

Don't Forget About Medical Cannabis Legislation in New Jersey

March 21, 2019

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In New Jersey, most of the recent debate and attention over cannabis has focused on adult use legalization legislation, which is likely to be voted on by both the New Jersey Senate and Assembly on March 25. However, there have been several recent developments concerning the State's medical cannabis program, including the scheduling of a vote -- also on March 25 -- on legislation that would expand the program.

Before discussing the legislation, it is important to note that Governor Phil Murphy recently touted the growth of the medical cannabis program under his Administration in a press release dated March 14. In that press release, Governor Murphy pointed out that since he took office, the State's Medical Marijuana Program ("MMP") had added 25,500 new patients, nearly 1,000 caregivers, and 412 doctors. Those additions mean that there are now a total of 42,528 patients, 1,736 caregivers, and 925 doctors participating in the MMP. The top 5 medical conditions among patients in the program are: chronic pain due to musculoskeletal disorders (25.4%); anxiety (20.2%); intractable skeletal spasticity (19.9%); PTSD (8.8%); and severe or chronic pain due to cancer or HIV (6.85%).

Governor Murphy also reviewed several factors that have led to increased participation in the MMP, including various reforms that had been implemented since he took office, including:

- Addition of opioid use disorder as a qualifying condition;
- Selection of six businesses to apply for permits to open new alternative treatment centers;
- Enhancement of mobile access for patients, caregivers, and physicians to participate in the MMP;
- Elimination of the requirement that participating doctors be listed on a the MMP website; and
- Expansion of available product; namely, oils that contain extracted THC and CBD that can be vaporized and pre-filled vape cartridges.

Commenting on the growth of the MMP, Governor Murphy stated that "I am proud that New Jersey now has a medical marijuana program that is compassionate and is meeting the needs of more and more patients[.] Today, thousands of residents living with anxiety, migraines, Tourette's Syndrome, and chronic pain, among other conditions, have increased

access to medical marijuana when just one year ago many could not get the treatment they needed." Similarly, Senator Joseph Vitale declared that "[i]t's great to see the medical marijuana industry performing like this[.] As the sponsor of legislation to further expand and improve the medical marijuana program, I knew that once we were able to effectively open the industry up we would be able to provide much needed access to a safe and effective drug used to treat thousands of people suffering from a variety of illnesses while at the same time, create, sustain and grow jobs throughout the state."

As Senator Vitale noted, he sponsored legislation in the Senate, and there is an equivalent bill in the Assembly, that would further expand the MMP. Among other things, the legislation would modify the current law upon which the MMP is based, expand access to medical cannabis for patients with any diagnosed medical condition, require issuance of additional dispensary permits, revise various requirements regarding the participation of patients, caregivers, and physicians in the program, and alter the ownership and operational requirements for alternative treatment centers.

On March 18, the Senate Judiciary Committee approved the Senate version of the bill by a vote of 7-2-2. The seven Senators who voted in favor of the bill were all Democrats, while the Senators who opposed the bill or abstained from voting were all Republicans. On the same day, the Assembly Appropriations Committee approved the Assembly version of the bill by a vote of 8-1-2. Seven Democrats and one Republican voted in favor of the bill, while the one legislator who voted against the bill and the two legislators who did not vote were Republicans. The Senate and Assembly are both expected to vote on the expansion of the MMP legislation on March 25, which is the same day that the Legislature is also expected to vote on the more controversial adult use cannabis legalization legislation. Thus, anyone interested in cannabis in New Jersey, whether adult use, medical, or both, will be paying attention to what happens in the State House in Trenton on March 25.