Marijuana Series: Medical Marijuana Program Quickly Expands In New Jersey While Legalization Legislation Remains On Hold

May 14, 2018

Author: Brian P. Sharkey

According to 2016 FBI crime data, New Jersey had the second highest marijuana arrest rate in the country, behind first-place Wyoming, and the third highest total number of arrests relating to marijuana. Only Texas and New York had more such arrests. These statistics about New Jersey's arrest rates are particularly relevant considering the fact that Governor Murphy has strongly and unequivocally supported legalization of cannabis, both during his gubernatorial campaign and since he took office in January 2018. For example, in an April 25 speech marking his first 100 days in office, Governor Murphy stated that "we are working toward legalization [of marijuana] to end mass incarceration, predominantly of young people of color, that costs us as a society." Most recently, on May 10, Governor Murphy tweeted the following message: "I support the legalization, regulation, and taxation of marijuana sales to adults. Legalization will allow us to reinvest directly in our communities. These investments will pay dividends far greater than the cost of mass incarceration."

Although State Senate President Stephen Sweeney is also a supporter, legalization legislation has not progressed as quickly as advocates had hoped. In that regard, an Assembly committee has been conducting hearings on the potential positive and negative consequences of legalization, but there have been no hearings held in the Senate on marijuana. In short, there has been a general sense of uncertainty about how and when legalization legislation will progress. In various press reports, Senator Nicholas Scutari, a main supporter of legalization and sponsor of such legislation, has indicated that he has made progress with his colleagues to gain their support. Moreover, Assembly Speaker Craig Coughlin recently traveled to Colorado with colleagues and toured marijuana dispensaries on a fact-finding mission.

While legislators work to build more support for legalization among their colleagues, there has been significant growth and expansion of the State's medical marijuana program. In his April 25 speech, Governor Murphy also declared that "[w]e are expanding access to medical marijuana to thousands of New Jerseyans who want nothing more than to restore their quality of life, and who have been failed by other treatments, or who wish to not fall into reliance upon opioids[.]" More specifically, Dr. Shereef Elnahal, the Commissioner of the Department of Health, issued a press release on May 1 titled, "Murphy Administration Announces NJ Medicinal Marijuana Program Now Serving 20,000 Patients." The press release pointed out that a total of 1,500 patients had joined the program in the preceding month, many of whom have one of the five new qualifying conditions that the Department of Health added for the program on March 27, and that 4,200 patients had joined the program since Governor Murphy took office on January 16. (The five conditions that had been added to the

program are chronic pain related to musculoskeletal disorders, migraine, anxiety, chronic pain of visceral origin, and Tourette's Syndrome.) Dr. Elnahal stated that "'[w]e're adding 100 new patients every day. This demonstrates that there was pent up demand. People with chronic pain now have the option of medical marijuana instead of opioids, and more than 100 strains are available." As further evidence of growth, Dr. Elnahal also cited the fact that 50 new physicians joined the program in the preceding month, bringing the total number to approximately 600 who can prescribe medicinal marijuana for their patients.