What is the Status of Legislation to Expand New Jersey's Medical Marijuana Program?

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In New Jersey, most of the attention concerning cannabis has focused on the legalization of adult use cannabis. On March 12, Governor Phil Murphy, Senate President Stephen Sweeney, and Assembly Speaker Craig Coughlin announced an agreement on the outlines of legislation to legalize adult use cannabis. That legislation was then approved by committees in the Senate and Assembly on March 18, and both were scheduled for full votes before their respective Houses on March 25. However, those votes were canceled by Senate President Sweeney and Assembly Speaker Coughlin on the morning of March 25 once it became clear that there were not enough votes to ensure passage of the adult use legislation by the Legislature. Although Governor Murphy and the legislative leaders remain committed to passage of the legalization legislation, a new date to vote on the bills has not been scheduled yet.

What has gotten lost in all the focus on adult use legalization is the legislation to expand the State's medical marijuana program, which is less controversial and enjoys broader support in the Legislature. Although separate legislation, the adult use bills and medical program expansion bills have been treated as a package in the legislative process; thus, when the vote on adult use legislation was cancelled, so too was the vote on expansion of the medical program. According to press reports, in the days preceding the scheduled vote on both adult use and medical expansion legislation, the Murphy Administration was working on a contingency plan that would expand the medical market and the number of businesses that are licensed to dispense medical cannabis if the legislation did not pass on March 25.

At a late afternoon press conference on March 25, Governor Murphy was asked about that contingency plan but replied that he was not prepared to comment. Later that evening in a town hall event in Union City, Governor Murphy did comment on his plans to expand the medical program. Among other things, Governor Murphy stated that his administration would proceed with plans to increase enrollment of the current patient population, which is approximately 42,000, to as many as 200,000 patients. Governor Murphy also declared that his administration would increase the number of approved cannabis cultivators and dispensaries, and that he expected to further announce his plans in the coming days. However, the next day the Governor's administration decided to take a step back from its expansion plans, in response to concerns expressed by legislative leaders that such expansion could hurt the efforts to pass the adult use and medical program expansion legislation.

But on March 28, Governor Murphy, appearing at an event in Saddle Brook, announced that he was giving the Legislature until May to enact the adult use legislation or else he would return to his plan to expand the medical program outside of the legislative process. Acknowledging that "[w]e're not gonna wait around a lot," Governor Murphy explained that "[w]e're holding back enormous demand for the medical regime[.] …. I'm prepared to hold off for a short amount of time and I would say that the month of May would be the edge of that."

Therefore, at the moment, the Governor is not proceeding with any plans to expand the medical marijuana program that are not part of the legislative process. However, if the legislation is not approved soon, he may return to that plan and

dramatically increase the patient population and the number of licensed cultivators and dispensaries. Accordingly, anyone interested in the State's medical marijuana program must continue to monitor the efforts of Governor Murphy and legislative leaders to further revise the adult use legalization legislation to secure enough votes for passage in the coming months.