

ASSEMBLY, No. 5363

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON
District 15 (Hunterdon and Mercer)

SYNOPSIS

Authorizes home cultivation of medical cannabis.

CURRENT VERSION OF TEXT

As introduced.



A5363 REYNOLDS-JACKSON

2

1 AN ACT concerning medical cannabis and amending and
2 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 3 of P.L.2009, c.307 (C.24:6I-3) is amended to read
8 as follows:

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

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

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

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

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

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

45 "Commissioner" means the Commissioner of Health.

46 "Common ownership or control" means:

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

Matter underlined thus is new matter.

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

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

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

10 "Department" means the Department of Health.

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

12 (1) is at least 18 years old;

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

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

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

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

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

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

1 "Health care practitioner" means a physician, advanced practice
2 nurse, or physician assistant licensed or certified pursuant to Title
3 45 of the Revised Statutes who:

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

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

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

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

21 "Home cultivation of medical cannabis" means the cultivation of
22 medical cannabis, in the residence of a registered qualifying patient
23 or a designated caregiver of the patient, for the patient's personal
24 medical use. The term does not include the cultivation of medical
25 cannabis by an entity issued a medical cannabis cultivator or
26 clinical registrant permit.

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

28 (1) is at least 18 years old;

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

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

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

40 (5) subject to the provisions of paragraph (2) of subsection c. of
41 section 4 of P.L.2009, c.307 (C.24:6I-4), has never been convicted
42 of possession or sale of a controlled dangerous substance, unless
43 such conviction occurred after the effective date of P.L.2009, c.307
44 (C.24:6I-1 et al.) and was for a violation of federal law related to
45 possession or sale of cannabis that is authorized under
46 P.L.2009, c.307 (C.24:6I-1 et al.) or P.L.2015, c.158 (C.18A:40-
47 12.22 et al.); and

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

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

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

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

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

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

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

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

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

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

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

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

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

46 "Qualifying medical condition" means seizure disorder,
47 including epilepsy; intractable skeletal muscular spasticity; post-
48 traumatic stress disorder; glaucoma; positive status for human

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

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

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

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

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

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

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

43

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

46 4. a. The commission shall establish a registry of qualifying
47 patients and their designated caregivers and shall establish a means
48 of identifying and verifying the registration status of patients and

1 designated caregivers who are registered with the commission.
2 Registration with the commission shall be valid for two years. A
3 patient or designated caregiver shall be registered with the
4 commission upon submitting the following, in accordance with
5 regulations adopted by the commission:

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

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

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

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

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

17 (6) an indication whether the patient or a designated caregiver
18 will home cultivate medical cannabis.

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

26 The commission shall establish a registry of institutional
27 caregivers and shall establish a means of identifying and verifying
28 the registration status of institutional caregivers who are registered
29 with the commission. Registration with the commission shall be
30 valid for one year. An institutional caregiver shall be registered
31 with the commission upon submitting the name, address, and
32 telephone number of the institutional caregiver and of the health
33 care facility at which the individual will be serving as institutional
34 caregiver and a certification that meets the requirements of
35 subsection h. of this section. The application or renewal fee for the
36 institutional caregiver shall be paid by the health care facility at
37 which the institutional caregiver will be serving as institutional
38 caregiver. An institutional caregiver shall not be limited in the
39 number of qualifying patients for whom the institutional caregiver
40 may serve as institutional caregiver at one time, provided that each
41 qualifying patient served by the institutional caregiver is a current
42 patient or resident at the health care facility at which the
43 institutional caregiver is authorized to serve as institutional
44 caregiver, and the number of qualifying patients served by the
45 institutional caregiver is commensurate with the institutional
46 caregiver's ability to fully meet the treatment and related needs of
47 each qualifying patient and attend to the institutional caregiver's
48 other professional duties at the health care facility without

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (e) the age of the individual when the crime or offense was
2 committed;
- 3 (f) whether the crime or offense was an isolated or repeated
4 incident;
- 5 (g) any social conditions which may have contributed to the
6 commission of the crime or offense; and
- 7 (h) any evidence of rehabilitation, including good conduct in
8 prison or in the community, counseling or psychiatric treatment
9 received, acquisition of additional academic or vocational
10 schooling, successful participation in correctional work-release
11 programs, or the recommendation of those who have had the
12 individual under their supervision.
- 13 d. A verification of registration issued by the commission shall
14 contain the following information:
- 15 (1) (a) in the case of a patient or designated caregiver
16 registration, the name, address, and date of birth of the patient and
17 each designated caregiver, if applicable, along with an indication as
18 to whether the patient or designated caregiver is authorized for
19 home cultivation of medical cannabis; and
- 20 (b) in the case of an institutional caregiver, the caregiver's name
21 and date of birth and the name and address of the health care
22 facility at which the caregiver is serving as institutional caregiver;
- 23 (2) the expiration date of the registration;
- 24 (3) photo identification of the registrant; and
- 25 (4) such other information that the commission may specify by
26 regulation.
- 27 e. (1) A patient who has been registered by the commission
28 shall notify the commission of any change in the patient's name,
29 address, or health care practitioner **[or]** of any change in who is
30 authorized to home cultivate medical cannabis for the patient, and
31 of any change in status of the patient's qualifying medical condition,
32 within 10 days of such change, or the patient's registration shall be
33 deemed null and void.
- 34 (2) A designated caregiver who has been registered by the
35 commission shall notify the commission of any change in the
36 caregiver's name or address within 10 days of such change, or the
37 caregiver's registration shall be deemed null and void.
- 38 (3) An institutional caregiver who has been registered by the
39 commission shall notify the commission of any change in the
40 caregiver's name, address, employment by a health care facility at
41 which the caregiver is registered to serve as institutional caregiver,
42 or authorization from the health care facility to assist qualifying
43 patients with the medical use of cannabis, within 10 days of such
44 change, or the caregiver's registration shall be deemed null and void
45 and the individual shall be deemed ineligible to serve as an
46 institutional caregiver for a period of not less than one year.
- 47 f. The commission shall maintain a confidential list of the
48 persons registered with the commission. Individual names and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

23 e. In addition to any other civil or criminal penalties as may
24 apply, any individual in possession of home-cultivated medical
25 cannabis in the form of a mature or immature plant or in any
26 consumable form, who sells, donates, or furnishes the home-
27 cultivated medical cannabis to any individual who is not authorized
28 to be in possession of the home-cultivated medical cannabis as
29 provided in this section, shall be liable to a civil penalty of up to
30 \$1,000, which shall be collected by and in the name of the
31 commission in summary proceedings before a court of competent
32 jurisdiction pursuant to the provisions of the "Penalty Enforcement
33 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). In addition,
34 the individual's registration with the commission shall be deemed
35 null and void, and the individual shall be permanently ineligible for
36 re-registration with the commission as a qualifying patient, a
37 designated caregiver, or an institutional caregiver.

38

39 4. This act shall take effect immediately.

40

41

42

STATEMENT

43

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

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

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

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

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

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

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

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

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

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