

Department of Health Releases Medical Marijuana Report - *NJ Cannabis Blog*

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On March 28, 2018, the NJ Department of Health issued its report on medical marijuana in response to Gov. Murphy's Executive Order Number 6. The Report suggests ways that the Department intends to modify the existing Administrative Code, which the Department can do without legislative changes, and makes some recommendations to the Legislature to adopt statutory changes. Governor Murphy then announced that most of the Administrative Code changes would become effective immediately.

Among the administrative changes the Department states that it intends to take immediately are:

- Expand the list of debilitating conditions that can be treated with marijuana to include Chronic Pain Related to Musculoskeletal Disorders, Migraine, Anxiety, Chronic Pain of Visceral Origin, and Tourette's Syndrome; all of which had been recommended by the Medicinal Marijuana Review Panel in its October 25, 2017 final recommendations
- Reduce the initial and renewal registration fee from \$200 to \$100 and expand the category of people able to obtain reduced fees of \$20,
- Allow ATC's to have satellite facilities for distribution, to increase the outlets
- Allow a second caregiver per patient
- Eliminate the requirement that psychiatrist evaluate minor patients
- Eliminate the 10% THC limit on products sold
- Eliminate the physician registry requirement, and convert it into a voluntary option so that patients have a place to find out which physicians are willing to prescribe medical marijuana.

- The Department plans to create an endorsement system, to give existing ATC endorsements in three categories: cultivation, processing and selling.

The Report further recommends that the Legislature make amendments to statutes, which the Department views as restricting the development of medical marijuana. Among the recommended legislative changes are: allowing for edible products for all patients; allow patients to register at more than one ATC; allow marijuana to be used as a first line treatment; permit patients under hospice care to have an unlimited supply of marijuana; increase the 30-day supply limit from 2 ounces to 4 ounces; remove the requirement that the original few ATCs be non-profits.

The Report states that the Department is still reviewing home delivery but one of its goals is to remove the home delivery prohibition. The Department also is further considering allowing external laboratories to conduct quality control testing and exploring the development of education programs for all physicians about the endocannabinoid system.

The Department also recommends that the sales tax be eliminated on sales of medical marijuana.

Pashman Stein Walder Hayden is carefully monitoring developments in New Jersey and federally with respect to marijuana legislation and will be available to help its clients navigate the sure-to-be complex regulatory framework of this potential business frontier.

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