  
26 General Assembly, or of the spouse, domestic partner, or civil union  
27 partner residing in the same household as the Governor, President of  
28 the Senate, or Speaker of the General Assembly.

29 e. The commission may designate its powers and authority as it  
30 deems necessary and appropriate to carry out its duties and implement  
31 the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

32 f. The commission shall, no later than three years after the date it  
33 first organizes, contract with a public research university, as defined in  
34 section 3 of P.L.1994, c.48 (C.18A:3B-3), to conduct an independent  
35 study to review:

36 (1) the commission’s organization;

37 (2) the commission’s regulation and enforcement activities;

38 (3) the overall effectiveness of the commission as a full time  
39 entity; and

40 (4) whether the regulation and oversight of medical cannabis could  
41 be more effectively and efficiently managed through a reorganization  
42 of the commission, consolidation of the commission within the  
43 Department of Health or another Executive Branch department,  
44 conversion to a part-time commission, or the transfer of some or all of  
45 the commission’s operations elsewhere within the Executive Branch.

46 The commission shall submit the findings of the independent  
47 study, along with the commission’s recommendations for appropriate  
48 executive, administrative, or legislative action, to the Governor and,



1 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
2 Legislature.<sup>5</sup>

3  
4 <sup>5</sup>32. (New section) a. There is hereby established in the  
5 commission an Office of Minority, Disabled Veterans, and Women  
6 Medical Cannabis Business Development. The office shall be under  
7 the immediate supervision of a director. The director of the office  
8 shall be appointed by the Governor, and shall serve at the pleasure of  
9 the appointing Governor during the Governor's term of office and until  
10 a successor has been duly appointed and qualified. Any vacancy in the  
11 directorship occurring for any reason other than the expiration of the  
12 director's term of office shall be filled for the unexpired term only in  
13 the same manner as the original appointment. The director shall  
14 receive an annual salary as provided by law which shall be at an  
15 amount not to exceed the annual salary of the executive director of the  
16 commission.

17 b. (1) The office shall establish and administer, under the  
18 direction of the commission, unified practices and procedures for  
19 promoting participation in the medical cannabis industry by persons  
20 from socially and economically disadvantaged communities, including  
21 by prospective and existing ownership of minority businesses and  
22 women's businesses, as these terms are defined in section 2 of  
23 P.L.1986, c.195 (C.52:27H-21.18), and disabled veterans' businesses  
24 as defined in section 2 of P.L.2015, c.116 (C.52:32-31.2), to be issued  
25 medical cannabis cultivator, medical cannabis manufacturer, medical  
26 cannabis wholesaler, medical cannabis dispensary, and clinical  
27 registrant permits. These unified practices and procedures shall  
28 include the certification and subsequent recertification at regular  
29 intervals of a business as a minority or women's business, or a  
30 disabled veterans' business, in accordance with eligibility criteria and  
31 a certification application process established by the commission  
32 through regulation in consultation with the office.

33 (2) The office shall conduct advertising and promotional  
34 campaigns, and shall disseminate information to the public, to increase  
35 awareness for participation in the medical cannabis industry by  
36 persons from socially and economically disadvantaged communities.  
37 To this end, the office shall sponsor seminars and informational  
38 programs, and shall provide information on its Internet website,  
39 providing practical information concerning the medical cannabis  
40 industry, including information on business management, marketing,  
41 and other related matters.

42 c. (1) The office shall develop, recommend, and implement  
43 policies, practices, protocols, standards, and criteria designed to  
44 promote the formulation of medical cannabis business entities and  
45 participation in the medical cannabis industry by persons from socially  
46 and economically disadvantaged communities, including by promoting  
47 applications for, and the issuance of, medical cannabis cultivator,  
48 medical cannabis manufacturer, medical cannabis wholesaler, medical

1 cannabis dispensary, and clinical registrant permits to certified  
2 minority, women's, and disabled veterans' businesses. The office  
3 shall evaluate the effectiveness of these measures by considering  
4 whether the measures have resulted in new medical cannabis  
5 cultivator, medical cannabis manufacturer, medical cannabis  
6 wholesaler, and medical cannabis dispensary permits being issued in  
7 accordance with the provisions of subsection g. of section 12 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill).

9 (2) The office shall periodically analyze the total number of  
10 permits issued by the commission as compared with the number of  
11 certified minority, women's, and disabled veterans' businesses that  
12 submitted applications for, and that were awarded, such permits. The  
13 office shall make good faith efforts to establish, maintain, and enhance  
14 the measures designed to promote the formulation and participation in  
15 the operation of medical cannabis businesses by persons from socially  
16 and economically disadvantaged communities consistent with the  
17 standards set forth in paragraph (1) of this subsection, and to  
18 coordinate and assist the commission with respect to its incorporation  
19 of these permitting measures into the application and review process  
20 for issuing permits under P.L.2009, c.307 (C.24:6I-1 et al.).

21 d. The office may review the commission's measures regarding  
22 participation in the medical cannabis industry by persons from socially  
23 and economically disadvantaged communities, and minority,  
24 women's, and disabled veterans' businesses, and make  
25 recommendations on relevant policy and implementation matters for  
26 the improvement thereof. The office may consult with experts or other  
27 knowledgeable individuals in the public or private sector on any aspect  
28 of its mission.

29 e. The office shall prepare information regarding its activities  
30 pursuant to this section concerning participation in the medical  
31 cannabis industry by persons from socially and economically  
32 disadvantaged communities, including medical cannabis business  
33 development initiatives for minority, women's, and disabled veterans'  
34 businesses participating in the medical cannabis marketplace, to be  
35 incorporated by the commission into its annual report submitted to the  
36 Governor and to the Legislature pursuant to section 14 of P.L.2009,  
37 c.307 (C.24:6I-12).<sup>5</sup>

38  
39 <sup>5</sup>33. (New section) a. No person shall be appointed to or  
40 employed by the commission if, during the period commencing three  
41 years prior to appointment or employment, the person held any direct  
42 or indirect interest in, or any employment by, any holder of, or  
43 applicant for, a medical cannabis cultivator, medical cannabis  
44 manufacturer, medical cannabis wholesaler, medical cannabis  
45 dispensary, or clinical registrant permit pursuant to P.L.2009, c.307  
46 (C.24:6I-1 et al.) or otherwise employs any certified medical cannabis  
47 handler to perform transfers or deliveries of medical cannabis;  
48 provided, however, that notwithstanding any other provision of law to

1 the contrary, any such person may be appointed to or employed by the  
2 commission if the person's prior interest in any such permit holder or  
3 applicant would not, in the opinion of the commission, interfere with  
4 the objective discharge of the person's obligations of appointment or  
5 employment, but in no instance shall any person be appointed to or  
6 employed by the commission if the person's prior interest in such  
7 permit holder or applicant constituted a controlling interest in that  
8 permit holder or applicant; and provided further, however, that  
9 notwithstanding any other provision of law to the contrary, any such  
10 person may be employed by the commission in a secretarial or clerical  
11 position if, in the opinion of the commission, the person's previous  
12 employment by, or interest in, any permit holder would not interfere  
13 with the objective discharge of the person's employment obligations.

14 b. Prior to appointment or employment, each member of the  
15 commission and each employee of the commission shall swear or  
16 affirm that the member or employee, as applicable, possesses no  
17 interest in any business or organization issued a medical cannabis  
18 cultivator, medical cannabis manufacturer, medical cannabis  
19 wholesaler, medical cannabis dispensary, or clinical registrant permit  
20 by the commission.

21 c. (1) Each member of the commission shall file with the State  
22 Ethics Commission a financial disclosure statement listing all assets  
23 and liabilities, property and business interests, and sources of income  
24 of the member and the member's spouse, domestic partner, or partner  
25 in a civil union couple, as the case may be, and shall also provide to  
26 the State Ethics Commission in the same financial disclosure statement  
27 a list of all assets and liabilities, property and business interests, and  
28 sources of income of each dependent child or stepchild, recognized by  
29 blood or by law, of the member, or of the spouse, domestic partner, or  
30 partner in a civil union couple residing in the same household as the  
31 member. Each statement shall be under oath and shall be filed at the  
32 time of appointment and annually thereafter.

33 (2) Each employee of the commission, except for secretarial and  
34 clerical personnel, shall file with the State Ethics Commission a  
35 financial disclosure statement listing all assets and liabilities, property  
36 and business interests, and sources of income of the employee and the  
37 employee's spouse, domestic partner, or partner in a civil union couple,  
38 as the case may be. Such statement shall be under oath and shall be  
39 filed at the time of employment and annually thereafter.  
40 Notwithstanding the provisions of subsection (n) of section 10 of  
41 P.L.1971, c.182 (C.52:13D-21), only financial disclosure statements  
42 filed by a commission employee who is in a policy-making  
43 management position shall be posted on the Internet website of the  
44 State Ethics Commission.<sup>5</sup>

45

46 <sup>5</sup>34. (New section) a. The "New Jersey Conflicts of Interest  
47 Law," P.L.1971, c.182 (C.52:13D-12 et seq.) shall apply to members

1 of the commission and to all employees of the commission, except as  
2 herein specifically provided.

3 b. (1) The commission shall promulgate and maintain a Code of  
4 Ethics that is modeled upon the Code of Judicial Conduct of the  
5 American Bar Association, as amended and adopted by the Supreme  
6 Court of New Jersey.

7 (2) The Code of Ethics promulgated and maintained by the  
8 commission shall not be in conflict with the laws of this State, except,  
9 however, that the Code of Ethics may be more restrictive than any law  
10 of this State.

11 c. The Code of Ethics promulgated and maintained by the  
12 commission, and any amendments or restatements thereof, shall be  
13 submitted to the State Ethics Commission for approval. The Codes of  
14 Ethics shall include, but not be limited to, provisions that:

15 (1) No commission member or employee shall be permitted to  
16 enter and engage in any activities, nor have any interest, directly or  
17 indirectly, in any medical cannabis cultivator, medical cannabis  
18 manufacturer, medical cannabis wholesaler, medical cannabis  
19 dispensary, or clinical registrant issued a permit by the commission in  
20 accordance with the P.L.2009, c.307 (C.24:6I-1 et al.) or any entity  
21 that employs any certified medical cannabis handler to perform  
22 transfers or deliveries of medical cannabis, except in the course of the  
23 member's or employee's duties; provided that nothing in this  
24 paragraph shall be construed to prohibit a member or employee who is  
25 a registered qualifying patient, or who is serving as a designated  
26 caregiver or institutional caregiver for a registered qualifying patient,  
27 from being dispensed medical cannabis consistent with the  
28 requirements of P.L.2009, c.307 (C.24:6I-1 et al.).

29 (2) No commission member or employee shall solicit or accept  
30 employment from any holder of, or applicant for, a medical cannabis  
31 cultivator, medical cannabis manufacturer, medical cannabis  
32 wholesaler, medical cannabis dispensary, or clinical registrant permit  
33 or any entity that employs any certified medical cannabis handler to  
34 perform transfers or deliveries of medical cannabis for a period of two  
35 years after termination of service with the commission, except as  
36 otherwise provided in section 35 of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill).

38 (3) No commission member or employee shall act in the member's  
39 or employee's official capacity in any matter wherein the member,  
40 employee, or the member's or employee's spouse, domestic partner, or  
41 partner in a civil union couple, or child, parent, or sibling has a direct  
42 or indirect personal financial interest that might reasonably be  
43 expected to impair the member's or employee's objectivity or  
44 independence of judgment.

45 (4) No commission member or employee shall act in the member's  
46 or employee's official capacity in a matter concerning any holder of,  
47 or applicant for, a medical cannabis cultivator, medical cannabis  
48 manufacturer, medical cannabis wholesaler, medical cannabis

1 dispensary, or clinical registrant permit or any entity that employs any  
2 certified medical cannabis handler to perform transfers or deliveries of  
3 medical cannabis who is the employer of a spouse, domestic partner,  
4 or partner in a civil union couple, or child, parent, or sibling of the  
5 commission member or employee when the fact of the employment of  
6 the spouse, domestic partner, or partner in a civil union couple, or  
7 child, parent, or sibling might reasonably be expected to impair the  
8 objectivity and independence of judgment of the commission member  
9 or employee.

10 (5) No spouse, domestic partner, or partner in a civil union couple,  
11 or child, parent, or sibling of a commission member shall be employed  
12 in any capacity by any holder of, or applicant for, a medical cannabis  
13 cultivator, medical cannabis manufacturer, medical cannabis  
14 wholesaler, medical cannabis dispensary, or clinical registrant permit,  
15 or any entity that employs any certified medical cannabis handler to  
16 perform transfers or deliveries of medical cannabis nor by any holding,  
17 intermediary, or subsidiary company thereof.

18 (6) No commission member shall meet with any person, except for  
19 any other member of the commission or employee of the commission,  
20 or discuss any issues involving any pending or proposed application or  
21 any matter whatsoever which may reasonably be expected to come  
22 before the commission, or any member thereof, for determination  
23 unless the meeting or discussion takes place on the business premises  
24 of the commission, provided, however, that commission members may  
25 meet to consider matters requiring the physical inspection of  
26 equipment or premises at the location of the equipment or premises.  
27 All meetings or discussions subject to this paragraph shall be noted in  
28 a log maintained for this purpose and available for inspection pursuant  
29 to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

30 d. No commission member or employee shall have any interest,  
31 direct or indirect, in any holder of, or applicant for, a medical cannabis  
32 cultivator, medical cannabis manufacturer, medical cannabis  
33 wholesaler, medical cannabis dispensary, or clinical registrant permit  
34 or in any entity that employs any certified medical cannabis handler to  
35 perform transfers or deliveries of medical cannabis during the  
36 member's term of office or employee's term of employment.

37 e. Each commission member and employee shall devote the  
38 member's or employee's entire time and attention to the member's or  
39 employee's duties, as applicable, and shall not pursue any other  
40 business or occupation or other gainful employment; provided,  
41 however, that secretarial and clerical personnel may engage in such  
42 other gainful employment as shall not interfere with their duties to the  
43 commission, unless otherwise directed; and provided further, however,  
44 that other employees of the commission may engage in such other  
45 gainful employment as shall not interfere or be in conflict with their  
46 duties to the commission or division, upon approval by the  
47 commission, as the case may be.

1        f. (1) A member of the commission and the executive director or  
2 any other employee of the commission holding a supervisory or  
3 policy-making management position shall not make any contribution  
4 as that term is defined in “The New Jersey Campaign Contributions  
5 and Expenditures Reporting Act,” P.L.1973, c.83 (C.19:44A-1 et seq.).

6        (2) A member or employee of the commission shall not:

7        (a) use the member’s or employee’s official authority or influence  
8 for the purpose of interfering with or affecting the result of an election  
9 or a nomination for office;

10       (b) directly or indirectly coerce, attempt to coerce, command, or  
11 advise any person to pay, lend, or contribute anything of value to a  
12 party, committee, organization, agency, or person for political  
13 purposes; or

14       (c) take any active part in political campaigns or the management  
15 thereof; provided, however, that nothing herein shall prohibit a  
16 member or employee from voting as the member or employee chooses  
17 or from expressing personal opinions on political subjects and  
18 candidates.

19       g. For the purpose of applying the provisions of the “New Jersey  
20 Conflicts of Interest Law,” any consultant or other person under  
21 contract for services to the commission shall be deemed to be a special  
22 State employee, except that the restrictions of section 4 of P.L.1981,  
23 c.142 (C.52:13D-17.2) shall not apply to such person. Such person  
24 and any corporation, firm, or partnership in which the person has an  
25 interest or by which the person is employed shall not represent any  
26 person or party other than the commission.<sup>5</sup>

27  
28       <sup>5</sup>35. (New section) a. No member of the commission shall hold  
29 any direct or indirect interest in, or be employed by, any holder of, or  
30 applicant for, a medical cannabis cultivator, medical cannabis  
31 manufacturer, medical cannabis wholesaler, medical cannabis  
32 dispensary, or clinical registrant permit issued pursuant to P.L.2009,  
33 c.307 (C.24:6I-1 et al.) or in any entity that employs any certified  
34 medical cannabis handler to perform transfers or deliveries of medical  
35 cannabis for a period of two years commencing on the date that  
36 membership on the commission terminates.

37       b. (1) No employee of the commission may acquire any direct or  
38 indirect interest in, or accept employment with, any holder of, or  
39 applicant for, a medical cannabis cultivator, medical cannabis  
40 manufacturer, medical cannabis wholesaler, medical cannabis  
41 dispensary, or clinical registrant permit or in any entity that employs  
42 any certified medical cannabis handler to perform transfers or  
43 deliveries of medical cannabis, for a period of two years commencing  
44 at the termination of employment with the commission, except that a  
45 secretarial or clerical employee of the commission may accept such  
46 employment at any time after the termination of employment with the  
47 commission. At the end of two years and for a period of two years  
48 thereafter, a former employee who held a policy-making management

1 position at any time during the five years prior to termination of  
2 employment may acquire an interest in, or accept employment with,  
3 any holder of, or applicant for, a medical cannabis cultivator, medical  
4 cannabis manufacturer, medical cannabis wholesaler, medical cannabis  
5 dispensary, or clinical registrant permit or in any entity that employs  
6 any certified medical cannabis handler to perform transfers or  
7 deliveries of medical cannabis, upon application to, and the approval  
8 of, the commission, upon a finding that the interest to be acquired or  
9 the employment will not create the appearance of a conflict of interest  
10 and does not evidence a conflict of interest in fact.

11 (2) Notwithstanding the provisions of this subsection, if the  
12 employment of a commission employee, other than an employee who  
13 held a policy-making management position at any time during the five  
14 years prior to termination of employment, is terminated as a result of a  
15 reduction in the workforce at the commission, the employee may, at  
16 any time prior to the end of the two-year period, accept employment  
17 with any holder of, or applicant for, a medical cannabis cultivator,  
18 medical cannabis manufacturer, medical cannabis wholesaler, medical  
19 cannabis dispensary, or clinical registrant permit or any entity that  
20 employs any certified medical cannabis handler to perform transfers or  
21 deliveries of medical cannabis, upon application to, and the approval  
22 of, the commission, upon a finding that the employment will not create  
23 the appearance of a conflict of interest and does not evidence a conflict  
24 of interest in fact. The commission shall take action on an application  
25 within 30 days of receipt and an application may be submitted to the  
26 commission prior to or after the commencement of the employment.

27 c. No commission member or employee shall represent any  
28 person or party other than the State before or against the commission  
29 for a period of two years from the termination of office or employment  
30 with the commission.

31 d. No partnership, firm, or corporation in which a former  
32 commission member or employee has an interest, nor any partner,  
33 officer, or employee of any such partnership, firm, or corporation shall  
34 make any appearance or representation which is prohibited to the  
35 former member or employee.<sup>5</sup>

36  
37 <sup>5</sup>36. (New section) a. (1) No holder of, or applicant for, a  
38 medical cannabis cultivator, medical cannabis manufacturer, medical  
39 cannabis wholesaler, medical cannabis dispensary, or clinical  
40 registrant permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
41 or any entity that employs any certified medical cannabis handler to  
42 perform transfers or deliveries of medical cannabis shall employ or  
43 offer to employ, or provide, transfer, or sell, or offer to provide,  
44 transfer, or sell any interest, direct or indirect, in any medical cannabis  
45 cultivator, medical cannabis manufacturer, medical cannabis  
46 wholesaler, medical cannabis dispensary, or clinical registrant permit  
47 holder to any person restricted from such transactions by the

1 provisions of sections 33 through 35 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill).

3 (2) In addition to any civil penalty imposed pursuant to subsection  
4 c. of this section, the commission may deny an application, or revoke  
5 or suspend a permit holder's permit, for committing a violation of this  
6 subsection.

7 b. (1) A member or employee of the commission who makes or  
8 causes to be made a political contribution prohibited under subsection  
9 f. of section 34 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill) is guilty of a crime of the fourth degree, but  
11 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a  
12 fine not to exceed \$200,000 may be imposed.

13 (2) A member or employee of the commission who willfully  
14 violates any other provisions in sections 33 through 35 of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill) is guilty of a  
16 disorderly persons offense.

17 c. The State Ethics Commission, established pursuant to the  
18 "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12  
19 et seq.), shall enforce the provisions of sections 33 through 36 of  
20 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
21 upon a finding of a violation, impose a civil penalty of not less than  
22 \$500 nor more than \$10,000, which penalty may be collected in a  
23 summary proceeding pursuant to the "Penalty Enforcement Law of  
24 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If a violation also  
25 represents a crime or disorderly persons offense as set forth in  
26 subsection b. of this section, the State Ethics Commission shall also  
27 refer the matter to the Attorney General or appropriate county  
28 prosecutor for further investigation and prosecution.<sup>5</sup>

29

30 <sup>5</sup>37. Section 2 of P.L.1971, c.182 (C.52:13D-13) is amended to  
31 read as follows:

32 2. As used in this act, and unless a different meaning clearly  
33 appears from the context, the following terms shall have the following  
34 meanings:

35 a. "State agency" means any of the principal departments in the  
36 Executive Branch of the State Government, and any division, board,  
37 bureau, office, commission, or other instrumentality within or created  
38 by such department, the Legislature of the State, and any office, board,  
39 bureau, or commission within or created by the Legislative Branch,  
40 and, to the extent consistent with law, any interstate agency to which  
41 New Jersey is a party and any independent State authority,  
42 commission, instrumentality, or agency. A county or municipality  
43 shall not be deemed an agency or instrumentality of the State.

44 b. "State officer or employee" means any person, other than a  
45 special State officer or employee; (1) holding an office or employment  
46 in a State agency, excluding an interstate agency, other than a member  
47 of the Legislature; or (2) appointed as a New Jersey member to an  
48 interstate agency.



- 1 c. "Member of the Legislature" means any person elected to serve  
2 in the General Assembly or the Senate.
- 3 d. "Head of a State agency" means: (1) in the case of the  
4 Executive Branch of government, except with respect to interstate  
5 agencies, the department head or, if the agency is not assigned to a  
6 department, the Governor~~[,]~~; and (2) in the case of the Legislative  
7 Branch, the chief presiding officer of each House of the Legislature.
- 8 e. "Special State officer or employee" means: (1) any person  
9 holding an office or employment in a State agency, excluding an  
10 interstate agency, for which office or employment no compensation is  
11 authorized or provided by law, or no compensation other than a sum in  
12 reimbursement of expenses, whether payable per diem or per annum,  
13 is authorized or provided by law; (2) any person, not a member of the  
14 Legislature, holding a part-time elective or appointive office or  
15 employment in a State agency, excluding an interstate agency~~[,]~~; or  
16 (3) any person appointed as a New Jersey member to an interstate  
17 agency the duties of which membership are not full-time.
- 18 f. "Person" means any natural person, association or corporation.
- 19 g. "Interest" means: (1) the ownership or control of more than  
20 ~~10%~~ 10 percent of the profits or assets of a firm, association, or  
21 partnership, or more than ~~10%~~ 10 percent of the stock in a  
22 corporation for profit other than a professional service corporation  
23 organized under the "Professional Service Corporation Act," P.L.1969,  
24 c.232 (C. 14A:17-1 et seq.); or (2) the ownership or control of more  
25 than ~~1%~~ one percent of the profits of a firm, association, or  
26 partnership, or more than ~~1%~~ one percent of the stock in any  
27 corporation, (a) which is the holder of, or an applicant for, a casino  
28 license or in any holding or intermediary company with respect  
29 thereto, as defined by the "Casino Control Act," P.L.1977, c.110  
30 (C.5:12-1 et seq.), or (b) which is the holder of, or an applicant for, a  
31 medical cannabis cultivator, medical cannabis manufacturer, medical  
32 cannabis wholesaler, medical cannabis dispensary, or clinical  
33 registrant permit issued pursuant P.L.2009, c.307 (C.24:6I-1 et al.), or  
34 any holding or intermediary company with respect thereto. The  
35 provisions of this act governing the conduct of individuals are  
36 applicable to shareholders, associates or professional employees of a  
37 professional service corporation regardless of the extent or amount of  
38 their shareholder interest in such a corporation.
- 39 h. "Cause, proceeding, application or other matter" means a  
40 specific cause, proceeding or matter and does not mean or include  
41 determinations of general applicability or the preparation or review of  
42 legislation which is no longer pending before the Legislature or the  
43 Governor.
- 44 i. "Member of the immediate family" of any person means the  
45 person's spouse, domestic partner, civil union partner, child, parent, or  
46 sibling residing in the same household.  
47 (cf: P.L.1987, c.432, s.2)<sup>5</sup>

1           <sup>5</sup>38. Section 4 of P.L.1981, c.142 (C.52:13D-17.2) is amended to  
2 read as follows:

3           4. a. As used in this section "person" means:

4           (1) ~~any State officer or employee subject to financial disclosure~~  
5 ~~by law or executive order and any other State officer or employee~~  
6 ~~with responsibility for matters affecting casino activity; any special~~  
7 ~~State officer or employee with responsibility for matters affecting~~  
8 ~~casino activity;] (a) with respect to casino activity and activity~~  
9 ~~related to medical cannabis authorized pursuant to P.L.2009, c.307~~  
10 ~~(C.24:6I-1 et al.), the Governor; [any member of the Legislature~~  
11 ~~or] the President of the Senate; the Speaker of the General~~  
12 ~~Assembly; any full-time member of the Judiciary; any full-time~~  
13 ~~professional employee of the Office of the Governor [, or the~~  
14 ~~Legislature; members of the Casino Reinvestment Development~~  
15 ~~Authority]; the head of a principal department; the assistant or~~  
16 ~~deputy heads of a principal department, including all assistant and~~  
17 ~~deputy commissioners; the head of any division of a principal~~  
18 ~~department;~~

19           (b) with respect to casino activity, any State officer or employee  
20 subject to financial disclosure by law or executive order and any  
21 other State officer or employee with responsibility for matters  
22 affecting casino activity; any special State officer or employee with  
23 responsibility for matters affecting casino activity; any member of  
24 the Legislature; any full-time professional employee of the  
25 Legislature; members of the Casino Reinvestment Development  
26 Authority; or

27           (c) with respect to activity related to medical cannabis authorized  
28 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), any State officer or  
29 employee subject to financial disclosure by law or executive order  
30 and any other State officer or employee with responsibility for  
31 matters affecting medical cannabis activity; any special State officer  
32 or employee with responsibility for matters affecting medical  
33 cannabis activity; members of the Cannabis Regulatory  
34 Commission; or

35           (2) (a) any member of the governing body, or the municipal  
36 judge or the municipal attorney of a municipality wherein a casino  
37 is located; any member of or attorney for the planning board or  
38 zoning board of adjustment of a municipality wherein a casino is  
39 located, or any professional planner, or consultant regularly  
40 employed or retained by such planning board or zoning board of  
41 adjustment; or

42           (b) any member of the governing body or the municipal judge of  
43 a municipality, any member of the planning board or zoning board of  
44 adjustment, or any professional planner, or consultant regularly  
45 employed or retained by such planning board or zoning board of  
46 adjustment, of a municipality wherein a medical cannabis cultivator,  
47 medical cannabis manufacturer, medical cannabis wholesaler,

1 medical cannabis dispensary, or clinical registrant issued a permit  
2 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) is located.

3 b. (1) No State officer or employee, nor any person, nor any  
4 member of the immediate family of any State officer or employee,  
5 or person, nor any partnership, firm, or corporation with which any  
6 such State officer or employee or person is associated or in which  
7 he has an interest, nor any partner, officer, director, or employee  
8 while he is associated with such partnership, firm, or corporation,  
9 shall hold, directly or indirectly, an interest in, or hold employment  
10 with, or represent, appear for, or negotiate on behalf of, any holder  
11 of, or applicant for, a casino license, or any holding or intermediary  
12 company with respect thereto, in connection with any cause,  
13 application, or matter, except as provided in section 3 of P.L.2009,  
14 c.26 (C.52:13D-17.3), and except that **[(1)]** (a) a State officer or  
15 employee other than a State officer or employee included in the  
16 definition of person, and **[(2)]** (b) a member of the immediate  
17 family of a State officer or employee, or of a person, may hold  
18 employment with the holder of, or applicant for, a casino license if,  
19 in the judgment of the State Ethics Commission, the Joint  
20 Legislative Committee on Ethical Standards, or the Supreme Court,  
21 as appropriate, such employment will not interfere with the  
22 responsibilities of the State officer or employee, or person, and will  
23 not create a conflict of interest, or reasonable risk of the public  
24 perception of a conflict of interest, on the part of the State officer or  
25 employee, or person. No special State officer or employee without  
26 responsibility for matters affecting casino activity, excluding those  
27 serving in the Departments of Education, Health **[and Senior**  
28 **Services]**, and Human Services and the **[Commission on] Office of**  
29 **the Secretary of** Higher Education, shall hold, directly or indirectly,  
30 an interest in, or represent, appear for, or negotiate on behalf of, any  
31 holder of, or applicant for, a casino license, or any holding or  
32 intermediary company with respect thereto, in connection with any  
33 cause, application, or matter. However, a special State officer or  
34 employee without responsibility for matters affecting casino  
35 activity may hold employment directly with any holder of or  
36 applicant for a casino license or any holding or intermediary  
37 company thereof and if so employed may hold, directly or  
38 indirectly, an interest in, or represent, appear for, or negotiate on  
39 behalf of, **[his] that** employer, except as otherwise prohibited by  
40 law.

41 (2) No State officer or employee, nor any person, nor any  
42 member of the immediate family of any State officer or employee,  
43 or person, nor any partnership, firm, or corporation with which any  
44 such State officer or employee or person is associated or in which  
45 he has an interest, nor any partner, officer, director, or employee  
46 while he is associated with such partnership, firm, or corporation,  
47 shall hold, directly or indirectly, an interest in, or hold employment

1 with, or represent, appear for, or negotiate on behalf of, or derive  
2 any remuneration, payment, benefit, or any other thing of value for  
3 any services, including but not limited to consulting or similar  
4 services, from any holder of, or applicant for, a license, permit, or  
5 other approval to conduct Internet gaming, or any holding or  
6 intermediary company with respect thereto, or any Internet gaming  
7 affiliate of any holder of, or applicant for, a casino license, or any  
8 holding or intermediary company with respect thereto, or any  
9 business, association, enterprise, or other entity that is organized, in  
10 whole or in part, for the purpose of promoting, advocating for, or  
11 advancing the interests of the Internet gaming industry generally or  
12 any Internet gaming-related business or businesses in connection  
13 with any cause, application, or matter, except as provided in section  
14 3 of P.L.2009, c.26 (C.52:13D-17.3), and except that **[(1)]** (a) a  
15 State officer or employee other than a State officer or employee  
16 included in the definition of person, and **[(2)]** (b) a member of the  
17 immediate family of a State officer or employee, or of a person,  
18 may hold employment with the holder of, or applicant for, a license,  
19 permit, or other approval to conduct Internet gaming, or any  
20 holding or intermediary company with respect thereto, or any  
21 Internet gaming affiliate of any holder of, or applicant for, a casino  
22 license, or any holding or intermediary company with respect  
23 thereto if, in the judgment of the State Ethics Commission, the Joint  
24 Legislative Committee on Ethical Standards, or the Supreme Court,  
25 as appropriate, such employment will not interfere with the  
26 responsibilities of the State officer or employee, or person, and will  
27 not create a conflict of interest, or reasonable risk of the public  
28 perception of a conflict of interest, on the part of the State officer or  
29 employee, or person.

30 (3) No State officer or employee, nor any person, nor any  
31 member of the immediate family of any State officer or employee,  
32 or person, nor any partnership, firm, or corporation with which any  
33 such State officer or employee or person is associated or in which  
34 he has an interest, nor any partner, officer, director, or employee  
35 while he is associated with such partnership, firm, or corporation,  
36 shall hold, directly or indirectly, an interest in, or hold employment  
37 with, or represent, appear for, or negotiate on behalf of, any holder  
38 of, or applicant for, a medical cannabis cultivator, medical cannabis  
39 manufacturer, medical cannabis wholesaler, medical cannabis  
40 dispensary, or clinical registrant permit issued pursuant to P.L.2009,  
41 c.307 (C.24:6I-1 et al.) or in any entity that employs any certified  
42 medical cannabis handler to perform transfers or deliveries of medical  
43 cannabis, or any holding or intermediary company with respect  
44 thereto, in connection with any cause, application, or matter, except  
45 as provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3), and  
46 except that (a) a State officer or employee other than a State officer  
47 or employee included in the definition of person, and (b) a member  
48 of the immediate family of a State officer or employee, or of a

1 person, may hold employment with the holder of, or applicant for, a  
2 medical cannabis cultivator, medical cannabis manufacturer,  
3 medical cannabis wholesaler, medical cannabis dispensary, or  
4 clinical registrant permit or any entity that employs any certified  
5 medical cannabis handler to perform transfers or deliveries of medical  
6 cannabis if, in the judgment of the State Ethics Commission, the  
7 Joint Legislative Committee on Ethical Standards, or the Supreme  
8 Court, as appropriate, such employment will not interfere with the  
9 responsibilities of the State officer or employee, or person, and will  
10 not create a conflict of interest, or reasonable risk of the public  
11 perception of a conflict of interest, on the part of the State officer or  
12 employee, or person. No special State officer or employee without  
13 responsibility for matters affecting medical cannabis activity,  
14 excluding those serving in the Departments of Education, Health,  
15 and Human Services and the Office of the Secretary of Higher  
16 Education, shall hold, directly or indirectly, an interest in, or  
17 represent, appear for, or negotiate on behalf of, any holder of, or  
18 applicant for, a medical cannabis cultivator, medical cannabis  
19 manufacturer, medical cannabis wholesaler, medical cannabis  
20 dispensary, or clinical registrant permit or any entity that employs  
21 any certified medical cannabis handler to perform transfers or  
22 deliveries of medical cannabis, or any holding or intermediary  
23 company with respect thereto, in connection with any cause,  
24 application, or matter. However, a special State officer or employee  
25 without responsibility for matters affecting medical cannabis  
26 activity may hold employment directly with any holder of or  
27 applicant for a medical cannabis cultivator, medical cannabis  
28 manufacturer, medical cannabis wholesaler, medical cannabis  
29 dispensary, or clinical registrant permit or any entity that employs  
30 any certified medical cannabis handler to perform transfers or  
31 deliveries of medical cannabis, or any holding or intermediary  
32 company thereof, and if so employed may hold, directly or  
33 indirectly, an interest in, or represent, appear for, or negotiate on  
34 behalf of, that employer, except as otherwise prohibited by law.

35 c. (1) No person or any member of his immediate family, nor  
36 any partnership, firm, or corporation with which such person is  
37 associated or in which he has an interest, nor any partner, officer,  
38 director, or employee while he is associated with such partnership,  
39 firm or corporation, shall, within two years next subsequent to the  
40 termination of the office or employment of such person, hold,  
41 directly or indirectly, an interest in, or hold employment with, or  
42 represent, appear for, or negotiate on behalf of, any holder of, or  
43 applicant for, a casino license in connection with any cause,  
44 application or matter, or any holding or intermediary company with  
45 respect to such holder of, or applicant for, a casino license in  
46 connection with any phase of casino development, permitting,  
47 licensure, or any other matter whatsoever related to casino activity,

1 except as provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3),  
2 and except that:

3 **[(1)] (a)** a member of the immediate family of a person may  
4 hold employment with the holder of, or applicant for, a casino  
5 license if, in the judgment of the State Ethics Commission, the Joint  
6 Legislative Committee on Ethical Standards, or the Supreme Court,  
7 as appropriate, such employment will not interfere with the  
8 responsibilities of the person and will not create a conflict of  
9 interest, or reasonable risk of the public perception of a conflict of  
10 interest, on the part of the person;

11 **[(2)] (b)** an employee who is terminated as a result of a  
12 reduction in the workforce at the agency where employed, other  
13 than an employee who held a policy-making management position  
14 at any time during the five years prior to termination of  
15 employment, may, at any time prior to the end of the two-year  
16 period, accept employment with the holder of, or applicant for, a  
17 casino license if, in the judgment of the State Ethics Commission,  
18 the Joint Legislative Committee on Ethical Standards, or the  
19 Supreme Court, as appropriate, such employment will not create a  
20 conflict of interest, or reasonable risk of the public perception of a  
21 conflict of interest, on the part of the employee. In no case shall the  
22 restrictions of this subsection apply to a secretarial or clerical  
23 employee.

24 Nothing herein contained shall alter or amend the post-  
25 employment restrictions applicable to members and employees of  
26 the Casino Control Commission and employees and agents of the  
27 Division of Gaming Enforcement pursuant to paragraph (2) of  
28 subsection e. **[(2)]** of section 59 and to section 60 of P.L.1977,  
29 c.110 (C.5:12-59 and C.5:12-60); and

30 **[(3)] (c)** any partnership, firm, or corporation engaged in the  
31 practice of law or in providing any other professional services with  
32 which any person included in subparagraphs (a) and (b) of paragraph  
33 (1) of subsection a. of this section, or a member of the immediate  
34 family of that person, is associated, and any partner, officer,  
35 director, or employee thereof, other than that person, or immediate  
36 family member, may represent, appear for or negotiate on behalf of  
37 any holder of, or applicant for, a casino license in connection with  
38 any cause, application or matter or any holding company or  
39 intermediary company with respect to such holder of, or applicant  
40 for, a casino license in connection with any phase of casino  
41 development, permitting, licensure or any other matter whatsoever  
42 related to casino activity, and that person or immediate family  
43 member shall not be barred from association with such partnership,  
44 firm or corporation, if for a period of two years next subsequent to  
45 the termination of the person's office or employment, the person or  
46 immediate family member **[(a)] (i)** is screened from personal  
47 participation in any such representation, appearance or negotiation;

1 and **[(b)]** (ii) is associated with the partnership, firm or corporation  
2 in a position which does not entail any equity interest in the  
3 partnership, firm or corporation. The exception provided in this  
4 paragraph shall not apply to a former Governor, Lieutenant  
5 Governor, Attorney General, member of the Legislature, person  
6 included in subparagraph (a) of paragraph (2) of subsection a. of this  
7 section, or to the members of their immediate families.

8 (2) No person or any member of the person's immediate family,  
9 nor any partnership, firm, or corporation with which such person is  
10 associated or in which the person has an interest, nor any partner,  
11 officer, director, or employee while the person is associated with  
12 such partnership, firm, or corporation, shall, within two years next  
13 subsequent to the termination of the office or employment of such  
14 person, hold, directly or indirectly, an interest in, or hold  
15 employment with, or represent, appear for, or negotiate on behalf  
16 of, any holder of, or applicant for, a medical cannabis cultivator,  
17 medical cannabis manufacturer, medical cannabis wholesaler,  
18 medical cannabis dispensary, or clinical registrant permit issued  
19 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or in any entity that  
20 employs any certified medical cannabis handler to perform transfers or  
21 deliveries of medical cannabis, or any holding or intermediary  
22 company with respect thereto, in connection with any cause,  
23 application, or matter, or any holding or intermediary company with  
24 respect to such holder of, or applicant for, a medical cannabis  
25 cultivator, medical cannabis manufacturer, medical cannabis  
26 wholesaler, medical cannabis dispensary, or clinical registrant  
27 permit or entity that employs any certified medical cannabis handler to  
28 perform transfers or deliveries of medical cannabis in connection with  
29 any phase of development, permitting, licensure, or any other  
30 matter whatsoever related to medical cannabis activity, except as  
31 provided in section 3 of P.L.2009, c.26 (C.52:13D-17.3), and except  
32 that:

33 (a) a member of the immediate family of a person may hold  
34 employment with the holder of, or applicant for, a medical cannabis  
35 cultivator, medical cannabis manufacturer, medical cannabis  
36 wholesaler, medical cannabis dispensary, or clinical registrant  
37 permit issued pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) or any  
38 entity that employs any certified medical cannabis handler to perform  
39 transfers or deliveries of medical cannabis if, in the judgment of the  
40 State Ethics Commission, the Joint Legislative Committee on  
41 Ethical Standards, or the Supreme Court, as appropriate, such  
42 employment will not interfere with the responsibilities of the person  
43 and will not create a conflict of interest, or reasonable risk of the  
44 public perception of a conflict of interest, on the part of the person;

45 (b) an employee who is terminated as a result of a reduction in  
46 the workforce at the agency where employed, other than an  
47 employee who held a policy-making management position at any  
48 time during the five years prior to termination of employment, may,

1 at any time prior to the end of the two-year period, accept  
2 employment with the holder of, or applicant for, a medical cannabis  
3 cultivator, medical cannabis manufacturer, medical cannabis  
4 wholesaler, medical cannabis dispensary, or clinical registrant  
5 permit or any entity that employs any certified medical cannabis  
6 handler to perform transfers or deliveries of medical cannabis if, in the  
7 judgment of the State Ethics Commission, the Joint Legislative  
8 Committee on Ethical Standards, or the Supreme Court, as  
9 appropriate, such employment will not create a conflict of interest,  
10 or reasonable risk of the public perception of a conflict of interest,  
11 on the part of the employee. In no case shall the restrictions of this  
12 subsection apply to a secretarial or clerical employee. Nothing  
13 herein contained shall alter or amend the post-service or post-  
14 employment restrictions applicable to members and employees of  
15 the Cannabis Regulatory Commission pursuant to paragraph (2) of  
16 subsection c. of section 34 and section 35 of  
17 P.L. , c. (C. ) (pending before the Legislature as this bill);  
18 and

19 (c) any partnership, firm, or corporation engaged in the practice  
20 of law or in providing any other professional services with which  
21 any person included in subparagraphs (a) and (c) of paragraph (1) of  
22 subsection a. of this section, or a member of the immediate family  
23 of that person, is associated, and any partner, officer, director, or  
24 employee thereof, other than that person, or immediate family  
25 member, may represent, appear for, or negotiate on behalf of any  
26 holder of, or applicant for, a medical cannabis cultivator, medical  
27 cannabis manufacturer, medical cannabis wholesaler, medical  
28 cannabis dispensary, or clinical registrant permit or any entity that  
29 employs any certified medical cannabis handler to perform transfers or  
30 deliveries of medical cannabis in connection with any cause,  
31 application, or matter or any holding company or intermediary  
32 company with respect to such holder of, or applicant for, a medical  
33 cannabis cultivator, medical cannabis manufacturer, medical  
34 cannabis wholesaler, medical cannabis dispensary, or clinical  
35 registrant permit or entity that employs any certified medical cannabis  
36 handler to perform transfers or deliveries of medical cannabis, in  
37 connection with any phase of development, permitting, or any other  
38 matter whatsoever related to medical cannabis activity, and that  
39 person or immediate family member shall not be barred from  
40 association with such partnership, firm, or corporation, if for a  
41 period of two years next subsequent to the termination of the  
42 person's office or employment, the person or immediate family  
43 member (i) is screened from personal participation in any such  
44 representation, appearance or negotiation; and (ii) is associated with  
45 the partnership, firm, or corporation in a position which does not  
46 entail any equity interest in the partnership, firm, or corporation.  
47 The exception provided in this paragraph shall not apply to a former  
48 Governor, Lieutenant Governor, Attorney General, the President of



1 the Senate, the Speaker of the General Assembly, to a person  
2 included in subparagraph (b) of paragraph (2) of subsection a. of  
3 this section, or to the members of their immediate families.

4 d. This section shall not apply to the spouse of a State officer  
5 or employee, which State officer or employee is without  
6 responsibility for matters affecting casino or medical cannabis  
7 activity, who becomes the spouse subsequent to the State officer's  
8 or employee's appointment or employment as a State officer or  
9 employee and who is not individually or directly employed by a  
10 holder of, or applicant for, a casino license **[,]** or medical cannabis  
11 permit, or any holding or intermediary company thereof.

12 e. The Joint Legislative Committee on Ethical Standards and  
13 the State Ethics Commission, as appropriate, shall forthwith  
14 determine and publish, and periodically update, a list of those  
15 positions in State government with responsibility for matters  
16 affecting casino and medical cannabis activity.

17 f. (1) No person shall solicit or accept, directly or indirectly,  
18 any complimentary service or discount from any casino applicant or  
19 licensee which he knows or has reason to know is other than a  
20 service or discount that is offered to members of the general public  
21 in like circumstance.

22 (2) No person shall solicit or accept, directly or indirectly, any  
23 complimentary service or discount from any holder of, or applicant  
24 for, a medical cannabis cultivator, medical cannabis manufacturer,  
25 medical cannabis wholesaler, medical cannabis dispensary, or  
26 clinical registrant permit issued pursuant to P.L.2009, c.307  
27 (C.24:6I-1 et al.) or any entity that employs any certified medical  
28 cannabis handler to perform transfers or deliveries of medical  
29 cannabis, which the person knows or has reason to know is other  
30 than a service or discount that is offered to members of the general  
31 public in like circumstance.

32 g. (1) No person shall influence, or attempt to influence, by use  
33 of his official authority, the decision of the **[commission]** Casino  
34 Control Commission or the investigation of the **[division]** Division  
35 of Gaming Enforcement in any application for casino licensure or in  
36 any proceeding to enforce the provisions of this act or the  
37 regulations of the commission. Any such attempt shall be promptly  
38 reported to the Attorney General; provided, however, that nothing  
39 in this section shall be deemed to proscribe a request for  
40 information by any person concerning the status of any application  
41 for licensure or any proceeding to enforce the provisions of this act  
42 or the regulations of the commission.

43 (2) No person shall influence, or attempt to influence, by use of  
44 the person's official authority, the decision of the Cannabis  
45 Regulatory Commission in any application for a medical cannabis  
46 cultivator, medical cannabis manufacturer, medical cannabis  
47 wholesaler, medical cannabis dispensary, or clinical registrant  
48 permit, or in any proceeding to enforce the provisions of P.L.1981,

1 c.142 (C.52:13D-17.2 et al.), P.L.2009, c.307 (C.24:6I-1 et al.), or  
2 the regulations of the Cannabis Regulatory Commission. Any such  
3 attempt shall be promptly reported to the Attorney General;  
4 provided, however, that nothing in this section shall be deemed to  
5 proscribe a request for information by any person concerning the  
6 status of any permit application, or any proceeding to enforce the  
7 provisions of P.L.1981, c.142 (C.52:13D-17.2 et al.), P.L.2009,  
8 c.307 (C.24:6I-1 et al.), or the regulations of the Cannabis  
9 Regulatory Commission.

10 h. Any person who willfully violates the provisions of this  
11 section is a disorderly person and shall be subject to a fine not to  
12 exceed \$1,000, or imprisonment not to exceed six months, or both.

13 In addition, for violations of subsection c. of this section  
14 occurring after the effective date of P.L.2005, c.382, a civil penalty  
15 of not less than \$500 nor more than \$10,000 shall be imposed upon  
16 a former State officer or employee or former special State officer or  
17 employee of a State agency in the Executive Branch upon a finding  
18 of a violation by the State Ethics Commission, which penalty may  
19 be collected in a summary proceeding pursuant to the "Penalty  
20 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
21 (cf: P.L.2013, c.27, s.35)<sup>5</sup>

22  
23 <sup>5</sup>**[29.]** 39.<sup>5</sup> (New section) If any provision of  
24 P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**[,]** or<sup>5</sup> P.L.2015, c.158 (C.18A:40-  
25 12.22 et al.) <sup>5</sup>**[,]** or P.L. , c. (C. ) (pending before the  
26 Legislature as this bill)<sup>5</sup> or its application to any person or  
27 circumstance is held invalid, the invalidity does not affect other  
28 provisions or applications of P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**[,]** or<sup>5</sup>  
29 P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**[,]** and P.L. , c. (C. )  
30 (pending before the Legislature as this bill)<sup>5</sup> which can be given  
31 effect without the invalid provision or application, and to this end the  
32 provisions of P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>**[,]** and<sup>5</sup>  
33 P.L.2015, c.158 (C.18A:40-12.22 et al.) <sup>5</sup>**[,]** and P.L. , c. (C. )  
34 (pending before the Legislature as this bill)<sup>5</sup> are severable.

35  
36 <sup>5</sup>**[30.]** 40.<sup>5</sup> N.J.S.2C:35-18 is amended to read as follows:

37 2C:35-18. Exemption; Burden of Proof. a. If conduct is authorized  
38 by the provisions of P.L.1970, c.226 (C.24:21-1 et seq.), P.L.2009,  
39 c.307 (C.24:6I-1 et al.), **[or]** <sup>5</sup>or<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et  
40 al.), <sup>5</sup>**[or** P.L. , c. (C. ) (pending before the Legislature as this  
41 bill).]<sup>5</sup> that authorization shall, subject to the provisions of this  
42 section, constitute an exemption from criminal liability under this  
43 chapter or chapter 36, and the absence of such authorization shall not  
44 be construed to be an element of any offense in this chapter or chapter  
45 36. It is an affirmative defense to any criminal action arising under  
46 this chapter or chapter 36 that the defendant is the authorized holder of

1 an appropriate registration, permit, or order form or is otherwise  
2 exempted or excepted from criminal liability by virtue of any  
3 provision of P.L.1970, c.226 (C.24:21-1 et seq.), P.L.2009, c.307  
4 (C.24:6I-1 et al.), **[or]** <sup>5</sup>or<sup>5</sup> P.L.2015, c.158 (C.18A:40-12.22 et al.)  
5 <sup>5</sup>**[, or P.L. , c. (C. ) (pending before the Legislature as this**  
6 **bill)]<sup>5</sup>**. The affirmative defense established herein shall be proved by  
7 the defendant by a preponderance of the evidence. It shall not be  
8 necessary for the State to negate any exemption set forth in this act or  
9 in any provision of Title 24 of the Revised Statutes in any complaint,  
10 information, indictment, or other pleading or in any trial, hearing, or  
11 other proceeding under this act.

12 b. No liability shall be imposed by virtue of this chapter or  
13 chapter 36 upon any duly authorized State officer, engaged in the  
14 enforcement of any law or municipal ordinance relating to controlled  
15 dangerous substances or controlled substance analogs.  
16 (cf: P.L.2015, c.158, s.3)

17

18 <sup>5</sup>**[31.] 41.<sup>5</sup>** Section 1 of P.L.2015, c.158 (C.18A:40-12.22) is  
19 amended to read as follows:

20 1. a. A board of education or chief school administrator of a  
21 nonpublic school shall develop a policy authorizing parents,  
22 guardians, and **[primary]** designated caregivers to administer  
23 medical **[marijuana]** cannabis to a student while the student is on  
24 school grounds, aboard a school bus, or attending a school-  
25 sponsored event.

26 b. A policy adopted pursuant to subsection a. of this section  
27 shall, at a minimum:

28 (1) require that the student be authorized to engage in the  
29 medical use of **[marijuana]** cannabis pursuant to P.L.2009, c.307  
30 (C.24:6I-1 et al.) and that the parent, guardian, or **[primary]**  
31 designated caregiver be authorized to assist the student with the  
32 medical use of **[marijuana]** cannabis pursuant to P.L.2009, c.307  
33 (C.24:6I-1 et al.);

34 (2) establish protocols for verifying the registration status and  
35 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
36 concerning the medical use of **[marijuana]** cannabis for the student  
37 and the parent, guardian, or **[primary]** designated caregiver;

38 (3) expressly authorize parents, guardians, and **[primary]**  
39 designated caregivers of students who have been authorized for the  
40 medical use of **[marijuana]** cannabis to administer medical  
41 **[marijuana]** cannabis to the student while the student is on school  
42 grounds, aboard a school bus, or attending a school-sponsored  
43 event;

44 (4) identify locations on school grounds where medical  
45 **[marijuana]** cannabis may be administered; and

1 (5) prohibit the administration of medical **【marijuana】** cannabis  
2 to a student by smoking or other form of inhalation while the  
3 student is on school grounds, aboard a school bus, or attending a  
4 school-sponsored event.

5 c. Medical **【marijuana】** cannabis may be administered to a  
6 student while the student is on school grounds, aboard a school bus,  
7 or attending school-sponsored events, provided that such  
8 administration is consistent with the requirements of the policy  
9 adopted pursuant to this section.  
10 (cf: P.L.2015, c.158, s.1)

11  
12 <sup>5</sup>**【32.】** 42.<sup>5</sup> Section 2 of P.L.2015, c.158 (C.30:6D-5b) is  
13 amended to read as follows:

14 2. a. The chief administrator of a facility that offers services  
15 for persons with developmental disabilities shall develop a policy  
16 authorizing a parent, guardian, or **【primary】** designated caregiver  
17 authorized to assist a qualifying patient with the use of medical  
18 **【marijuana】** cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
19 to administer medical **【marijuana】** cannabis to a person who is  
20 receiving services for persons with developmental disabilities at the  
21 facility.

22 b. A policy adopted pursuant to subsection a. of this section  
23 shall, at a minimum:

24 (1) require the person receiving services for persons with  
25 developmental disabilities be a qualifying patient authorized for the  
26 use of medical **【marijuana】** cannabis pursuant to P.L.2009, c.307  
27 (C.24:6I-1 et al.), and that the parent, guardian, or **【primary】**  
28 designated caregiver be authorized to assist the person with the  
29 medical use of **【marijuana】** cannabis pursuant to P.L.2009, c.307  
30 (C.24:6I-1 et al.);

31 (2) establish protocols for verifying the registration status and  
32 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
33 concerning the medical use of **【marijuana】** cannabis for the person  
34 and the parent, guardian, or **【primary】** designated caregiver;

35 (3) expressly authorize parents, guardians, and **【primary】**  
36 designated caregivers to administer medical **【marijuana】** cannabis  
37 to the person receiving services for persons with developmental  
38 disabilities while the person is at the facility; and

39 (4) identify locations at the facility where medical **【marijuana】**  
40 cannabis may be administered.

41 c. Medical **【marijuana】** cannabis may be administered to a  
42 person receiving services for persons with developmental  
43 disabilities at a facility that offers such services while the person is  
44 at the facility, provided that such administration is consistent with  
45 the requirements of the policy adopted pursuant to this section and  
46 the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

1 d. Nothing in this section shall be construed to authorize  
2 medical **【marijuana】** cannabis to be smoked in any place where  
3 smoking is prohibited pursuant to N.J.S.2C:33-13.

4 (cf: P.L.2015, c.158, s.2)

5

6 <sup>5</sup>**【33.】** 43.<sup>5</sup> (New section) a. The chief administrator of a  
7 facility that offers behavioral health care services shall develop a  
8 policy authorizing a parent, guardian, or designated caregiver  
9 authorized to assist a qualifying patient with the use of medical  
10 cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al.) to administer  
11 medical cannabis to a person who is receiving behavioral health  
12 care services at the facility.

13 b. A policy adopted pursuant to subsection a. of this section  
14 shall, at a minimum:

15 (1) require the person receiving behavioral health care services  
16 be a qualifying patient authorized for the use of medical cannabis  
17 pursuant to P.L.2009, c.307 (C.24:6I-1 et al.), and that the parent,  
18 guardian, or designated caregiver be authorized to assist the person  
19 with the medical use of cannabis pursuant to P.L.2009, c.307  
20 (C.24:6I-1 et al.);

21 (2) establish protocols for verifying the registration status and  
22 ongoing authorization pursuant to P.L.2009, c.307 (C.24:6I-1 et al.)  
23 concerning the medical use of cannabis for the person and the  
24 parent, guardian, or designated caregiver;

25 (3) expressly authorize parents, guardians, and designated  
26 caregivers to administer medical cannabis to the person receiving  
27 behavioral health care services while the person is at the facility;  
28 and

29 (4) identify locations at the facility where medical cannabis may  
30 be administered.

31 c. Medical cannabis may be administered to a person receiving  
32 behavioral health care services at a facility that offers such services  
33 while the person is at the facility, provided that such administration  
34 is consistent with the requirements of the policy adopted pursuant to  
35 this section and the provisions of P.L.2009, c.307 (C.24:6I-1 et al.).

36 d. Nothing in this section shall be construed to authorize  
37 medical cannabis to be smoked in any place where smoking is  
38 prohibited pursuant to N.J.S.2C:33-13.

39 e. As used in this section, "behavioral health care services"  
40 means procedures or services provided by a health care practitioner  
41 to a patient for the treatment of a mental illness or emotional  
42 disorder that is of mild to moderate severity. "Behavioral health  
43 care" and "behavioral health care services" shall not include  
44 procedures or services that are provided for the treatment of severe  
45 mental illness, severe emotional disorder, or any drug or alcohol use  
46 disorder.

1       <sup>5</sup>**[34.]** 44.<sup>5</sup> Section 11 of P.L.2009, c.307 (C.45:1-45.1) is  
2 amended to read as follows:

3       11. a. A **[physician]** health care practitioner who **[provides a**  
4 **certification]** authorizes a patient for the medical use of cannabis or  
5 who provides a written instruction for the medical use of **[marijuana]**  
6 cannabis to a qualifying patient pursuant to P.L.2009, c.307 (C.24:6I-1  
7 et al.) and **[any alternative treatment center]** each medical cannabis  
8 dispensary and clinical registrant shall furnish to the Director of the  
9 Division of Consumer Affairs in the Department of Law and Public  
10 Safety such information, on a daily basis and in such a format **[and at**  
11 **such intervals,]** as the director shall prescribe by regulation, for  
12 inclusion in a system established to monitor the dispensation of  
13 **[marijuana]** cannabis in this State for medical use as authorized by the  
14 provisions of P.L.2009, c.307 (C.24:6I-1 et al.), which system shall  
15 serve the same purpose as, and be cross-referenced with, the electronic  
16 system for monitoring controlled dangerous substances established  
17 pursuant to section 25 of P.L.2007, c.244 (C.45:1-45).

18       b. The Director of the Division of Consumer Affairs, pursuant to  
19 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
20 1 et seq.), and in consultation with the **[Commissioner of Health and**  
21 **Senior Services]** <sup>5</sup>**[Executive Director of the]**<sup>5</sup> Cannabis Regulatory  
22 Commission, shall adopt rules and regulations to effectuate the  
23 purposes of subsection a. of this section.

24       c. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1  
25 et seq.) to the contrary, the Director of the Division of Consumer  
26 Affairs shall adopt, immediately upon filing with the Office of  
27 Administrative Law and no later than the 90th day after the effective  
28 date of P.L.2009, c.307 (C.24:6I-1 et al.), such regulations as the  
29 director deems necessary to implement the provisions of subsection a.  
30 of this section. Regulations adopted pursuant to this subsection shall  
31 be effective until the adoption of rules and regulations pursuant to  
32 subsection b. of this section and may be amended, adopted, or  
33 readopted by the director in accordance with the requirements of  
34 P.L.1968, c.410 (C.52:14B-1 et seq.).

35 (cf: P.L.2009, c.307, s.11)

36

37       <sup>5</sup>**[35.]** 45.<sup>5</sup> Section 7 of P.L.1991, c.378 (C.45:9-27.16) is  
38 amended to read as follows:

39       7. a. A physician assistant may perform the following  
40 procedures:

41       (1) Approaching a patient to elicit a detailed and accurate  
42 history, perform an appropriate physical examination, identify  
43 problems, record information, and interpret and present information  
44 to the supervising physician;

45       (2) Suturing and caring for wounds including removing sutures  
46 and clips and changing dressings, except for facial wounds,  
47 traumatic wounds requiring suturing in layers, and infected wounds;

- 1 (3) Providing patient counseling services and patient education  
2 consistent with directions of the supervising physician;
- 3 (4) Assisting a physician in an inpatient setting by conducting  
4 patient rounds, recording patient progress notes, determining and  
5 implementing therapeutic plans jointly with the supervising  
6 physician, and compiling and recording pertinent narrative case  
7 summaries;
- 8 (5) Assisting a physician in the delivery of services to patients  
9 requiring continuing care in a private home, nursing home,  
10 extended care facility, or other setting, including the review and  
11 monitoring of treatment and therapy plans; and
- 12 (6) Referring patients to, and promoting their awareness of,  
13 health care facilities and other appropriate agencies and resources in  
14 the community.
- 15 (7) (Deleted by amendment, P.L.2015, c.224)
- 16 b. A physician assistant may perform the following procedures  
17 only when directed, ordered, or prescribed by the supervising  
18 physician, or when performance of the procedure is delegated to the  
19 physician assistant by the supervising physician as authorized under  
20 subsection d. of this section:
  - 21 (1) Performing non-invasive laboratory procedures and related  
22 studies or assisting duly licensed personnel in the performance of  
23 invasive laboratory procedures and related studies;
  - 24 (2) Giving injections, administering medications, and requesting  
25 diagnostic studies;
  - 26 (3) Suturing and caring for facial wounds, traumatic wounds  
27 requiring suturing in layers, and infected wounds;
  - 28 (4) Writing prescriptions or ordering medications in an inpatient  
29 or outpatient setting in accordance with section 10 of  
30 P.L.1991, c.378 (C.45:9-27.19); **and**
  - 31 (5) Prescribing the use of patient restraints; and
  - 32 (6) Authorizing qualifying patients for the medical use of  
33 cannabis and issuing written instructions for medical cannabis to  
34 registered qualifying patients pursuant to P.L.2009, c.307 (C.24:6I-  
35 1 et al.).
- 36 c. A physician assistant may assist a supervising surgeon in the  
37 operating room when a qualified assistant physician is not required  
38 by the board and a second assistant is deemed necessary by the  
39 supervising surgeon.
- 40 d. A physician assistant may perform medical services beyond  
41 those explicitly authorized in this section, when such services are  
42 delegated by a supervising physician with whom the physician  
43 assistant has signed a delegation agreement pursuant to section 8 of  
44 P.L.1991, c.378 (C.45:9-27.17). The procedures delegated to a  
45 physician assistant shall be limited to those customary to the  
46 supervising physician's specialty and within the supervising  
47 physician's and the physician assistant's competence and training.

1 e. Notwithstanding subsection d. of this section, a physician  
2 assistant shall not be authorized to measure the powers or range of  
3 human vision, determine the accommodation and refractive states of  
4 the human eye, or fit, prescribe, or adapt lenses, prisms, or frames  
5 for the aid thereof. Nothing in this subsection shall be construed to  
6 prohibit a physician assistant from performing a routine visual  
7 screening.

8 (cf: P.L.2015, c.224, s.7)

9  
10 <sup>5</sup>**[36.]** 46.<sup>5</sup> Section 10 of P.L.1991, c.378 (C.45:9-27.19) is  
11 amended to read as follows:

12 10. A physician assistant may order, prescribe, dispense, and  
13 administer medications and medical devices and issue written  
14 instructions to registered qualifying patients for medical cannabis to  
15 the extent delegated by a supervising physician.

16 a. Controlled dangerous substances may only be ordered or  
17 prescribed if:

18 (1) a supervising physician has authorized a physician assistant to  
19 order or prescribe Schedule II, III, IV, or V controlled dangerous  
20 substances in order to:

21 (a) continue or reissue an order or prescription for a controlled  
22 dangerous substance issued by the supervising physician;

23 (b) otherwise adjust the dosage of an order or prescription for a  
24 controlled dangerous substance originally ordered or prescribed by the  
25 supervising physician, provided there is prior consultation with the  
26 supervising physician;

27 (c) initiate an order or prescription for a controlled dangerous  
28 substance for a patient, provided there is prior consultation with the  
29 supervising physician if the order or prescription is not pursuant to  
30 subparagraph (d) of this paragraph; or

31 (d) initiate an order or prescription for a controlled dangerous  
32 substance as part of a treatment plan for a patient with a terminal  
33 illness, which for the purposes of this subparagraph means a medical  
34 condition that results in a patient's life expectancy being 12 months or  
35 less as determined by the supervising physician;

36 (2) the physician assistant has registered with, and obtained  
37 authorization to order or prescribe controlled dangerous substances  
38 from, the federal Drug Enforcement Administration and any other  
39 appropriate State and federal agencies; and

40 (3) the physician assistant complies with all requirements which  
41 the board shall establish by regulation for the ordering, prescription, or  
42 administration of controlled dangerous substances, all applicable  
43 educational program requirements, and continuing professional  
44 education programs approved pursuant to section 16 of P.L.1991,  
45 c.378 (C.45:9-27.25).

46 b. (Deleted by amendment, P.L.2015, c.224)

47 c. (Deleted by amendment, P.L.2015, c.224)



1 d. In the case of an order or prescription for a controlled  
2 dangerous substance or written instructions for medical cannabis, the  
3 physician assistant shall print on the order or prescription or the  
4 written instructions the physician assistant's Drug Enforcement  
5 Administration registration number.

6 e. The dispensing of medication or a medical device by a  
7 physician assistant shall comply with relevant federal and State  
8 regulations, and shall occur only if: (1) pharmacy services are not  
9 reasonably available; (2) it is in the best interest of the patient; or (3)  
10 the physician assistant is rendering emergency medical assistance.

11 f. A physician assistant may request, receive, and sign for  
12 prescription drug samples and may distribute those samples to patients.

13 g. A physician assistant may issue written instructions to a  
14 registered qualifying patient for medical cannabis pursuant to section  
15 10 of P.L.2009, c.307 (C.24:6I-10) only if:

16 (1) a supervising physician has authorized the physician assistant  
17 to issue written instructions to registered qualifying patients;

18 (2) the physician assistant verifies the patient's status as a  
19 registered qualifying patient; and

20 (3) the physician assistant complies with the requirements for  
21 issuing written instructions for medical cannabis established pursuant  
22 to P.L.2009, c.307 (C.24:6I-1 et al.) <sup>5</sup>[and  
23 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup>.

24 (cf: P.L.2015, c.224, s.7)

25  
26 <sup>5</sup>**[37.]** 47.<sup>5</sup> Section 10 of P.L.1991, c.377 (C.45:11-49) is  
27 amended to read as follows:

28 10. a. In addition to all other tasks which a registered professional  
29 nurse may, by law, perform, an advanced practice nurse may manage  
30 preventive care services and diagnose and manage deviations from  
31 wellness and long-term illnesses, consistent with the needs of the  
32 patient and within the scope of practice of the advanced practice nurse,  
33 by:

34 (1) initiating laboratory and other diagnostic tests;

35 (2) prescribing or ordering medications and devices, as authorized  
36 by subsections b. and c. of this section; and

37 (3) prescribing or ordering treatments, including referrals to other  
38 licensed health care professionals, and performing specific procedures  
39 in accordance with the provisions of this subsection.

40 b. An advanced practice nurse may order medications and devices  
41 in the inpatient setting, subject to the following conditions:

42 (1) the collaborating physician and advanced practice nurse shall  
43 address in the joint protocols whether prior consultation with the  
44 collaborating physician is required to initiate an order for a controlled  
45 dangerous substance;

46 (2) the order is written in accordance with standing orders or joint  
47 protocols developed in agreement between a collaborating physician

1 and the advanced practice nurse, or pursuant to the specific direction  
2 of a physician;

3 (3) the advanced practice nurse authorizes the order by signing the  
4 nurse's own name, printing the name and certification number, and  
5 printing the collaborating physician's name;

6 (4) the physician is present or readily available through electronic  
7 communications;

8 (5) the charts and records of the patients treated by the advanced  
9 practice nurse are reviewed by the collaborating physician and the  
10 advanced practice nurse within the period of time specified by rule  
11 adopted by the Commissioner of Health pursuant to section 13 of  
12 P.L.1991, c.377 (C.45:11-52);

13 (6) the joint protocols developed by the collaborating physician  
14 and the advanced practice nurse are reviewed, updated, and signed at  
15 least annually by both parties; and

16 (7) the advanced practice nurse has completed six contact hours of  
17 continuing professional education in pharmacology related to  
18 controlled substances, including pharmacologic therapy, addiction  
19 prevention and management, and issues concerning prescription opioid  
20 drugs, including responsible prescribing practices, alternatives to  
21 opioids for managing and treating pain, and the risks and signs of  
22 opioid abuse, addiction, and diversion, in accordance with regulations  
23 adopted by the New Jersey Board of Nursing. The six contact hours  
24 shall be in addition to New Jersey Board of Nursing pharmacology  
25 education requirements for advanced practice nurses related to initial  
26 certification and recertification of an advanced practice nurse as set  
27 forth in N.J.A.C.13:37-7.2.

28 c. An advanced practice nurse may prescribe medications and  
29 devices in all other medically appropriate settings, subject to the  
30 following conditions:

31 (1) the collaborating physician and advanced practice nurse shall  
32 address in the joint protocols whether prior consultation with the  
33 collaborating physician is required to initiate a prescription for a  
34 controlled dangerous substance;

35 (2) the prescription is written in accordance with standing orders  
36 or joint protocols developed in agreement between a collaborating  
37 physician and the advanced practice nurse, or pursuant to the specific  
38 direction of a physician;

39 (3) the advanced practice nurse writes the prescription on a New  
40 Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-  
41 40 et seq.), signs the nurse's own name to the prescription and prints  
42 the nurse's name and certification number;

43 (4) the prescription is dated and includes the name of the patient  
44 and the name, address, and telephone number of the collaborating  
45 physician;

46 (5) the physician is present or readily available through electronic  
47 communications;

1 (6) the charts and records of the patients treated by the advanced  
2 practice nurse are periodically reviewed by the collaborating physician  
3 and the advanced practice nurse;

4 (7) the joint protocols developed by the collaborating physician  
5 and the advanced practice nurse are reviewed, updated, and signed at  
6 least annually by both parties; and

7 (8) the advanced practice nurse has completed six contact hours of  
8 continuing professional education in pharmacology related to  
9 controlled substances, including pharmacologic therapy, addiction  
10 prevention and management, and issues concerning prescription opioid  
11 drugs, including responsible prescribing practices, alternatives to  
12 opioids for managing and treating pain, and the risks and signs of  
13 opioid abuse, addiction, and diversion, in accordance with regulations  
14 adopted by the New Jersey Board of Nursing. The six contact hours  
15 shall be in addition to New Jersey Board of Nursing pharmacology  
16 education requirements for advanced practice nurses related to initial  
17 certification and recertification of an advanced practice nurse as set  
18 forth in N.J.A.C.13:37-7.2.

19 d. The joint protocols employed pursuant to subsections b. and c.  
20 of this section shall conform with standards adopted by the Director of  
21 the Division of Consumer Affairs pursuant to section 12 of P.L.1991,  
22 c.377 (C.45:11-51) or section 10 of P.L.1999, c.85 (C.45:11-49.2), as  
23 applicable.

24 e. (Deleted by amendment, P.L.2004, c.122.)

25 f. An attending advanced practice nurse may determine and  
26 certify the cause of death of the nurse's patient and execute the death  
27 certification pursuant to R.S.26:6-8 if no collaborating physician is  
28 available to do so and the nurse is the patient's primary caregiver.

29 g. An advanced practice nurse may authorize qualifying patients  
30 for the medical use of cannabis and issue written instructions for  
31 medical cannabis to registered qualifying patients, subject to the  
32 following conditions:

33 (1) the collaborating physician and advanced practice nurse shall  
34 address in the joint protocols whether prior consultation with the  
35 collaborating physician is required to authorize a qualifying patient for  
36 the medical use of cannabis or issue written instructions for medical  
37 cannabis;

38 (2) the authorization for the medical use of cannabis or issuance of  
39 written instructions for cannabis is in accordance with standing orders  
40 or joint protocols developed in agreement between a collaborating  
41 physician and the advanced practice nurse, or pursuant to the specific  
42 direction of a physician;

43 (3) the advanced practice nurse signs the nurse's own name to the  
44 authorization or written instruction and prints the nurse's name and  
45 certification number;

46 (4) the authorization or written instruction is dated and includes  
47 the name of the qualifying patient and the name, address, and  
48 telephone number of the collaborating physician;

- 1       (5) the physician is present or readily available through electronic  
2 communications;
- 3       (6) the charts and records of qualifying patients treated by the  
4 advanced practice nurse are periodically reviewed by the collaborating  
5 physician and the advanced practice nurse;
- 6       (7) the joint protocols developed by the collaborating physician  
7 and the advanced practice nurse are reviewed, updated, and signed at  
8 least annually by both parties; and
- 9       (8) the advanced practice nurse complies with the requirements for  
10 authorizing qualifying patients for the medical use of cannabis and for  
11 issuing written instructions for medical cannabis established pursuant  
12 to P.L.2009, c.307 (C.24:6I-1 et al.)<sup>5</sup> [and  
13 P.L. , c. (C. ) (pending before the Legislature as this bill)]<sup>5</sup>.  
14 (cf: P.L.2017, c.28, s.15)
- 15
- 16       <sup>5</sup>[38.] 48.<sup>5</sup> Section 5 of P.L.2009, c.307 (C.24:6I-5) is  
17 repealed.
- 18
- 19       <sup>5</sup>[39.] 49.<sup>5</sup> This act shall take effect immediately.