



Frequently Asked Questions About New Jersey's Compassionate Use Medical Marijuana Act

What is the New Jersey Compassionate Use Medical Marijuana Act?

A law recently passed the New Jersey State Legislature that will allow New Jersey residents suffering from certain debilitating and life-threatening illnesses to use and possess medical marijuana with a doctor's recommendation. The Legislature passed the Act on January 11, 2010 and it was signed by Governor Jon Corzine on January 18, 2010. New Jersey is the 14th state to permit the use of marijuana for medical purposes.

Can patients access medical marijuana now?

Not yet. The Act becomes effective six months after the law was signed, and after that the Commissioner of Health and Senior Services will have three months to create regulations to implement the Act.

What diseases will make a patient eligible to access medical marijuana?

Patients must have one of the debilitating medical conditions listed in the law in order to access medical marijuana. According to the law, a "debilitating medical condition" is defined as: (1) one of the following conditions, if resistant to conventional medical therapy: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma; (2) one of the following conditions, if severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome results from the condition or treatment thereof: positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or cancer; (3) amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Crohn's disease; (4) terminal illness, if the physician has determined a prognosis of less than 12 months of life; or (5) any other medical condition or its treatment that is approved by the department by regulation.

If I don't have one of the conditions listed in the law, but suffer from another serious illness that might be relieved by medical marijuana, what should I do?

The Compassionate Use Campaign coalition, led by Drug Policy Alliance New Jersey, recognizes the therapeutic benefits many patients find with medical marijuana, and we strongly advocated for allowing doctors the discretion to recommend medical marijuana for any condition for which a physician believes it might provide relief. While we were successful in securing such physician discretion in the original version of the bill, ultimately the legislature amended the bill to have a more restrictive list of conditions for which medical marijuana could be approved.

However, as in eight of the other states that have a medical marijuana law, the New Jersey law includes a provision that allows the Commissioner of Health and Senior Services to add conditions to the list of those for which a patient can obtain medical marijuana. The process by which patients can petition to have conditions added was not outlined in the law but will be addressed when the Commissioner creates regulations to implement the Act.

Once the Act is effective, how will the program work?

The Department of Health and Senior Services will create a medical marijuana registry system and establish a process by which a New Jersey resident with one of the medical conditions listed in the Act can apply to the Department to become a qualified medical marijuana patient. The patient must get a written certification for medical marijuana from his or her physician. The physician must be licensed to practice medicine in the State of New Jersey and certify that the patient has a debilitating condition listed in the Act. If the patient's application is approved, the Department will issue a medical marijuana patient registry identification card, which will contain the name, address, date of birth and a photo of the patient.

Physicians participating in the program must provide information concerning the certifications they write to the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, so that the division can monitor the dispensation of medical marijuana in the State. This system shall serve the same purpose as, and be cross-referenced with, the electronic system for monitoring controlled dangerous substances.



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How long will a medical marijuana registry card be valid?

Patient and caregiver registry identification cards are valid for two years.

Will the medical marijuana registry list be confidential?

Yes, the Department of Health will maintain a confidential list of the people who possess registry identification cards. Individual names and other identifying information on the list, and information contained in any application form, or an accompanying or supporting document shall not be considered public information.

Will health insurance cover the costs of medical marijuana?

The bill does not require health insurance plans to cover medical marijuana.

Are there restrictions on where registered patients can use medical marijuana?

The Act does not restrict patients to using their medicine at home; however, it does place some restrictions on where patients can use marijuana. Patients cannot use medical marijuana in “a school bus or other form of public transportation, in a private vehicle unless the vehicle is not in operation, on any school grounds, in any correctional facility, at any public park or beach, at any recreation center, or in any place where smoking is prohibited.” The Act also mandates that patients cannot “operate, navigate or be in actual physical control of any vehicle, aircraft, railroad train, stationary heavy equipment or vessel while under the influence of marijuana.”

Are minors with one of the listed medical conditions allowed to access medical marijuana?

Yes, but only with the consent of their parents or guardian.

Can a patient be prosecuted if they sell their written certification for medical marijuana to someone else or give it away?

Yes. The bill states it would be a third-degree crime, which carries a penalty of up to five years in state prison.

Does the Act allow a patient to have a primary caregiver who will also be protected by law?

Yes, a primary caregiver is “a person who is at least 18 years old, who has never been convicted of a felony drug offense, has agreed to assist with a qualifying patient's medical use of marijuana and has been designated as primary caregiver on the qualifying patient's application or renewal for a registry identification card or in other written notification to the department.” A primary caregiver can only have one qualifying patient at a time and can't be the patient's physician.

Primary caregivers must have a registry identification card and are subject to a criminal background check. They must also sign an agreement that they will provide marijuana only to the patient who has named him or her as caregiver.

As a registered medical marijuana patient, am I permitted to grow my medical marijuana at home?

No, although the Compassionate Use Campaign coalition supported a “grow-at-home” provision and fought hard to include home cultivation in New Jersey's law, ultimately this language was amended out of the bill by the legislature. However, New Jersey is one of the first states to have state-licensed dispensaries, known as “alternative treatment centers (ATCs)”, which will be responsible for cultivating and dispensing medical marijuana to registered patients. Unlike other medical marijuana states, such as Rhode Island, New Jersey's law does not limit the number of centers that can be licensed.

How much medical marijuana can a registered patient possess?

The Act allows patients to access two ounces of medical marijuana a month. This is less than most other medical marijuana states allow patients to access and the Compassionate Use Campaign recognizes that this amount will not be enough for some patients. The Compassionate Use Campaign fought hard to make New Jersey's law more consistent with that of other states as

continued on page #3



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to the amount of medical marijuana patients could access, but the bill was ultimately amended by the legislature to limit access. As we move forward, the Campaign will be advocating that the New Jersey legislature consider increasing the amount for patients for whom two ounces is not adequate to relieve suffering.

Who will license and oversee the Alternative Treatment Centers?

The Department of Health and Senior Services will license alternative treatment centers. The law requires that the applicant must provide the name of the person responsible for operating the alternative treatment center, the names of all volunteer and paid employees, the location of the alternative treatment center, and the registry identification card number of each cardholder for whom marijuana is produced. Each applicant seeking a permit to operate as an alternative treatment center will have to undergo a criminal history record background check.

When the Department of Health and Senior Services issues its regulations, there will be more details about the requirements for licensing and operating alternative treatment centers.

How many alternative treatment centers will there be and will they be non-profit organizations?

The Act does not limit the number of alternative treatment centers that can be licensed in New Jersey, although it suggests at least two in each region of the state—north, central and south. The first two in each region must be nonprofits, but need not be recognized as a 501(c)(3) organization by the federal Internal Revenue Service. Once the initial non-profits are open, for-profit centers will then be allowed.

What are the costs associated with opening an alternative treatment center?

The law states that the Department of Health and Senior Services may charge a reasonable fee for the issuance of a permit to operate an alternative treatment center. Additional fees may be determined when the Department creates regulations. Alternative treatment centers are also responsible for the cost of necessary background checks.

What can an Alternative Treatment Center charge a patient for their marijuana?

The Act states only that centers must charge "reasonable" prices to cover production costs. Guidelines for pricing have not yet been established and will likely be addressed in the regulations.

Who is the contact person within the Department of Health and Senior Services who will be responsible for oversight of the medical marijuana program?

A specific official has not yet been named.

If I have a prior drug conviction, am I allowed to participate in New Jersey's medical marijuana program?

While the Act does prevent those with drug convictions from owning an alternative treatment center, being an employee of a treatment center or being a caregiver for a patient, the law does include an exception for ATC employees and primary caregivers if the individual is able to prove their "rehabilitation."

Where can I apply to become a registered medical marijuana patient or a licensed alternative treatment center provider?

The application process is not yet open. Please feel free to check the Department of Health and Senior Services' website: http://www.state.nj.us/health/med_marijuana.shtml for any new information and/or call (609) 292-7837 or 1-800-367-6543. You may also contact Drug Policy Alliance New Jersey (mjohnson@drugpolicy.org; 609-396-8613) for further information or to be added to our e-mail list for updates on the Compassionate Use Act.