

[Second Reprint]

**SENATE, No. 2842**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED MAY 30, 2013

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator JOSEPH F. VITALE**

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**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

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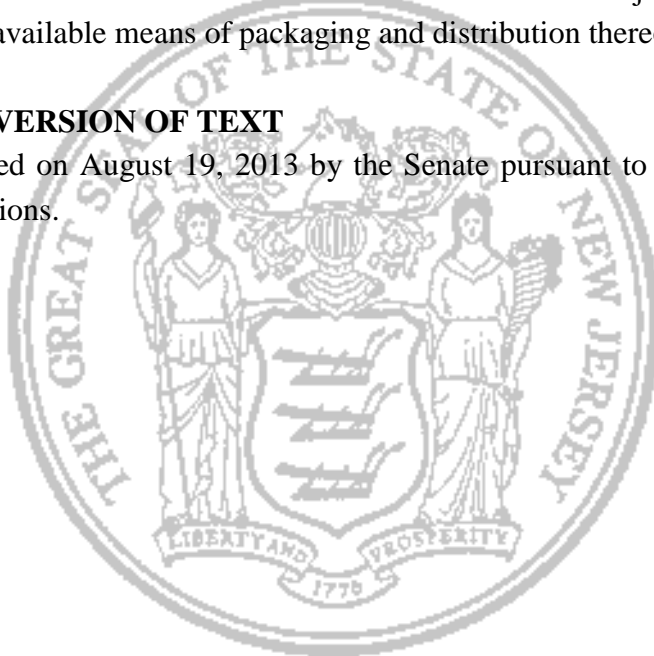
**Senator Gill**

**SYNOPSIS**

Prohibits limitations on number of strains of medical marijuana cultivated, and expands available means of packaging and distribution thereof.

**CURRENT VERSION OF TEXT**

As amended on August 19, 2013 by the Senate pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 6/25/2013)**

1 AN ACT concerning medical marijuana and amending P.L.2009,  
2 c.307.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 5 of P.L.2009, c.307 (C.24:6I-5) is amended to read  
8 as follows:

9 5. a. Medical use of marijuana by a qualifying patient may be  
10 authorized pursuant to a certification which meets the requirements  
11 of this act. In order to provide such certification, a physician shall  
12 be licensed and in good standing to practice in the State.

13 The certification shall attest that the above criteria have been  
14 met.

15 b. <sup>2</sup>**[(1)]**<sup>2</sup> The provisions of subsection a. of this section shall  
16 not apply to a qualifying patient who is a minor unless the custodial  
17 parent, guardian, or person who has legal custody of the minor **[,]**  
18 receives from the physician an explanation of the potential risks and  
19 benefits of the medical use of marijuana and consents in writing  
20 that the minor patient has that person's permission for the medical  
21 use of marijuana and that the person will control the acquisition and  
22 possession of the medical marijuana and any related paraphernalia  
23 from the alternative treatment center. The physician shall document  
24 the explanation of the potential risks and benefits in the minor  
25 patient's medical record.

26 <sup>2</sup>**[(2)]** Except as provided by paragraph (1) of this subsection, a  
27 patient who is a minor, or a physician seeking to authorize the  
28 medical use of marijuana by a patient who is a minor, shall not be  
29 subject to any requirements for the medical use of marijuana  
30 beyond those that would apply to a patient who is an adult, or to a  
31 physician seeking to authorize the medical use of marijuana by a  
32 patient who is an adult, as appropriate.]<sup>2</sup>

33 (cf: P.L.2009, c.307, s.5)

34

35 2. Section 7 of P.L.2009, c.307 (C.24:6I-7) is amended to read  
36 as follows:

37 7. a. The department shall accept applications from entities for  
38 permits to operate as alternative treatment centers, and may charge  
39 a reasonable fee for the issuance of a permit under this section. The  
40 department shall seek to ensure the availability of a sufficient  
41 number of alternative treatment centers throughout the State,  
42 pursuant to need, including at least two each in the northern,  
43 central, and southern regions of the State. The first two centers

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted June 6, 2013.

<sup>2</sup>Senate amendments adopted in accordance with Governor's recommendations August 19, 2013.

1 issued a permit in each region shall be nonprofit entities, and  
2 centers subsequently issued permits may be nonprofit or for-profit  
3 entities.

4 An alternative treatment center shall be authorized to acquire a  
5 reasonable initial and ongoing inventory, as determined by the  
6 department, of marijuana seeds or seedlings and paraphernalia,  
7 possess, cultivate, plant, grow, harvest, process, display,  
8 manufacture, deliver, transfer, transport, distribute, supply, sell, or  
9 dispense marijuana, or related supplies to qualifying patients or  
10 their primary caregivers who are registered with the department  
11 pursuant to section 4 of this act. An alternative treatment center  
12 shall not be limited in the number of strains of medical marijuana  
13 cultivated, and<sup>1</sup> may package and directly dispense marijuana to  
14 qualifying patients in dried form, oral lozenges, topical  
15 formulations, or edible form, or <sup>2</sup>[another form permitted by the  
16 commissioner.] any other form as authorized by the commissioner.  
17 Edible form shall include tablets, capsules, drops or syrups and any  
18 other form as authorized by the commissioner. Edible forms shall  
19 be available only to qualifying patients who are minors.<sup>2</sup>

20 Applicants for authorization as nonprofit alternative treatment  
21 centers shall be subject to all applicable State laws governing  
22 nonprofit entities, but need not be recognized as a 501(c)(3)  
23 organization by the federal Internal Revenue Service.

24 b. The department shall require that an applicant provide such  
25 information as the department determines to be necessary pursuant  
26 to regulations adopted pursuant to this act.

27 c. A person who has been convicted of a crime involving any  
28 controlled dangerous substance or controlled substance analog as  
29 set forth in chapter 35 of Title 2C of the New Jersey Statutes except  
30 paragraph (4) of subsection a. of N.J.S.2C:35-10, or any similar law  
31 of the United States or any other state shall not be issued a permit to  
32 operate as an alternative treatment center or be a director, officer, or  
33 employee of an alternative treatment center, unless such conviction  
34 occurred after the effective date of this act and was for a violation  
35 of federal law relating to possession or sale of marijuana for  
36 conduct that is authorized under this act.

37 d. (1) The commissioner shall require each applicant seeking a  
38 permit to operate as an alternative treatment center to undergo a  
39 criminal history record background check. For purposes of this  
40 section, the term "applicant" shall include any owner, director,  
41 officer, or employee of an alternative treatment center. The  
42 commissioner is authorized to exchange fingerprint data with and  
43 receive criminal history record background information from the  
44 Division of State Police and the Federal Bureau of Investigation  
45 consistent with the provisions of applicable federal and State laws,  
46 rules, and regulations. The Division of State Police shall forward  
47 criminal history record background information to the

1 commissioner in a timely manner when requested pursuant to the  
2 provisions of this section.

3 An applicant shall submit to being fingerprinted in accordance  
4 with applicable State and federal laws, rules, and regulations. No  
5 check of criminal history record background information shall be  
6 performed pursuant to this section unless the applicant has  
7 furnished his written consent to that check. An applicant who  
8 refuses to consent to, or cooperate in, the securing of a check of  
9 criminal history record background information shall not be  
10 considered for a permit to operate, or authorization to be employed  
11 at, an alternative treatment center. An applicant shall bear the cost  
12 for the criminal history record background check, including all  
13 costs of administering and processing the check.

14 (2) The commissioner shall not approve an applicant for a  
15 permit to operate, or authorization to be employed at, an alternative  
16 treatment center if the criminal history record background  
17 information of the applicant reveals a disqualifying conviction as  
18 set forth in subsection c. of this section.

19 (3) Upon receipt of the criminal history record background  
20 information from the Division of State Police and the Federal  
21 Bureau of Investigation, the commissioner shall provide written  
22 notification to the applicant of his qualification for or  
23 disqualification for a permit to operate or be a director, officer, or  
24 employee of an alternative treatment center.

25 If the applicant is disqualified because of a disqualifying  
26 conviction pursuant to the provisions of this section, the conviction  
27 that constitutes the basis for the disqualification shall be identified  
28 in the written notice.

29 (4) The Division of State Police shall promptly notify the  
30 commissioner in the event that an individual who was the subject of  
31 a criminal history record background check conducted pursuant to  
32 this section is convicted of a crime or offense in this State after the  
33 date the background check was performed. Upon receipt of that  
34 notification, the commissioner shall make a determination regarding  
35 the continued eligibility to operate or be a director, officer, or  
36 employee of an alternative treatment center.

37 (5) Notwithstanding the provisions of subsection b. of this  
38 section to the contrary, the commissioner may offer provisional  
39 authority for an applicant to be an employee of an alternative  
40 treatment center for a period not to exceed three months if the  
41 applicant submits to the commissioner a sworn statement attesting  
42 that the person has not been convicted of any disqualifying  
43 conviction pursuant to this section.

44 (6) Notwithstanding the provisions of subsection b. of this  
45 section to the contrary, no employee of an alternative treatment  
46 center shall be disqualified on the basis of any conviction disclosed  
47 by a criminal history record background check conducted pursuant  
48 to this section if the individual has affirmatively demonstrated to

1 the commissioner clear and convincing evidence of rehabilitation.  
2 In determining whether clear and convincing evidence of  
3 rehabilitation has been demonstrated, the following factors shall be  
4 considered:

5 (a) the nature and responsibility of the position which the  
6 convicted individual would hold, has held or currently holds;

7 (b) the nature and seriousness of the crime or offense;

8 (c) the circumstances under which the crime or offense  
9 occurred;

10 (d) the date of the crime or offense;

11 (e) the age of the individual when the crime or offense was  
12 committed;

13 (f) whether the crime or offense was an isolated or repeated  
14 incident;

15 (g) any social conditions which may have contributed to the  
16 commission of the crime or offense; and

17 (h) any evidence of rehabilitation, including good conduct in  
18 prison or in the community, counseling or psychiatric treatment  
19 received, acquisition of additional academic or vocational  
20 schooling, successful participation in correctional work-release  
21 programs, or the recommendation of those who have had the  
22 individual under their supervision.

23 e. The department shall issue a permit to a person to operate as  
24 an alternative treatment center if the department finds that issuing  
25 such a permit would be consistent with the purposes of this act and  
26 the requirements of this section are met and the department has  
27 verified the information contained in the application. The  
28 department shall approve or deny an application within 60 days  
29 after receipt of a completed application. The denial of an  
30 application shall be considered a final agency decision, subject to  
31 review by the Appellate Division of the Superior Court. The  
32 department may suspend or revoke a permit to operate as an  
33 alternative treatment center for cause, which shall be subject to  
34 review by the Appellate Division of the Superior Court.

35 f. A person who has been issued a permit pursuant to this  
36 section shall display the permit at the premises of the alternative  
37 treatment center at all times when marijuana is being produced, or  
38 dispensed to a registered qualifying patient or the patient's primary  
39 caregiver.

40 g. An alternative treatment center shall report any change in  
41 information to the department not later than 10 days after such  
42 change, or the permit shall be deemed null and void.

43 h. An alternative treatment center may charge a registered  
44 qualifying patient or primary caregiver for the reasonable costs  
45 associated with the production and distribution of marijuana for the  
46 cardholder.

47 i. The commissioner shall adopt regulations to:

1 (1) require such written documentation of each delivery of  
2 marijuana to, and pickup of marijuana for, a registered qualifying  
3 patient, including the date and amount dispensed, to be maintained  
4 in the records of the alternative treatment center, as the  
5 commissioner determines necessary to ensure effective  
6 documentation of the operations of each alternative treatment  
7 center;

8 (2) monitor, oversee, and investigate all activities performed by  
9 an alternative treatment center; and

10 (3) ensure adequate security of all facilities 24 hours per day,  
11 including production and retail locations, and security of all  
12 delivery methods to registered qualifying patients.

13 (cf: P.L.2009, c.307, s.7)

14

15 3. This act shall take effect immediately.