

SENATE, No. 309

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

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District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Requires workers' compensation, PIP, and health insurance coverage for the medical use of cannabis under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the medical use of cannabis and insurance
2 coverage, amending P.L.2009, c.307, and supplementing various
3 parts of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

10 16. a. Nothing in P.L.2009, c.307 (C.24:6I-1 et al.) or
11 P.L.2015, c.158 (C.18A:40-12.22 et al.) shall be construed to
12 require a government medical assistance program or private health
13 insurer to reimburse a person for costs associated with the medical
14 use of cannabis, or to restrict or otherwise affect the distribution,
15 sale, prescribing, and dispensing of any product that has been
16 approved for marketing as a prescription drug or device by the
17 federal Food and Drug Administration.

18 b. Notwithstanding the provisions of subsection a. of this
19 section, an employer or workers' compensation insurance carrier or
20 private passenger automobile insurance carrier shall provide
21 coverage for costs associated with the medical use of cannabis
22 pursuant to P.L. , c. (C.) (pending before the Legislature as
23 this bill) except that an employer or carrier shall not be required to
24 provide coverage for costs associated with the medical use of
25 cannabis upon intervention by the federal government to enforce the
26 "Controlled Substances Act" (21 U.S.C. s.802 et seq.).
27 (cf: P.L.2019, c.153, s.22)
28

29 2. (New section) The Legislature finds and declares that
30 scientific data indicate that medical cannabis has significant
31 medical value when used in the treatment of certain injuries and
32 diseases, including pain relief, control of nausea and vomiting, and
33 appetite stimulation. Cannabis also has potential therapeutic value
34 from effects such as anxiety reduction, sedation, and euphoria.
35 Scientific studies have found that cannabis is effective in relieving
36 some of the symptoms of HIV/AIDS, cancer, glaucoma, and
37 multiple sclerosis. Other studies have suggested that medical
38 cannabis legalization may lead to decreased prescription opioid
39 abuse.

40 Although medical cannabis has many useful therapeutic benefits,
41 its use is limited because its costs are not covered by insurance. By
42 requiring coverage for medical cannabis under workers'
43 compensation and private passenger automobile insurance, access to
44 these benefits will be expanded. Additionally, medical cannabis

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 may lower costs for insurers by providing a more economical
2 alternative to more expensive and risky drugs such as opioids.

3

4 3. (New section) a. Personal injury protection benefits
5 provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or
6 section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall include coverage for
7 costs associated with the medical use of cannabis provided that the
8 insured is a qualifying patient authorized for the medical use of
9 cannabis pursuant to P.L.2009, c.307 (C.24:6I-1 et al).

10 b. A private passenger automobile insurer shall not be required
11 to provide coverage for costs associated with the medical use of
12 cannabis upon intervention by the federal government to enforce the
13 "Controlled Substances Act" (21 U.S.C. s.802 et seq.).

14 c. Notwithstanding any provision of the insurance policy to the
15 contrary, if for any reason payment by the insurer to the medical
16 cannabis dispensary is not feasible, the insurer shall remit directly
17 to the insured the costs for any benefits associated with the medical
18 use of cannabis upon proof of payment by the insured to the
19 medical cannabis dispensary.

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21 4. (New section) a. Workers' compensation benefits paid by
22 any employer or a workers' compensation insurance carrier of an
23 employer for an injury to an employee under R.S.34:15-1 et seq.
24 shall include coverage for costs associated with the medical use of
25 cannabis provided that the employee is a qualifying patient
26 authorized for the medical use of cannabis pursuant to P.L.2009,
27 c.307 (C.24:6I-1 et al).

28 b. An employer or workers' compensation insurance carrier
29 shall not be required to provide coverage for costs associated with
30 the medical use of cannabis upon intervention by the federal
31 government to enforce the "Controlled Substances Act"
32 (21 U.S.C. s.802 et seq.).

33 c. Notwithstanding any provision of the employer's plan or
34 insurance policy to the contrary, if for any reason payment by the
35 employer or carrier to the medical cannabis dispensary is not
36 feasible, the employer or carrier shall remit directly to the employee
37 the costs for any benefits associated with the medical use of
38 cannabis upon proof of payment by the employee to the medical
39 cannabis dispensary.

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41 5. (New section) a. A carrier that offers a health benefits plan
42 in this State shall provide coverage for costs associated with the
43 medical use of cannabis provided that the covered person is a
44 qualifying patient authorized for the medical use of cannabis pursuant
45 to P.L.2009, c.307 (C.24:6I-1 et al).

46 b. A carrier shall not be required to provide coverage for costs
47 associated with the medical use of cannabis upon intervention by the

1 federal government to enforce the "Controlled Substances Act"
2 (21 U.S.C. s.802 et seq.).

3 c. Notwithstanding any provision of the health benefits plan to
4 the contrary, if for any reason payment by the carrier to the medical
5 cannabis dispensary is not feasible, the carrier shall remit directly to
6 the covered person the costs for any benefits associated with the
7 medical use of cannabis upon proof of payment by the covered person
8 to the medical cannabis dispensary.

9 d. As used in this section:

10 "Carrier" means an insurance company, health service corporation,
11 hospital service corporation, medical service corporation, or health
12 maintenance organization authorized to issue health benefits plans in
13 this State or any entity contracted to administer health benefits in
14 connection with the State Health Benefits Program or School
15 Employees' Health Benefits Program.

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17 6. This act shall take effect on the 90th day next following
18 enactment.

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STATEMENT

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23 This bill requires workers' compensation, personal injury
24 protection (PIP), and health insurance coverage for the medical use
25 of cannabis under certain circumstances.

26 The bill provides that personal injury protection automobile
27 insurance benefits, workers' compensation benefits, and health
28 benefits plans must include coverage for costs associated with the
29 medical use of cannabis, provided that the insured, employee, or
30 covered person is a qualifying patient authorized for the medical
31 use of cannabis pursuant to the "Jake Honig Compassionate Use
32 Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al).

33 In addition, the bill provides that an employer or workers'
34 compensation insurance carrier, private passenger automobile
35 insurance carrier, or health insurance carrier is not required to
36 provide coverage or benefits for costs associated with the medical
37 use of cannabis upon intervention by the federal government to
38 enforce of the federal "Controlled Substances Act"
39 (21 U.S.C. s.802 et seq.).

40 Lastly, the bill provides that an employer, insurer, or health
41 insurance carrier shall, if for any reason payment by the employer,
42 insurer, or health insurance carrier to the medical cannabis
43 dispensary is not feasible, remit directly to the insured, employee,
44 or covered person the costs for any benefits associated with the
45 medical use of cannabis upon proof of payment by the insured,
46 employee, or covered person to the medical cannabis dispensary.