

# SENATE, No. 313

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## STATE OF NEW JERSEY 220th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Allows costs of medical cannabis to be reimbursed by Catastrophic Illness in Children Relief Fund, PAAD, Senior Gold, and VCCO.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning medical cannabis, amending various parts of  
2 the statutory law, and supplementing P.L.1975, c.194 and  
3 P.L.2001, c.26.

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

19 b. Consistent with the provisions of P.L. , c. (C. )  
20 (pending before the Legislature as this bill), the cost of medical  
21 cannabis and medical cannabis products dispensed by a medical  
22 cannabis dispensary or clinical registrant shall be eligible for  
23 reimbursement through the "Catastrophic Illness in Children Relief  
24 Fund" established pursuant to P.L.1987, c.370 (C.26:2-148 et seq.),  
25 the "Pharmaceutical Assistance to the Aged and Disabled" program  
26 established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), the  
27 "Senior Gold Prescription Discount Program" established pursuant  
28 to P.L.2001, c.96 (C.30:4D-45 et al.), and the "Criminal Injuries  
29 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.).  
30 (cf: P.L.2019, c.153, s.22)

31  
32 2. Section 2 of P.L.1987, c.370 (C.26:2-149) is amended to  
33 read as follows:

34 2. As used in this act:

35 a. "Catastrophic illness" means any illness or condition the  
36 medical expenses of which are not covered by any other State or  
37 federal program or any insurance contract and exceed **10%** 10  
38 percent of the first \$100,000 of annual income of a family plus  
39 **15%** 15 percent of the excess income over \$100,000.

40 b. "Child" means a person 21 years of age and under.

41 c. "Commission" means the Catastrophic Illness in Children  
42 Relief Fund Commission.

43 d. "Family" means a child and the child's parent, parents or  
44 legal guardian, as the case may be, who is legally responsible for  
45 the child's medical expenses.

**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 e. "Fund" means the Catastrophic Illness in Children Relief  
2 Fund.

3 f. "Income" means all income, from whatever source derived,  
4 actually received by a family.

5 g. "Resident" means a person legally domiciled within the State  
6 for a period of three months immediately preceding the date of  
7 application for inclusion in the program. Mere seasonal or  
8 temporary residence within the State, of whatever duration, does not  
9 constitute domicile. Absence from this State for a period of 12  
10 months or more is prima facie evidence of abandonment of  
11 domicile. The burden of establishing legal domicile within the  
12 State is upon the parent or legal guardian of a child.

13 h. "Clinical registrant," "medical cannabis dispensary," and  
14 "registered qualifying patient" mean the same as those terms are  
15 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

16 i. "Cost of medical cannabis" means the purchase price of  
17 medical cannabis and medical cannabis products dispensed to or on  
18 behalf a registered qualifying patient, which purchase price shall be  
19 the price listed on the medical cannabis dispensary's or clinical  
20 registrant's website pursuant to subsection h. of section 7 of  
21 P.L.2009, c.307 (C.24:6I-7) less any applicable discounts or price  
22 reductions.

23 (cf: P.L.2003, c.260, s.1)

24  
25 3. Section 9 of P.L.1987, c.370 (C.26:2-156) is amended to  
26 read as follows:

27 9. Whenever a child has a catastrophic illness and is eligible  
28 for the program, the child, through **[his]** the child's parent or legal  
29 guardian, shall receive financial assistance from monies in the fund  
30 subject to the rules and regulations established by the commission  
31 and the availability of monies in the fund. The financial assistance  
32 shall include, but is not limited to, payments or reimbursements for  
33 the cost of medical treatment, hospital care, drugs, nursing care and  
34 physician services. In the case of a child who has a catastrophic  
35 illness who is a registered qualifying patient and who is eligible for  
36 the program, the child, through the child's parent or legal guardian,  
37 shall receive financial assistance from monies in the fund to assist  
38 with the cost of medical cannabis for the patient, subject to the rules  
39 and regulations established by the commission and the availability  
40 of monies in the fund.

41 (cf: P.L.2003, c.260, s.3)

42  
43 4. Section 3 of P.L.1975, c.194 (C.30:4D-22) is amended to  
44 read as follows:

45 3. The program of "Pharmaceutical Assistance to the Aged and  
46 Disabled" shall consist of payments to pharmacies for the  
47 reasonable cost of prescription drugs of eligible persons which  
48 exceed a \$2.00 copayment. Said copayment shall be paid in full by

1 each eligible person to the pharmacist at the time of each purchase  
2 of prescription drugs, and shall not be waived, discounted or  
3 rebated in whole or in part.

4 The commissioner may restrict the day supply of initial  
5 prescriptions to less than a 30 day supply in order to reduce waste  
6 and reduce inappropriate drug utilization. Subsequently, the  
7 commissioner may limit prescription drugs used in the treatment of  
8 acute care medical conditions to an amount not to exceed a 30 day  
9 supply. The commissioner may allow up to a 60 day supply or 100  
10 unit doses, whichever is greater, of prescription drugs used in the  
11 treatment of chronic maintenance conditions.

12 Whenever any interchangeable drug product contained in the  
13 latest list approved and published by the Drug Utilization Review  
14 Council is available for the prescription written, an eligible person  
15 shall either:

16 (1) Purchase an interchangeable drug product which is equal to  
17 or less than the maximum allowable cost, at the \$2.00 copayment;  
18 or

19 (2) Purchase the prescribed drug product which is higher in cost  
20 than the maximum allowable cost and pay the difference between  
21 the two, in addition to the \$2.00 copayment, unless the prescriber  
22 specifically indicates that substitution is not permissible, in which  
23 case an eligible person may purchase the prescribed drug product at  
24 the \$2.00 copayment.

25 For purposes of this act:

26 a. "Prescription drugs" means all legend drugs, including any  
27 interchangeable drug products contained in the latest list approved  
28 and published by the Drug Utilization Review Council in  
29 conformance with the provisions of the "Prescription Drug Price  
30 and Quality Stabilization Act" (P.L. 1977, c. 240; C. 24:6E-1 et  
31 seq.), diabetic testing materials, and insulin, insulin syringes and  
32 insulin needles;

33 b. "Reasonable cost" means the maximum allowable cost of  
34 prescription drugs and a dispensing fee, as determined by the  
35 commissioner. In the case of diabetic testing materials, the  
36 maximum allowable cost is the manufacturer's suggested retail  
37 selling price or the pharmacy's usual over-the-counter price charged  
38 to other persons in the community, whichever is less;

39 c. "Resident" means one legally domiciled within the State for  
40 a period of 30 days immediately preceding the date of application  
41 for inclusion in the program. Mere seasonal or temporary residence  
42 within the State, of whatever duration, does not constitute domicile.  
43 Absence from this State for a period of 12 months is prima facie  
44 evidence of abandonment of domicile. The burden of establishing  
45 legal domicile within the State is upon the applicant;

46 d. "Diabetic testing materials" means blood glucose reagent  
47 strips which can be visually read, urine monitoring strips, tapes and

1 tablets and bloodletting devices and lancets, but shall not include  
2 electronically monitored devices.

3 e. “Caregiver” means a designated caregiver or an institutional  
4 caregiver, as those terms are defined in section 3 of P.L.2009, c.307  
5 (C.24:6I-3).

6 f. “Clinical registrant,” “medical cannabis dispensary,” and  
7 “registered qualifying patient” mean the same as those terms are  
8 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

9 g. “Commissioner” means the Commissioner of Human  
10 Services.

11 h. “Cost of medical cannabis” means the purchase price of  
12 medical cannabis and medical cannabis products dispensed to or on  
13 behalf a registered qualifying patient, which purchase price shall be  
14 the price listed on the medical cannabis dispensary’s or clinical  
15 registrant’s website pursuant to subsection h. of section 7 of  
16 P.L.2009, c.307 (C.24:6I-7) less any applicable discounts or price  
17 reductions.

18 i. “Department” means the Department of Human Services.

19 (cf: P.L.1985, c.291, s.2)

20  
21 5. (New section) a. The “Pharmaceutical Assistance to the  
22 Aged and Disabled” program established pursuant to P.L.1975,  
23 c.194 (C.30:4D-20 et seq.) shall provide a payment to a medical  
24 cannabis dispensary or clinical registrant that is participating in the  
25 program for the cost of medical cannabis purchased by or on behalf  
26 of an eligible person who is a registered qualifying patient that  
27 exceeds a \$7 copayment upon presentation of an identification card  
28 issued by the program identifying the registered qualifying patient  
29 as an eligible person. The \$7 copayment shall be paid in full by the  
30 eligible person or the eligible person’s caregiver at the time medical  
31 cannabis is dispensed to or on behalf of the registered qualifying  
32 patient, and shall not be waived, discounted, or rebated in whole or  
33 in part. The payments to medical cannabis dispensaries and clinical  
34 registrants shall commence no later than the effective date of  
35 P.L. , c. (C. ) (pending before the Legislature as this bill).

36 b. An eligible person who is a registered qualifying patient  
37 whose medical cannabis costs are covered in part by any other  
38 program or plan of assistance or insurance may be required to  
39 receive reduced assistance under the provisions of this section. Any  
40 otherwise eligible person whose medical cannabis costs are wholly  
41 covered by any other plan of assistance or insurance shall be  
42 ineligible for assistance under the provisions of this section.

43 c. The Commissioner of Human Services, in consultation with  
44 the Cannabis Regulatory Commission established pursuant to  
45 section 31 of P.L.2019, c.153 (C.24:6I-24), may establish limits on  
46 the maximum quantity of medical cannabis that may be purchased  
47 by or on behalf of an eligible person in a 30-day period under the  
48 program, which limits may be in an amount lower than the

1 maximum quantities of medical cannabis that may be dispensed to  
2 or on behalf of a registered qualifying patient pursuant to subsection  
3 f. of section 10 of P.L.2009, c.307 (C.24:6I-10).

4 d. An eligible person under the program shall, upon the  
5 submission of an application and proof of expenditure as the  
6 department may prescribe, be reimbursed for 50 percent of the cost  
7 of medical cannabis purchased by or on behalf of that person in an  
8 amount that exceeds the required copayment, during the period  
9 commencing 30 days after the person's properly completed  
10 application was received by the department and ending on the date  
11 on which the person received proof of eligibility from the  
12 department; except that no reimbursement under this section shall  
13 be made for medical cannabis purchased prior to the effective date  
14 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill).

16 e. The commissioner shall by regulation provide for:

17 (1) arrangements for providing notice of the availability of the  
18 program and the distribution of application forms therefor;

19 (2) a system of payments to medical cannabis dispensaries and  
20 clinical registrants that may include the same dispensing fee  
21 structure that is used for payments to pharmacies under PAAD and  
22 a system for determining eligibility for the program, including  
23 evidence of complete or partial coverage of prescription drug or  
24 medical cannabis costs by any other program or plan of assistance  
25 or insurance; and

26 (3) the issuance of program identification cards to persons who  
27 are determined eligible for the program.

28  
29 6. Section 2 of P.L.2001, c.96 (C.30:4D-44) is amended to read  
30 as follows:

31 2. As used in this act:

32 "Caregiver" means a designated caregiver or an institutional  
33 caregiver, as those terms are defined in section 3 of P.L.2009, c.307  
34 (C.24:6I-3).

35 "Clinical registrant" means the same as that term is defined in  
36 section 3 of P.L.2009, c.307 (C.24:6I-3).

37 "Commissioner" means the Commissioner of Human Services.

38 "Cost of medical cannabis" means the purchase price of medical  
39 cannabis and medical cannabis products dispensed to or on behalf a  
40 registered qualifying patient, which purchase price shall be the price  
41 listed on the medical cannabis dispensary's or clinical registrant's  
42 website pursuant to subsection h. of section 7 of P.L.2009, c.307  
43 (C.24:6I-7) less any applicable discounts or price reductions.

44 "Department" means the Department of Human Services.

45 "Medical cannabis dispensary" means the same as that term is  
46 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

1 "PAAD" means the program of pharmaceutical assistance to the  
2 aged and disabled established pursuant to P.L.1975, c.194  
3 (C.30:4D-20 et seq.).

4 "Prescription drug" means any legend drug which is covered by  
5 PAAD.

6 "Program" means the "Senior Gold Prescription Discount  
7 Program" established pursuant to this act.

8 "Reasonable cost" means the cost of a prescription drug as  
9 established for PAAD.

10 "Registered qualifying patient" means the same as that term is  
11 defined in section 3 of P.L.2009, c.307 (C.24:6I-3).

12 "Resident" means a resident as defined in section 3 of P.L.1975,  
13 c.194 (C.30:4D-22) for purposes of eligibility for PAAD.  
14 (cf: P.L.2012, c.17, s.386)

15

16 7. (New section) a. The "Senior Gold Prescription Discount  
17 Program" established pursuant to P.L.2001, c.96 (C.30:4D-44 et al.)  
18 shall provide a payment to a medical cannabis dispensary or clinical  
19 registrant that is participating in the program for the cost of medical  
20 cannabis purchased by or on behalf of an eligible person who is a  
21 registered qualifying patient upon presentation of an identification  
22 card issued by the program identifying the registered qualifying  
23 patient as an eligible person. The payments to medical cannabis  
24 dispensaries and clinical registrants shall commence no later than  
25 the effective date of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill).

27 At the time of each purchase of medical cannabis, the eligible  
28 person or the eligible person's caregiver shall pay a copayment that  
29 shall not be waived, discounted, or rebated in whole or in part, and  
30 shall be equal to:

31 (1) \$15 plus 50 percent of the remaining amount of the cost of  
32 the medical cannabis, or the cost of the medical cannabis,  
33 whichever is less; or

34 (2) \$15, or the cost of the medical cannabis, whichever is less, in  
35 the case of an eligible person who is a registered qualifying patient  
36 who has incurred out-of-pocket expenditures, including copayments  
37 and deductibles, for the purchase of prescription drugs and medical  
38 cannabis, which are not reimbursable by any other plan of  
39 assistance or insurance and are credited to that person's account for  
40 each 12-month period of eligibility in accordance with procedures  
41 established by the commissioner, in the following amounts: \$2,000  
42 for a single person and \$3,000 for a married couple. These out-of-  
43 pocket expense amounts shall include only expenses incurred on or  
44 after the date that the person received proof of eligibility for the  
45 program from the department.

46 b. An eligible person who is a registered qualifying patient  
47 whose medical cannabis costs are covered in part by any other  
48 program or plan of assistance or insurance may be required to

1 receive reduced assistance under the Senior Gold Prescription  
2 Discount Program. If an eligible person's medical cannabis costs  
3 are covered in whole or in part by any other program or plan of  
4 assistance or insurance, the other program or plan shall be the  
5 primary payer and the Senior Gold Prescription Discount Program  
6 shall be the payer of last resort.

7 c. The Commissioner of Human Services, in consultation with  
8 the Cannabis Regulatory Commission established pursuant to  
9 section 31 of P.L.2019, c.153 (C.24:6I-24), may establish limits on  
10 the maximum quantity of medical cannabis that may be purchased  
11 by or on behalf of an eligible person in a 30-day period under the  
12 program, which limits may be in an amount lower than the  
13 maximum quantities of medical cannabis that may be dispensed to  
14 or on behalf of a registered qualifying patient pursuant to subsection  
15 f. of section 10 of P.L.2009, c.307 (C.24:6I-10).

16 d. An eligible person under the program shall, upon the  
17 submission of an application and proof of expenditure as the  
18 department may prescribe, be reimbursed for 50 percent of the cost  
19 of medical cannabis purchased by or on behalf of that person in an  
20 amount that exceeds the required copayment, during the period  
21 commencing 30 days after the person's properly completed  
22 application was received by the department and ending on the date  
23 on which the person received proof of eligibility from the  
24 department; except that no reimbursement under this section shall  
25 be made for medical cannabis purchased prior to the effective date  
26 of P.L. , c. (C. ) (pending before the Legislature as this  
27 bill).

28 e. The commissioner shall by regulation provide for:

29 (1) arrangements for providing notice of the availability of the  
30 program and the distribution of application forms therefor;

31 (2) a system of payments to medical cannabis dispensaries and  
32 clinical registrants that may include the same dispensing fee  
33 structure that is used for PAAD and a system for determining  
34 eligibility for the program, including evidence of complete or  
35 partial coverage of prescription drug or medical cannabis costs by  
36 any other program or plan of assistance or insurance; and

37 (3) the issuance of program identification cards to persons who  
38 are determined eligible for the program.

39  
40 8. Section 2 of P.L.1971, c.317 (C.52:4B-2) is amended to read  
41 as follows:

42 2. As used in P.L.1971, c.317:

43 "Agency" means the Victims of Crime Compensation Agency;

44 "Child" means an unmarried person who is under 21 years of age  
45 and includes a stepchild or an adopted child;

46 "Clinical registrant" means the same as that term is defined in  
47 section 3 of P.L.2009, c.307 (C.24:6I-3);



1       "Cost of medical cannabis" means the purchase price of medical  
2 cannabis and medical cannabis products dispensed to or on behalf a  
3 registered qualifying patient, which purchase price shall be the price  
4 listed on the medical cannabis dispensary's or clinical registrant's  
5 website pursuant to subsection h. of section 7 of P.L.2009, c.307  
6 (C.24:6I-7) less any applicable discounts or price reductions;

7       "Dependent" means a relative of a deceased victim who was  
8 wholly or partially dependent upon the victim's income at the time  
9 of the victim's death and shall include the child of a victim born  
10 after the victim's death;

11       "Legal assistance" means assistance provided to a crime victim  
12 in the enforcement of victims' rights in all courts; family law  
13 matters, including but not limited to child protection actions,  
14 divorce, custody, parenting time, child support, emancipation,  
15 dependency, guardianship, and family reunification; obtaining  
16 protective and restraining orders; employment matters, including  
17 but not limited to wage and hour claims; accessing public benefits;  
18 life planning; and any other situation for which an eligible crime  
19 victim needs legal services related to the victimization;

20       "Medical cannabis dispensary" means the same as that term is  
21 defined in section 3 of P.L.2009, c.307 (C.24:6I-3);

22       "Personal injury" means actual bodily harm and includes  
23 pregnancy and mental or nervous shock;

24       "Registered qualifying patient" means the same as that term is  
25 defined in section 3 of P.L.2009, c.307 (C.24:6I-3);

26       "Relative" of any person means the person's spouse, parent,  
27 grandparent, stepfather, stepmother, child, grandchild, brother,  
28 sister, half brother, half sister, or parent of the person's spouse;

29       "Relevant evidence" means evidence having a tendency in reason  
30 to prove or disprove any fact of consequence to the determination of  
31 the action and that is deemed to be admissible under the rules of  
32 evidence and does not include rumor, supposition, speculation,  
33 hearsay or opinion, except as otherwise deemed admissible under  
34 the rules of evidence;

35       "Review Board" or "board" means the Victims of Crime  
36 Compensation Review Board established by section 2 of P.L.2007,  
37 c.95 (C.52:4B-3.2);

38       "Victim" means a person who suffers personal, physical, or  
39 psychological injury or death as a result of the conduct of another  
40 person who commits against that person any of the offenses  
41 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) or an act by  
42 a juvenile, which if committed by an adult, would constitute a  
43 violation of any of these offenses. The term shall include, in the  
44 case of a criminal homicide or an act by a juvenile which, if  
45 committed by an adult, would constitute a criminal homicide, the  
46 spouse, parent, legal guardian, grandparent, child, sibling, domestic  
47 or civil union partner of the decedent, or parent of the decedent's  
48 child;

1 "Victims of Crime Compensation Office" or "office" means the  
2 Victims of Crime Compensation Agency established pursuant to  
3 P.L.1971, c.317 (C.52:4B-1 et seq.) which is continued as the  
4 Victims of Crime Compensation Office pursuant to P.L.2007, c.95  
5 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.  
6 (cf: P.L.2019, c.380, s.1)

7  
8 9. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to  
9 read as follows:

10 12. The **【agency】** office may order the payment of  
11 compensation under this act for:

12 a. expenses actually and reasonably incurred as a result of the  
13 personal injury or death of the victim, including out-of-pocket  
14 losses which shall mean unreimbursed and unreimbursable expenses  
15 or indebtedness reasonably incurred for medical care or other  
16 services necessary as a result of the injury upon which such  
17 application is based, which shall include the cost of medical  
18 cannabis dispensed to or on behalf of a victim who is a registered  
19 qualifying patient by a medical cannabis dispensary or clinical  
20 registrant,

21 b. loss of earning power as a result of total or partial incapacity  
22 of such victim,

23 c. pecuniary loss to the dependents of the deceased victim, and

24 d. any other pecuniary loss resulting from the personal injury  
25 or death of the victim which the **【agency】** office determines to be  
26 reasonable.

27 Notwithstanding the provisions of subsection a. of this section,  
28 the office, in consultation with the Cannabis Regulatory  
29 Commission established pursuant to section 31 of P.L.2019, c.153  
30 (C.24:6I-24), may establish limits on the maximum quantity of  
31 medical cannabis for which payment of compensation may be made  
32 under this section to an individual in a 30-day period, which limits  
33 may be in an amount lower than the maximum quantities of medical  
34 cannabis that may be dispensed to or on behalf of a registered  
35 qualifying patient pursuant to subsection f. of section 10 of  
36 P.L.2009, c.307 (C.24:6I-10).

37 (cf: P.L.2007, c.95, s.16)

38  
39 10. Section 1 of P.L.1981 c.258 (C.52:4B-10.1) is amended to  
40 read as follows:

41 1. a. The Victims of Crime Compensation Office may make  
42 one or more emergency awards to any applicant for compensation  
43 pending final determination of a case, when it determines that  
44 compensation is likely to be provided and that the applicant will  
45 suffer undue hardship if funds are not made immediately available.  
46 The amount of any one emergency award shall not exceed \$7,500.  
47 Any emergency awards made to an applicant shall be deducted from  
48 the final amount of compensation provided to an applicant by the

1 office. If the amount of compensation made by the office to an  
2 applicant is less than the sum provided to the applicant through  
3 emergency grants, the applicant shall pay to the office an amount of  
4 money equal to the difference. If the office determines that an  
5 applicant who has received emergency awards shall receive no  
6 compensation, the applicant shall repay to the office the total  
7 amount of all emergency awards which the applicant received.

8 b. In addition to any emergency award made pursuant to the  
9 provisions of subsection a. of this section, the office may make an  
10 emergency award in an amount not to exceed \$1,000 for  
11 compensation for funds stolen from a victim in connection with any  
12 of the incidents specified in section 11 of P.L.1971, c.317  
13 (C.52:4B-11) except burglary pursuant to paragraph (11) of  
14 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11),  
15 whether or not the victim suffered personal injury, under the  
16 following circumstances:

17 (1) The victim is 60 years of age or older or is disabled as  
18 defined pursuant to the federal Social Security Act, 42 U.S.C. s.  
19 416(i);

20 (2) The victim's income does not exceed the limits adopted by  
21 the State Department of Human Services as the standard of need for  
22 the General Assistance Program;

23 (3) (Deleted by amendment, P.L.2019, c.380)

24 (4) The victim establishes:

25 (a) that the victim has filed a police report indicating, among  
26 other things, the amount stolen;

27 (b) that the victim has cooperated with investigative and  
28 prosecuting authorities; and

29 (c) the source of the funds stolen; and

30 (5) The office is satisfied that there are no other sources  
31 available to provide the victim with funds necessary to cover  
32 immediate costs of essential shelter, food, or medical expenses,  
33 which medical expenses shall include the cost of medical cannabis  
34 dispensed to or on behalf of a victim who is a registered qualifying  
35 patient by a medical cannabis dispensary or clinical registrant, and  
36 that, but for the victim's loss, the victim would otherwise have had  
37 the funds to pay these costs.

38 c. The office shall direct that any funds awarded pursuant to  
39 this act be expended solely to cover the costs established pursuant  
40 to paragraph (5) of subsection b. of this section.

41 d. (Deleted by amendment, P.L.2007, c.95).

42 e. Notwithstanding the provisions of paragraph (5) of  
43 subsection b. of this section, the office, in consultation with the  
44 Cannabis Regulatory Commission established pursuant to section  
45 31 of P.L.2019, c.153 (C.24:6I-24), may establish limits on the  
46 maximum quantity of medical cannabis that may be covered under  
47 this section for an individual in a 30-day period, which limits may  
48 be in an amount lower than the maximum quantities of medical

1 cannabis that may be dispensed to or on behalf of a registered  
2 qualifying patient pursuant to subsection f. of section 10 of  
3 P.L.2009, c.307 (C.24:6I-10).  
4 (cf: P.L.2019, c.380, s.5)

5  
6 11. Section 2 of P.L.1999, c.166 (C.52:4B-18.2) is amended to  
7 read as follows:

8 2. a. In addition to any award granted pursuant to section 18  
9 of P.L.1971, c.317 (C.52:4B-18), the Victims of Crime  
10 Compensation **【Agency】 Office** may make one or more  
11 supplemental awards for the purpose of providing rehabilitative  
12 assistance to catastrophically injured crime victims or other persons  
13 entitled to compensation under section 10 of P.L.1971, c.317  
14 (C.52:4B-10).

15 b. The rehabilitative assistance which the supplemental award  
16 may cover can include, but is not limited to, any of the following  
17 services not covered by the original award of compensation or by  
18 other sources provided that the **【agency】 office** determines that the  
19 services are reasonable and necessary:

20 (1) Surgical and therapeutic procedures;

21 (2) Rehabilitative physical and occupational therapy designed to  
22 restore an optimum function level;

23 (3) Prescription drugs and medical supplies, which shall include  
24 the cost of medical cannabis dispensed by a medical cannabis  
25 dispensary or clinical registrant to or on behalf of a catastrophically  
26 injured crime victim or other person entitled to compensation under  
27 section 10 of P.L.1971, c.317 (C.52:4B-10) who is a registered  
28 qualifying patient;

29 (4) Cognitive and psychological therapy;

30 (5) Home health assistance;

31 (6) Vehicle modifications;

32 (7) Driver training;

33 (8) Wheelchair, braces, splints, crutches, walkers, shower or  
34 commode chair and any other personal adaptive equipment required  
35 to meet individual disability needs;

36 (9) Structural modifications to living environment designed to  
37 provide accessibility and to maximize independence;

38 (10) Dependent care as needed.

39 c. The Victims of Crime Compensation **【Agency】 Office** is  
40 authorized to make rules and regulations prescribing the procedures  
41 to be followed in qualifying for a supplemental award. The  
42 **【agency】 office** is also authorized to establish a cap on the total  
43 amount of supplemental awards to be made in a year and a cap on  
44 the amount which a person may receive as a supplemental award,  
45 which personal cap shall not be less than \$25,000. Notwithstanding  
46 the provisions of paragraph (3) of subsection b. of this section, the  
47 office, in consultation with the Cannabis Regulatory Commission  
48 established pursuant to section 31 of P.L.2019, c.153 (C.24:6I-24),

1 may establish limits on the maximum quantity of medical cannabis  
2 dispensed to or on behalf of an individual in a 30-day period that  
3 may be eligible for a supplemental award under this section, which  
4 limits may be in an amount lower than the maximum quantities of  
5 medical cannabis that may be dispensed to or on behalf of a  
6 registered qualifying patient pursuant to subsection f. of section 10  
7 of P.L.2009, c.307 (C.24:6I-10).

8 d. The payment of any supplemental award granted under the  
9 provisions of this section shall be approved by the **【agency】** office  
10 for payment out of funds appropriated for the administration of  
11 P.L.1971, c.317 (C.52:4B-1 et seq.), the "Criminal Injuries  
12 Compensation Act of 1971."

13 e. A catastrophically injured crime victim who received a  
14 compensation award prior to the enactment of this section may  
15 apply for a supplemental award pursuant to the provisions of this  
16 section. A denial by the **【agency】** office of an application made  
17 pursuant to the provisions of this subsection shall not be subject to  
18 appeal.

19 f. As used in this section, "catastrophically injured crime  
20 victim" means a person who is injured by any act or omission of  
21 another person which is within the description of the offenses  
22 specified in section 11 of P.L.1971, c.317 (C.52:4B-11) and who  
23 has sustained a severe long term or life long personal injury.  
24 (cf: P.L.2007, c.95, s.20)

25  
26 12. This act shall take effect 180 days after the date of  
27 enactment.

## 30 STATEMENT

31  
32 This bill requires the Catastrophic Illness in Children Relief Fund,  
33 the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD)  
34 program, the "Senior Gold Prescription Discount Program," and the  
35 Victims of Crime Compensation Office (VCCO) to cover the cost of  
36 medical cannabis dispensed to or on behalf of a registered qualifying  
37 patient eligible for or receiving benefits under any of those programs.

38 Specifically, the bill will require the Catastrophic Illness in  
39 Children Relief Fund to assist with the cost of medical cannabis for a  
40 child who is eligible for assistance from the program who is a  
41 registered qualifying patient under the State medical cannabis  
42 program, subject to rules and regulations promulgated by the  
43 Catastrophic Illness in Children Relief Fund Commission and the  
44 availability of monies in the fund.

45 Under the PAAD and Senior Gold programs, at the time of each  
46 purchase of medical cannabis, the eligible person or the eligible  
47 person's caregiver will be required to pay a copayment that may not be  
48 waived, discounted, or rebated in whole or in part. The State will then

1 reimburse the medical cannabis dispensary or clinical registrant for the  
2 balance of the purchase price of the medical cannabis, which purchase  
3 price will be the price listed on the medical cannabis dispensary's or  
4 clinical registrant's website as required pursuant to subsection h. of  
5 section 7 of P.L.2009, c.307 (C.24:6I-7) less any applicable discounts  
6 or price reductions.

7 Under the PAAD program, the copayment will be \$7. Under the  
8 Senior Gold program, the copayment will be equal to:

9 1) \$15 plus 50 percent of the remaining amount of the cost of the  
10 medical cannabis, or the cost of the medical cannabis, whichever is  
11 less; or

12 2) \$15, or the cost of the medical cannabis, whichever is less, in  
13 the case of an eligible person who has incurred out-of-pocket  
14 expenditures, including copayments and deductibles, for the purchase  
15 of prescription drugs and medical cannabis, which are not  
16 reimbursable by any other plan of assistance or insurance and are  
17 credited to that person's account for each 12-month period of  
18 eligibility in accordance with procedures established by the  
19 Commissioner of Human Services, in the following amounts: \$2,000  
20 for a single person and \$3,000 for a married couple. These out-of-  
21 pocket expense amounts will include only expenses incurred on or  
22 after the date that the person received proof of eligibility for the  
23 program.

24 An eligible person whose medical cannabis costs are covered in  
25 part by any other program or plan of assistance or insurance may be  
26 required to receive reduced assistance under the PAAD and Senior  
27 Gold programs. Under the PAAD program, if an eligible person's  
28 medical cannabis costs are covered in whole by any other program or  
29 plan of assistance or insurance, the person will be ineligible for PAAD  
30 assistance; under the Senior Gold program, if an eligible person's  
31 medical cannabis costs are covered in whole or in part by another plan  
32 of assistance or insurance, the Senior Gold program will be the payer  
33 of last resort.

34 The Commissioner of Human Services, in consultation with the  
35 Cannabis Regulatory Commission, may establish limits on the  
36 maximum quantity of medical cannabis that may be purchased by or  
37 on behalf of an eligible person in a 30-day period under the PAAD and  
38 Senior Gold programs, which limits may be in an amount lower than  
39 the maximum quantities of medical cannabis that may be dispensed to  
40 or on behalf of a registered qualifying patient pursuant to subsection f.  
41 of section 10 of P.L.2009, c.307 (C.24:6I-10).

42 The bill provides that eligible persons under the PAAD and Senior  
43 Gold programs may be reimbursed for 50 percent of the cost of  
44 medical cannabis purchased by or on behalf of that person in an  
45 amount that exceeds the required copayment, during the period  
46 commencing 30 days after the person's properly completed application  
47 was received by the department and ending on the date on which the  
48 person received proof of eligibility from the department; except that no

1 reimbursement may be made for medical cannabis purchased prior to  
2 the effective date of the bill.

3 This bill requires the Victims of Crime Compensation Office  
4 (VCCO) to include the costs associated with the medical use of  
5 cannabis as an expense for which a victim may receive compensation,  
6 an emergency award, or a supplemental award.

7 Under current law, victims of certain crimes are eligible to receive  
8 compensation from the VCCO for certain expenses, including  
9 unreimbursed and unreimbursable expenses reasonably incurred for  
10 medical care or other services necessary as a result of the victim's  
11 injury. This bill provides that the expenses that are eligible for  
12 compensation from the VCCO will include the cost of medical  
13 cannabis dispensed to or on behalf of a victim who is a registered  
14 qualifying patient.

15 Current law also provides that the VCCO may make an emergency  
16 award to an applicant pending final determination of a case when the  
17 office determines that compensation is likely to be provided and that  
18 the applicant will suffer undue hardship if funds are not made  
19 immediately available. Under current law, the funds are only  
20 permitted to be used to cover immediate costs of essential shelter,  
21 food, or medical expenses. The bill provides that medical expenses  
22 are to include the cost of medical cannabis dispensed to or on behalf of  
23 an applicant who is a registered qualifying patient.

24 In addition, current law provides that certain crime victims who are  
25 catastrophically injured are eligible to receive an additional,  
26 supplemental award to be used for certain rehabilitative services,  
27 including prescription drugs and medical supplies. This bill provides  
28 that the cost of medical cannabis dispensed to or on behalf of a  
29 catastrophically-injured crime victim who is a registered qualifying  
30 patient will be included as a rehabilitative service for which the victim  
31 may receive a supplemental award.

32 The bill specifies that the VCCO, in consultation with the  
33 Cannabis Regulatory Commission, may establish limits on the  
34 maximum quantity of medical cannabis that will be eligible for  
35 coverage, payment, or reimbursement from the VCCO under these  
36 various programs for an individual in a 30-day period. These limits  
37 may be in an amount lower than the maximum quantities of medical  
38 cannabis that may be dispensed to or on behalf of a registered  
39 qualifying patient pursuant to subsection f. of section 10 of P.L.2009,  
40 c.307 (C.24:6I-10).