



# Jake Honig Compassionate Use Medical Cannabis Act

*Signed into law by Gov. Phil Murphy on July 2, 2019*

New Jersey's initial medical cannabis law was enacted in 2010. The new law creates the Cannabis Regulatory Commission (CRC), which governs an expanded, improved medical marijuana program. It also:

- Expands the number of cultivators from 12 to 28, while the commission will set the number of retail and manufacturing licenses.
- Establishes three distinct permit types: medical cannabis cultivators, medical cannabis manufacturers, and medical cannabis dispensaries. (Previously, New Jersey's "alternative treatment centers" were vertical integrated — they produced, processed, and sold medical cannabis products.)
- Sunsets the 6.625% sales tax by 2022.
- Includes equity provisions for women- and minority-owned businesses.
- Allows for doctor recommendations annually rather than four times a year.
- Expands the monthly patient limit from two to three ounces, while lifting the ban on terminally ill patients.
- Allows out-of-state patients to purchase medical marijuana.
- Allows for home delivery.
- Changes the term "debilitating medical condition" to "qualifying medical condition," and updates the list of conditions, including by allowing chronic pain to qualify. The new list is: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; post-traumatic stress disorder; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; cancer; amyotrophic lateral sclerosis; multiple sclerosis; muscular dystrophy; inflammatory bowel disease, including Crohn's disease; terminal illness, if the patient has a prognosis of less than 12 months of life; anxiety; migraine; Tourette's syndrome; dysmenorrhea; chronic pain; opioid use disorder; or any other condition that is approved by the CRC.
- Allows physician's assistants and advanced practice nurses to authorize patients for medical cannabis and eliminates the requirement for the professional to have a bona fide provider-patient relationship with the patient. (Previously only physicians could certify.)
- Allows for municipalities that host a dispensary or clinical registrant to assess a sales tax of up to two percent.
- Provides that qualifying patients and designated caregivers may not be discriminated against when enrolling in schools and institutions of higher education, when renting or leasing real property, or in the issuance of professional licensing, certifications, or permits issued by the state, solely on the basis of the individual's status as a registry cardholder or engaging in authorized conduct in relation to medical cannabis.
- Prohibits employers from taking any adverse employment action against an employee based on the employee's status as a registry cardholder. If an employer has a drug testing policy and an

employee or job applicant tests positive for cannabis, the employee or job applicant is to be offered an opportunity to present a legitimate medical explanation for the positive test result or request a retest.