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NJ Department of Health Proposes Medical Marijuana Rule Changes to Implement Governor Murphy's Executive Order 6

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Shereef Elnahal
Commissioner

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NJ Department of Health Proposes Medical Marijuana Rule Changes to Implement Governor Murphy's Executive Order 6

The Department of Health today proposed readopting the medical marijuana rules (N.J.A.C. 8:64), with amendments. The rules establish standards by which the Department implements the Compassionate Use Medical Marijuana Act. This proposal follows the Department's recommended regulatory actions in response to Governor Murphy's Executive Order #6, which charged the Department with reviewing all aspects of the program to expand access and eliminate bureaucratic barriers.

"These rules reflect the important, progressive changes asked of us by Governor Phil Murphy just days after taking office. They will expand access to marijuana therapy responsibly, and to thousands more patients who need it," New Jersey Health Commissioner Dr. Shereef Elnahal said.

The proposed amendments include:

- Reducing the registration fee for qualifying patients and their caregivers from \$200 to \$100
- Adding seniors and military veterans to those eligible for the reduced registration fee of \$20
- Authorizing qualifying patients to designate up to two primary caregivers instead of just one
- Reflecting the addition of six "debilitating medical conditions:" PTSD, by statutory enactment; and five new conditions (anxiety, chronic pain of visceral origin, chronic pain related to musculoskeletal disorders, migraines, and Tourette syndrome), by the State Health Commissioner's March 22, 2018, petition decision.
- Streamlining the process to petition for the addition of "debilitating medical conditions" by removing the requirement that petitions first be referred to the Medicinal Marijuana Review Panel
- Emphasizing the advisory role of the Medicinal Marijuana Review Panel to include the provision of guidance and recommendations to the State Health Commissioner regarding the medicinal use of marijuana
- Allowing physicians to opt out of inclusion on a public list of participating physicians
- Removing the requirement of psychiatric evaluation as a condition of physician certification of minors as qualifying patients
- Creating an endorsement system for cultivation, manufacturing, and dispensing marijuana for medicinal purposes, which would increase the available supply of, and patient access to, usable marijuana
- Authorizing manufacturing and dispensing of medicinal marijuana in non-topical forms
- Repealing the three-strain limit on authorized cultivation and dispensary activity
- Elevating the Medicinal Marijuana Program to division status within the Department of Health

In light of the Governor's charge in Executive Order #6, the Department has already implemented some of these regulatory changes in advance of the formal rulemaking process to reduce patient costs and expand access. The Executive Order #6 report is located [here](#) on the Department's website.

As of June 11, 2018, the number of patients enrolled in the program has increased 25 percent to 23,197 and 87 new physicians have enrolled since Governor Murphy announced reforms to the program on March 26. The program is growing at a rate of 100 patients a day.

New Jersey residents interested in registering for the MMP can click [here](#). Patients and caregivers can visit the MMP's website and refer to the [FAQ section](#) for additional information.

The notice of proposal appears in the June 18, 2018, issue of the *New Jersey Register*. Individuals wishing to comment on the proposal must submit written comments on or before August 17, 2018, either (1) electronically at <https://nj.gov/health/legal/ecomments.shtml>, or (2) by regular mail postmarked on or before August 17, 2018, to Joy L. Lindo, Director, Office of Legal and Regulatory Compliance, New Jersey Department of Health, PO Box 360, Trenton, NJ 08625-0360.

LexisNexis provides free online access to the *New Jersey Register* [here](#). Click [here](#) for more information on the rulemaking process in New Jersey.

An unofficial copy of the notice of proposal is available from the Department's website [here](#).

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