

CHAPTER 64

MEDICINAL MARIJUANA PROGRAM RULES

Authority

N.J.S.A. 24:6I-1 et seq., particularly 24:6I-7 and 16.

Source and Effective Date

R.2011 d.314, effective December 19, 2011.

See: 43 N.J.R. 340(a), 43 N.J.R. 3335(a).

Chapter Expiration Date

Chapter 64, Medicinal Marijuana Program Rules, expires on December 19, 2018.

Chapter Historical Note

Subchapters 1 and 2 of this chapter were originally adopted pursuant to authority of N.J.S.A. 24:5-18(f) and were filed and became effective January 3, 1973 as R.1973 d.6. See: 4 N.J.R. 303(a), 5 N.J.R. 41(b). Subchapter 3 was filed as R.1975 d.103, effective April 22, 1975. See: 6 N.J.R. 431(a), 7 N.J.R. 211(b). Effective November 13, 1979, R.1979 d.453 repealed Subchapter 2 concerning good drug manufacturing practices and adopted new rules to be cited as N.J.A.C. 8:21A. See: 11 N.J.R. 504(d), 11 N.J.R. 622(c). Subsequently, Subchapter 1 on locomotion devices and Subchapter 3 defining "soap" were recodified as N.J.A.C. 8:21-3.22 and 8:21-1.31 respectively, effective March 20, 1980, and Chapter 64 was designated "Reserved".

Chapter 64, Medicinal Marijuana Program Rules, was adopted as new rules by R.2011 d.314, effective December 19, 2011. See: Source and Effective Date.

Petition for Rulemaking. See: 46 N.J.R. 2378(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

8:64-1.1 Purpose and scope

(a) This chapter implements the New Jersey Compassionate Use Medical Marijuana Act, P.L. 2009, c. 307 (approved January 18, 2010), codified at N.J.S.A. 24:6I-1 et seq. (Act).

(b) This chapter is applicable to:

1. Persons seeking to register and/or who register with the Department of Health and Senior Services (Department) as qualifying patients and/or primary caregivers;
2. Physicians seeking to certify and/or who certify that a person has a debilitating medical condition;
3. Entities seeking to operate and/or operating alternative treatment centers, and their owners, directors, officers and employees; and
4. Persons seeking to petition the Department for identification of debilitating medical conditions not specified at N.J.S.A. 24:6I-3.

8:64-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise or another subchapter defines one of the following words or terms differently for the purposes of that subchapter.

“Act” shall mean the New Jersey Compassionate Use Medical Marijuana Act, P.L. 2009, c. 307 (approved January 18, 2010), codified at N.J.S.A. 24:6I-1 et seq.

“Adequate supply” shall mean not more than is reasonably necessary to assure the uninterrupted availability of marijuana to meet the needs of registered patients at a given ATC.

“Adulterated” or “adulteration” means made impure or inferior by adding extraneous ingredients.

“Alternative treatment center” or “ATC” means the permitted alternative treatment center authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of the Act. This term shall include the organization’s officers, directors, board members and employees.

“ATC identification card” means a document issued by the Department that identifies a person as a principal officer, director, board member, owner or employee of an ATC.

“Bona fide physician-patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care and treatment of a patient’s debilitating medical condition consistent with the requirements of the Act and N.J.A.C. 13:35-7A.

“Central region” means the counties of Hunterdon, Middlesex, Mercer, Monmouth, Ocean, Somerset and Union.

“Certification” means a statement signed by a physician with whom a qualifying patient has a bona fide physician-patient relationship, which attests to the physician’s authorization for the patient to apply for registration for the medical use of marijuana and meets the requirements of N.J.A.C. 13:35-7A.

“Commissioner” means the Commissioner of the Department of Health and Senior Services.

“Cultivation” includes the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of medicinal marijuana for the limited purpose of the Act and this chapter.

“Debilitating medical condition” means:

1. One of the following conditions, if resistant to, or if the patient is intolerant to, conventional medical therapy: seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma;